

# **REVISED AGENDA**

CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY MORENO VALLEY HOUSING AUTHORITY BOARD OF LIBRARY TRUSTEES

December 11, 2012

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

City Council Closed Session First Tuesday of each month – 6:00 p.m. City Council Study Sessions Third Tuesday of each month – 6:00 p.m. City Council Meetings Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3705 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 William H. Batey II, Mayor Pro Tem Jesse L. Molina, Council Member

Robin N. Hastings, Council Member Marcelo Co, Council Member

#### \*REVISED AGENDA CITY COUNCIL OF THE CITY OF MORENO VALLEY December 11, 2012

# CALL TO ORDER

# SPECIAL PRESENTATIONS

- 1. A Child's Place and THINK Together Holiday Singers
- 2. Recycling All-Star Awards Presented by Waste Management The Lasselle Place, O'Brien Family, and Blow Family
- 3. Employee of the Quarter Recognition, 3rd Quarter 2012 Public Works' Maintenance & Operations Division
- 4. Business Spotlight
  - a) McDonald's Restaurant
  - b) Chicago Pasta House

## \*REVISED AGENDA JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY MORENO VALLEY HOUSING AUTHORITY AND THE BOARD OF LIBRARY TRUSTEES

#### \*THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS\*

#### REGULAR MEETING - 6:30 PM DECEMBER 11, 2012

#### CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority 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

- Deacon Richard Heames, St. Patrick Catholic Church

#### ROLL CALL

#### INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed

to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

# SPECIAL ORDER OF BUSINESS

1 RESOLUTION NO. 2012-96 CERTIFYING GENERAL MUNICIPAL ELECTION RESULTS (Report of: City Clerk Department)

#### **Recommendation:**

1. Adopt Resolution No. 2012-96 reciting the facts of the General Municipal Election held November 6, 2012, declaring the results and such other matters as provided by law.

Resolution No. 2012-96

A Resolution of the City Council of the City of Moreno Valley, California, Reciting the Facts of the General Municipal Election held November 6, 2012, Declaring the Results and such Other Matters as Provided by Law

- 2 SWEARING-IN OF COUNCIL MEMBERS ELECT
- 3 CITY COUNCIL REORGANIZATION MAYOR AND MAYOR PRO TEM (Report of: City Clerk Department)

#### **Recommendations That the City Council:**

1. Conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

#### 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 City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority 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 NOVEMBER 27, 2012 (Report of: City Clerk's Department)

#### **Recommendation:**

- 1. Approve as submitted.
- A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

#### **Recommendation:**

- 1. Receive and file the Reports on Reimbursable Activities for the period of November 21 December 4, 2012.
- A.4 AWARD CONSTRUCTION CONTRACT TO SEQUEL CONTRACTORS, INC. FOR THE ALESSANDRO BOULEVARD IMPROVEMENTS AT INDIAN STREET, PROJECT NO. 801 0041 70 77-2002 (Report of: Public Works Department)

#### **Recommendations:**

- 1. Award the construction contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, CA 90670, to the lowest responsible bidder, for the construction of Alessandro Boulevard Improvements at Indian Street.
- 2. Authorize the City Manager to execute the Agreement with Sequel Contractors, Inc.
- 3. Authorize the issuance of a Purchase Order to Sequel Contractors, Inc. for \$309,608.18 (\$269,224.50 base 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 related minor change orders to the contract with Sequel Contractors, Inc. up to, but not to exceed, the contingency amount of \$40,383.68, subject to the approval of the City Attorney.
- 5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to Sequel Contractors, Inc., if no claims are filed against the project.
- A.5 AWARD CONSTRUCTION CONTRACT TO C & C GRADING & PAVING, INC. FOR THE STREET IMPROVEMENT PROGRAM, KENTLAND LANE

SOUTH OF EUCALYPTUS AVENUE, WILSON PLACE AND KENNY DRIVE, PROJECT NO. 801 0011 70 77 (Report of: Public Works Department)

#### **Recommendations:**

- Award the construction contract for \$243,613.96 to C & C Grading & 1. Paving, Inc., P.O. Box 251, Temecula, CA 92593, the lowest responsible bidder, for construction of the Street Improvement Program, Kentland Lane south of Eucalyptus Avenue, Wilson Place and Kenny Drive.
- 2. Authorize the City Manager to execute the Agreement with C & C Grading & Paving, Inc.
- Authorize the issuance of a Purchase Order to C & C Grading & 3. Paving, Inc. for \$292,336.75 (\$243,613.96 bid plus 20% contingency) when the contract has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with C & C Grading & Paving, Inc. up to, but not exceeding, the contingency amount of \$48,722.79, subject to the approval of the City Attorney.
- 5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to C & C Grading & Paving, Inc., if no claims are filed against the project.
- A.6 MORENO VALLEY RANCH SPECIFIC PLAN 193 EXONERATE FAITHFUL PERFORMANCE BOND AND MATERIAL & LABOR BOND FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR PLANNING AREA 32 (TRACT 32144), IRIS AVENUE FRONTAGE AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

(Report of: Community & Economic Development Department)

# **Recommendations:**

Adopt the Resolution No. 2012-97 authorizing the acceptance of the 1. landscape and irrigation improvements within Planning Area 32 (Tract 32144), Iris Avenue Frontage as complete and accepting the portion of Iris Avenue associated with the project into the City's maintained street system.

Resolution No. 2012-97

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Landscape and Irrigation Improvements as Complete Within Planning Area 32 (Tract 32144), Iris Avenue Frontage and Accepting the Portion of Iris Avenue Associated with the Project into the City's Maintained Street System

- 2. Authorize the City Engineer to exonerate the Faithful Performance Bond in the amount of \$142,710 and exonerate the Material & Labor Bond in the amount of \$71,355 for landscape and irrigation improvements.
- A.7 RECEIVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEES FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

#### **Recommendations:**

- 1. Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006.
- 2. Approve the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees.
- A.8 NOTICE OF COMPLETION AND ACCEPTANCE OF THE MORRISON PARK FIRE STATION (FIRE STATION NO. 99), PROJECT NO. 803 0013 70 77 (FORMERLY 11-43472527) (Report of: Public Works Department)

#### **Recommendations:**

- 1. Accept the work as complete for construction of the Morrison Park Fire Station (Fire Station 107), constructed by Silver Creek Industries, 195 East Morgan Street, Perris, CA 92571.
- 2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.
- 3. Authorize the Financial and Administrative Services Director to release the retention to Silver Creek Industries thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.
- 4. Accept the improvements into the City's maintained building system.

A.9 PA04-0104, TM 32625 - ACCEPT TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) REIMBURSEMENT AGREEMENT #T06-002. MERITAGE HOMES OF CALIFORNIA, INC. CORONA, CA 92879 (Report of: Community & Economic Development Department)

## **Recommendations:**

- 1. Accept the Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreement for PA04-0104, TM 32625 for qualifying public improvements on Redlands Boulevard.
- 2. Authorize the Mayor to execute the Agreement.
- 3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.
- A.10 APPROVE RESOLUTION 2012-98 DIRECTING MORENO VALLEY UTILITY TO USE THE ALLOWANCE REVENUE FROM THE CALIFORNIA CAP-AND-TRADE PROGRAM AUCTION SOLELY TO BENEFIT ITS RETAIL ELECTRICITY CUSTOMERS (Report of: Public Works Department)

## **Recommendation:**

1. Approve Resolution No. 2012-98 directing Moreno Valley Utility to use the allowance revenue from the California Cap-and-Trade Program auction solely to benefit its retail electricity customers.

Resolution No. 2012-98

A Resolution of the City Council of the City of Moreno Valley, California, Directing Moreno Valley Utility to use the Allowance Revenue from the California Cap-and-Trade Program Auction Solely to Benefit Retail Electricity Customers

A.11 AUTHORIZATION TO ISSUE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR ENGINEERING OF THE SCE RULE 20B UNDERGROUNDING FOR THE NASON STREET FROM CACTUS AVENUE TO FIR AVENUE IMPROVEMENT PROJECT PROJECT NO. 801 0001 70 77 (Report of: Public Works Department)

#### **Recommendations:**

- 1. Authorize the issuance of a Purchase Order to SCE in the amount of \$144,000 (\$120,000 plus 20% contingency) from Account No. 2000-70-77-80001.
- 2. Authorize a deposit payment to SCE in an amount up to \$144,000 for

the engineering of the proposed Rule 20B Undergrounding of SCE facilities for the Nason Street from Cactus Avenue to Fir Avenue Improvements.

A.12 APPROVE RESOLUTION 2012-99 ADOPTING A RESOURCE ADEQUACY PROGRAM FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

#### **Recommendation:**

1. Approve Resolution No. 2012-99 adopting a Resource Adequacy Program for Moreno Valley Utility.

Resolution No. 2012-99

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Resource Adequacy Program for Moreno Valley Utility

A.13 RESOLUTIONS OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE AMENDED SECOND AND THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULES FOR THE PERIODS OF JULY 1, 2012 TO DECEMBER 31, 2012 AND JANUARY 1, 2013 TO JUNE 30, 2013 RESPECTIVELY

(Report of: Community & Economic Development Department)

#### **Recommendation That the City Council as Successor Agency:**

1. Adopt Resolution No. SA 2012-100 approving an amended Second Recognized Obligation Payment Schedule ("ROPS 2"), for the periods of July 1, 2012 to December 31, 2012.

Resolution No. SA 2012-100

A Resolution of the City Council of the City of Moreno Valley, California Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving a Recognized Obligation Payment Schedule (ROPS 2)

2. Adopt Resolution No. SA 2012-101 approving an amended Third Recognized Obligation Payment Schedule ("ROPS 3"), for the periods of January 1, 2013 to June 30, 2013.

Resolution No. SA 2012-101

A Resolution of the City Council of the City of Moreno Valley Serving

as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley, California Approving a Recognized Obligation Payment Schedule (ROPS 3)

- 3. Authorize the Executive Director or his designee to make modifications to the Schedule.
- 4. Authorize the transmittal of the ROPS 2 and ROPS 3 to the Oversight Board for review and approval.
- A.14 RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING INDEPENDENT ACCOUNTANT'S REPORT OF THE DUE DILIGENCE REVIEW OF ALL FUNDS AND ACCOUNTS OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND PURSUANT TO SECTIONS 34179.5 AND 34179.6 OF THE DISSOLUTION ACT (Report of: Community & Economic Development Department)

#### Recommendation That the City Council as Successor Agency:

1. Adopt Resolution No. SA 2012-102 approving the Independent Accountant's Report of the Due Diligence Review of the Non-Housing Assets Conducted Pursuant to Section 34179.5 for the Non-Housing Funds.

Resolution No. SA 2012-102

A Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving the Independent Accountant's Report Re the Due Diligence Review as to all Funds and Accounts Other than the Low and Moderate Income Housing Fund Conducted Pursuant to Section 34179.5 and Authorizing Staff to Transmit the Report to the Oversight Board and to the County Auditor-Controller, State Controller's Office, and Department of Finance Pursuant to Section 34179.6 of the Dissolution Act

- 2. Authorize staff to transmit the Report to the Oversight Board and to the County Auditor-Controller (CAC), State Controller's Office (SCO), and Department of Finance (DOF) Pursuant to Section 34179.6 of the Dissolution Act.
- A.15 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) EXPENDITURE PLAN FOR FY 2012-13 (Report of: Financial & Administrative Services Department)

## **Recommendations:**

- 1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13.
- 2. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 revenue budget (account 2410-60-69-76012-486000) to reflect the total FY 2012-13 allocation of \$315,970.
- 3. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 expenditure budget (account 2410-60-69-76012-620320) to reflect the FY 2012-13 planned expenditure of \$315,970.
- A.16 RESOLUTION ADJUSTING DEVELOPMENT IMPACT FEES TO ADD A CATEGORY FOR HIGH CUBE INDUSTRIAL DEVELOPMENT (Report of: Community & Economic Development Department)

#### **Recommendation:**

1. Approve Resolution No. 2012-103 authorizing the adjustment of the City of Moreno Valley Development Impact Fees to add a category Commercial & Industrial High Cube Development.

Resolution No. 2012-103

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Development Impact Fee (DIF) Update Study 2012 and Adding a New Category - Industrial High Cube – to the Table of Developments in the City of Moreno Valley Subject to DIF

A.17 READOPTING CONFLICT OF INTEREST CODE (Report of: City Clerk Department)

# **Recommendations:**

1. The City Council adopt Resolution No. 2012-104, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.

Resolution No. 2012-104

A Resolution of the City Council of the City of Moreno Valley, California, Readopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

2. City Council serving as Successor Agency for the Community

Redevelopment Agency of the City of Moreno Valley adopt Resolution No. SA 2012-105, adopting a Conflict of Interest Code.

Resolution No. SA 2012-105

A Resolution of the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, California, Adopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

3. The City Council, as the code reviewing body for the Oversight Board of Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley approve the Conflict of Interest Code adopted by Resolution No. OB 2012-03 (Attachment 5 to the staff report).

# 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 NOVEMBER 27, 2012 (Report of: City Clerk's Department)

# **Recommendation:**

- 1. Approve as submitted.
- B.3 READOPTING CONFLICT OF INTEREST CODE (Report of: City Clerk Department)

# Recommendations

 The City Council, acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD), adopt Resolution No. CSD 2012-22, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repeal all prior enactments on the same subject.

Resolution No. CSD 2012-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Readopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code and Repealing all Prior Enactments on the Same Subject

# C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- C.2 MINUTES REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk's Department)

#### Recommendations

- 1. Approve as submitted.
- C.3 READOPTING CONFLICT OF INTEREST CODE (Report of: City Clerk Department)

#### Recommendations

1. The City Council, acting in its capacity as Members of the Moreno Valley Housing Authority, adopt Resolution No. HA 2012-07, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.

Resolution No. HA 2012-07

A Resolution of the Moreno Valley Housing Authority of the City of Moreno Valley, California, Adopting a Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

#### 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 NOVEMBER 27, 2012 (Report of: City Clerk's Department)

#### **Recommendation:**

1. Approve as submitted.

#### E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 ADOPTION OF FY 2013-2014 CDBG AND HOME PROGRAM OBJECTIVES AND POLICIES (Report of: Community & Economic Development Department)

# **Recommendations That the City Council:**

- 1. Conduct a Public Hearing to allow for the community to comment on the needs of low-and-moderate income residents in Moreno Valley, including the CDBG Target Areas.
- 2. Approve the proposed CDBG and HOME Program Objectives and Policies for the 2013-2014 Program Year.
- E.2 A PUBLIC HEARING FOR THE RPT CENTERPOINTE WEST PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. PA12-0019 PROPOSES EITHER A 164,720 SQUARE FOOT (SF) WAREHOUSE BUILDING OR AN ENCLOSED TRUCK STORAGE YARD ON 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVE. AND FREDERICK ST. PA12-0020 PROPOSES ADDING 507,720 SF TO AN EXISTING 779,016 SF WAREHOUSE BUILDING ON 18.6 ACRE AT THE NORTHWEST CORNER OF CACTUS AVE. AND GRAHAM ST. PA12-0021 PROPOSES A 607,920 SF WAREHOUSE BUILDING ON 30 ACRES AT THE NORTHWEST CORNER OF GRAHAM ST. AND BRODIAEA AVE. THE PROJECT WILL REQUIRE THE VACATION OF EXISTING JOY STREET. PA12-0022 PROPOSES A ZONE CHANGE FROM BUSINESS PARK -MIXED USE (BPX) TO LIGHT INDUSTRIAL (LI) FOR 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVENUE AND FREDERICK STREET. THE APPLICANT IS RIDGE MORENO VALLEY, LLC. (Report of: Community & Economic Development Department)

# **Recommendations That the City Council:**

- 1. Conduct a public hearing for Environmental Impact Report (P12-057), Zone Change application PA12-0022, Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021, and subsequent to the public hearing:
- 2. APPROVE Resolution No. 2012-106 CERTIFYING that the Environmental Impact Report (EIR) for the RPT Centerpointe West Project has been completed in compliance with the California Environmental Quality Act, ADOPTING Findings and Statement of Overriding Considerations, and APPROVING a Mitigation Monitoring Program.

Resolution No. 2012-106

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P12-057), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the RPT Centerpointe West Project, Generally Located at or Near the Northeast Corner of Frederick Street and Cactus Avenue on Assessor's Parcel Numbers 297-170-027, -064, -065, -067, -075, -076, & -08.

3. INTRODUCE Ordinance No. 857 APPROVING Zone Change application PA12-0022 for 7.6 acres from Business Park Mixed-Use (BPX) to Light Industrial (LI) as shown on Exhibit A of the staff report.

Ordinance No. 857

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA12-0022 to Change the Zone From Business Park Mixed-Use to Light Industrial for a 7.6 Acre Site Located at the Northeast Corner of Frederick Street and Cactus Avenue (Assessor's Parcel Number 297-170-027)

4. APPROVE Resolution No. 2012-107 APPROVING Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021), subject to the conditions of approval included as Exhibits A, B and C of the staff report.

Resolution No. 2012-107

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA12-0019 for a 164,720 SF Warehouse or an Enclosed Truck Storage Yard, Plot Plan PA12-0020 for a 507,720 SF Addition to an Existing 779,016 SF Warehouse for a Total of 1,286,736 SF, and Plot Plan PA12-0021 for a 607,920 SF Warehouse for the RPT Centerpointe West Project.

E.3 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3) (Report of: Community & Economic Development Department)

#### **Recommendations That the City Council:**

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #1 to 2012-13 CDBG Annual Action, Substantial Amendment #2, to the NSP 3 Program.

- 2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas, clarify the eligible activities within each Target Area, and reallocate funds between HUD-approved NSP3 eligible activities.
- 3. Approve the re-appropriations and authorize the Financial & Administrative Services Director to process the adjustments.
- 4. Authorize the City Manager to reallocate NSP3 funds between HUDapproved grant activities.
- E.4 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #2 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) (Report of: Community & Economic Development Department)

#### **Recommendations That the City Council:**

- 1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
- 2. Review and adopt the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
- 3. Approve the Revenue and Expense Appropriations in the amount of \$3,515,740 and authorize the Financial & Administrative Services Director to process the adjustments.
- 4. Authorize the City Manager to reallocate grant funds between HUDapproved NSP1 grant activities.

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

#### G. REPORTS

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

a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)

G.2 DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE OF THE CITY OF MORENO VALLEY (Report of: Public Works Department)

#### **Recommendations That the City Council:**

1. Acting as the legislative body of Community Facilities District No. 4-Infrastructure of the City of Moreno Valley introduce Ordinance No. 856 ordering the dissolution of CFD No. 4-Infrastructure and the recordation of an amendment to the Notice of Special Tax Lien and repeal of Ordinance 821.

Ordinance No. 856

An Ordinance of the City Council of the City of Moreno Valley, California, Dissolving Community Facilities District No. Infrastructure of the City of Moreno Valley and Ordering the Recordation of an Amendment to the Notice of Special Tax Lien Related to such District and Repealing Ordinance No. 821

G.3 APPOINTMENT TO THE PARKS AND RECREATION COMMISSION (TEENAGE MEMBER)

(Report of: City Clerk Department)

#### **Recommendations That the City Council:**

- Appoint Patrick Samones to the Parks and Recreation Commission 1. as a teenage member for a term expiring November 25, 2015, or until high school graduation, whichever comes first.
- 2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.
- G.4 APPOINTMENT TO THE ARTS COMMISSION (Report of: City Clerk Department)

#### **Recommendations That the City Council:**

- Appoint one member to the Arts Commission with a term expiring 1. June 30, 2014.
- 2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.
- G.5 ECONOMIC DEVELOPMENT-RETAIL ANCHOR REUSE INCENTIVE PROGRAM

(Report of: Community & Economic Development Department)

#### **Recommendations That the City Council:**

Approve establishing a new Economic Development-Retail Anchor 1. Reuse Incentive Program to help assist with the reuse of vacant anchor retail buildings in Moreno Valley.

 G.6 REPORT OF FISCAL YEAR 2011-12 YEAR END AND FISCAL YEAR 2012-13 FIRST QUARTER STATUS; APPROVAL OF FISCAL YEAR 2011-12 CARRYOVERS AND FISCAL YEAR 2012-13 BUDGET ADJUSTMENT RECOMMENDATIONS (Report of: Financial & Administrative Services Department)

#### **Recommendations That the City Council:**

- 1. Receive and file this report on the status of the financial results for Fiscal Year (FY) 2011-12 and the first quarter ended September 30, 2012 for FY 2012-13.
- 2. Adopt Resolution No. 2012-108, approving the following: Recommended budget amendments presented in Exhibit A, P1-P3 to be appropriated and included in the FY 2012-13 Approved Budget. The recommended appropriation changes total \$270,000 for the General Fund, \$564,000 for non-General Funds and \$834,000 in total for all funds. Operating carryover expenditures from the FY 2011-12 approved budget presented in Exhibit A, P1-P3 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$458,283 for the General Fund, \$2,100,005 for non-General Funds and \$2,558,288 in total for all funds.Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, P1-P2 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$9,962,247.

Resolution No. 2012-108

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Revised Operating Budget for Fiscal Year 2012/13

- 3. Approve the designation of \$101,000 of General Fund fund balance as designated for Outside Legal Services. These funds represent savings in the FY 2011-12 Legal Services Budget and provide a contingency in years when outside legal services may be needed beyond the anticipated budget.
- 4. Approve the position control changes summarized on page 10 of this report.

# **Recommendation That the City Council as Successor Agency:**

1. Adopt Resolution No. SA 2012-109, approving the Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, P4 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$3,084,094.

Resolution No. SA 2012-109

A Resolution of the City Council of the City of Moreno Valley Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley, California, Adopting the Revised Operating Budget for Fiscal Year 2012/13

#### **Recommendations That the CSD:**

Resolution No. CSD 2012-23, approving Adopt the 1 following:Operating carryover expenditures from the FY 2011-12 approved budget presented in Exhibit A, P4 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$110,000 Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, page 3 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$5,000.

Resolution No. CSD 2012-23

A Resolution of the Moreno Valley Community Services District, Adopting the Revised Operating Budget for Fiscal Year 2012/13

- G.7 CITY MANAGER'S REPORT (Informational Oral Presentation not for Council action)
- G.8 CITY ATTORNEY'S REPORT (Informational Oral Presentation not for Council action)

#### **H. LEGISLATIVE ACTIONS**

- H.1 ORDINANCES 1ST READING AND INTRODUCTION NONE
- H.2 ORDINANCES 2ND READING AND ADOPTION NONE
- H.3 ORDINANCES URGENCY ORDINANCES NONE
- H.4 RESOLUTIONS NONE

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

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

## CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority 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, City as Successor Agency for the Community Redevelopment Agency and Housing Authority 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 PUBLIC EMPLOYMENT
  - a. Public Employee Annual Performance Evaluation City Attorney

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

#### ADJOURNMENT

\*Denotes Revision to the Agenda

#### CERTIFICATION

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley 14177 Frederick Street

Moreno Valley Library 25480 Alessandro Boulevard

Moreno Valley Senior/Community Center 25075 Fir Avenue

Jane Halstead, CMC, City Clerk

Date Posted: December 6, 2012



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-140

# Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: December 11, 2012

TITLE: RESOLUTION NO. 2012-96 CERTIFYING GENERAL MUNICIPAL ELECTION RESULTS

# RECOMMENDED ACTION

Recommendation:

1. Adopt Resolution No. 2012-96 reciting the facts of the General Municipal Election held November 6, 2012, declaring the results and such other matters as provided by law.

# BACKGROUND

On Tuesday, November 6, 2012, the City of Moreno Valley conducted a General Municipal Election for the purpose of electing Council Members in Districts 1, 3, and 5.

The Riverside County Registrar of Voters has now completed the canvass of election returns as provided in §§10260 and 15301 of the California Elections Code and the City's Resolution No. 2012-47 and has provided the required certificate of results, which is attached hereto as Exhibit A.

The names of persons voted for, and the number of votes given in the City for Member of the City Council for District 1 are as follows:

NAME:	NUMBER	OF VOTES:			
Daryl Terrell	1,723	23.14%			
Daniel Galarza	1,578	21.19%			
Jesse L. Molina	4,145	55.67%			
	Total: 7,446	100%			

The names of persons voted for, and the number of votes given in the City at the election for Member of the City Council for District 3 are as follows:

NAME	NUMBER OF VOT						
Tom Owings	4,088	39.57%					
Robin N. Hastings	3,381	32.73%					
Carlos Thomas Ketcham	826	8.00%					
Joe "Jose" Garcia	2,035	19.70%					
	Total:10,330	100%					

The names of persons voted for, and the number of votes given in the City for Member of the City Council for District 5 are as follows:

NAME:	NUMBER OF VOTES						
Gary Capolino	1,668	24.33%					
Alonzo "Lonnie" Cooks	276	4.03%					
D. LaDonna Jempson	646	9.42%					
Vince Lauro	107	1.56%					
Dwayne Lewis	591	8.62%					
Victoria Baca	2,118	30.89%					
Sherri Batey	988	14.41%					
John T. Palmer	463	6.75%					
	Total: 6,857	100%					

### FISCAL IMPACT

An early estimate from the Registrar's office for the cost of the election is \$81,000 - \$111,000.

#### SUMMARY

Pursuant to California Elections Code §10263, the City Council must declare the results of the general municipal election held November 6, 2012 and to install the newly elected officers no later than the next regularly scheduled city council meeting following presentation of the 28-day canvas of the returns, or at a special meeting called for this purpose. Adoption of the proposed resolution will comply with such statutory requirement.

#### **NOTIFICATION**

Publication of the agenda

## ATTACHMENT

1. Proposed resolution

Prepared by: Jane Halstead, City Clerk, CMC Department Head Approval

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

This page intentionally left blank.

#### RESOLUTION NO. 2012-96

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2012, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, on Tuesday, November 6, 2012, a General Municipal Election was held and conducted for the purpose of electing Council Members in Districts 1, 3 and 5.

WHEREAS, notice of the election was given in time, form and manner as provided by law; voting precincts were properly established; election officers were appointed and in all respects, the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution 2012-47 adopted on June 12, 2012, the Registrar of Voters of the County of Riverside canvassed the returns of the election and has certified the results thereof to this City Council.

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

SECTION 1. That the whole number of votes cast in the City except vote-by-mail voter ballots was 12,630.

That the whole number of vote-by-mail voter ballots cast in the City was15,246 making a total of 27,876 votes cast in the City.

#### SECTION 2.

a. That the names of persons voted for, and the number of votes given in the City, at the election for Member of the City Council for District 1 are as follows:

NAME	NUMBER C	OF VOTES
Daryl L. Terrell	1,723	23.14%
Daniel Galarza	1,578	21.19%
Jesse L. Molina	4,145	55.67%
	Total: 7,446	100%

Resolution No. 2012-96 Date Adopted: December 11, 2012

# Item No. 1

b. That the names of persons voted for, and the number of votes given in the City, at the election for Member of the City Council for District 3 are as follows:

NAME	NUMBER	<u>OF VOTES</u>
Tom Owings	4,088	39.57%
Robin N. Hastings	3,381	32.73%
Carlos Thomas Ketcham	826	8.00%
Joe "Jose" Garcia	2,035	19.70%
	Total: 10,330	100%

c. That the names of persons voted for, and the number of votes given in the City, at the election for Member of the City Council for District 5 are as follows:

NAME	NUMBE	R OF VOTES
Gary Capolino	1,668	24.33%
Alonzo "Lonnie" Cooks	276	4.03%
D. LaDonna Jempson	646	9.42%
Vince Lauro	107	1.56%
Dwayne Lewis	591	8.62%
Victoria Baca	2,118	30.89%
Sherri Batey	988	14.41%
John T. Palmer	463	6.75%
	Total: 6,857	100%

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed on the Statement of Vote prepared by the Registrar of Voters and attached hereto as Exhibit A.

2 Resolution No. 2012-96 Date Adopted: December 11, 2012

# Item No. 1

-28-

SECTION 4. That the City Council does declare and determine that Jesse L. Molina was elected as a Member of the City Council for District 1 for a full term of four years; and that Tom Owings was elected as a Member of the City Council for District 3 for a full term of four years; and that Victoria Baca was elected as a Member of the City Council for District 5 for a full term of four years.

SECTION 6. That the City Clerk shall enter on the records of the City Council of the City a statement of the results of the election showing: (1) the whole number of votes cast in the City; (2) the names of the persons voted for; (3) for what office each person was voted for; (4) the number of votes given at each precinct to each person; and (5) total number of votes given to each person.

SECTION 7. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 8. That the City Clerk shall certify to the passage and adoption on this resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED this 11th day of December, 2012.

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

# Item No. 1

This page intentionally left blank.



*Kari Verjil* Registrar of Voters **Rebecca Spencer** Assistant Registrar of Voters

## REGISTRAR OF VOTERS COUNTY OF RIVERSIDE

November 26, 2012

Jane Halstead City of Moreno Valley P.O. Box 88005 Moreno Valley, CA 92552

Dear Ms. Halstead:

Enclosed is our certificate to the results of the canvass of election returns for your Consolidated Presidential General Election held on November 6, 2012.

The Certificate of Election forms were given to you at the seminar in June. An invoice for services rendered will be mailed to you under a separate cover. Please let me know if I can be of any further assistance.

Sincerely,

ARI VERJIL Registrar of Voters

Enclosures

2724 Gateway Drive, Riverside, CA 92507-0918 • (951) 486-7200 • FAX (951) 486-7272 • TTY (951) 697-8966 www.voteinfo.net

# Item No. 1



Kari Verjil Registrar of Voters

**Rebecca Spencer** Assistant Registrar of Voters

### REGISTRAR OF VOTERS COUNTY OF RIVERSIDE

#### CERTIFICATE OF REGISTRAR OF VOTERS TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS

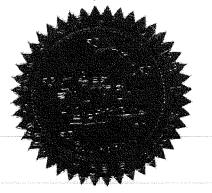
State of California ) ) ss. County of Riverside )

I, KARI VERJIL, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 6, 2012, as part of the Consolidated Presidential General Election in the

# CITY OF MORENO VALLEY

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office at said election, in said City, and in each precinct therein, and that the totals as shown for each candidate are full, true, and correct.

Dated this 26<sup>th</sup> day of November 2012.



Registrar of Voter

2724 Gateway Drive, Riverside, CA 92507-0918 • (951) 486-7200 • FAX (951) 486-7272 • TTY (951) 697-8966 www.voteinfo.net

-32-

11/26/12 4:36 PM

November 6,2012

#### RIVERSIDE COUNTY Statement of Vote CONSOLIDATED PRESIDENTIAL ELECTION

295 of 830

	Ι	CITY COUNCIL MBR, CITY OF MORENO VALLEY, DIST 1														
100070																
	Registration	Ballots Cast	Turnout (%)		DARYL TERRELL	DANIEL GALARZA	JESSE L. MOLINA									
50102 MORENO VALLEY/1	1761	473	26.86		84				1	1	<u> </u>		<del> </del>	+	+	
50102 - Vote by Mail Reporting	1761	554	31 46	ł	133	106				1				ŧ.		[
50103 MORENO VALLEY/1	905	274	30.28	ļ	59	53										
50103 - Vote by Mail Reporting	905	317	35 03	ł	76	48	161			1						
50105 MORENO VALLEY/1	2018	458	22.70		83	75	222		1							
50105 - Vote by Mail Reporting	2018	520	25 77	Į	107	66	273			{				1		
50106 MORENO VALLEY/1	1234	308	24.96		59	62				1						
50106 - Vote by Mail Reporting 50108 MORENO VALLEY/1	1234 1534	400 330	32.41 21,51	ł	89 55	65	191 158		1							
50108 - Vote by Mail Reporting	1534	455	29.66	ľ	99 83	45 66	218		•							
50109 MORENO VALLEY/1	1318	324	23.55		46	62	164			1	1			1		
50109 - Vote by Mail Reporting	1318	340	25 60		66	74	161				]	1				
50112 MORENO VALLEY/1	1035	239	23.09		35	47	109			ſ						
50112 - Vote by Mail Reporting	1035	343	33.14		80	72	165			1	}					
50115 MORENO VALLEY/1	1385	296	21.37		52	55	119			l	1	1				
50115 - Vote by Mail Reporting	1385	422	30.47		83	94	190			[	1	1	1			
50116 MORENO VALLEY/1	1739	479	27.54		84	86	227			Í	ł				1	
50116 - Vote by Mail Reporting	1739	582	33.47		101	89	327				ł	1				
50117 MORENO VALLEY/1	1861	428	23.00		84	74	207			ł		l	4			
50117 - Vote by Mail Reporting	1861	618	33.21		129	122	304					ł	1		1 :	
50119 MORENO VALLEY/1	971	290	29.87		81	56	132					ł	1		1	
50119 - Vote by Mail Reporting	971	298	30 69		75	45	151					ł				
Precinci Totals	15761	3899	24,74		701	701	1774									
Vote by Mail Reporting Totals	15761	4849	30.77		1022	877	2371									
Grand Tetals	15761	8748	55 50		1723	1578	4145	:			[		Į			
RIVERSIDE COUNTY	15781	8748	55.50		1723	1578	4145						1		i i	
41st Congressional District	15761	8748	55.50	1	1723	1578	4145						ŧ			
31st Senatorial District	15761	8748	55 50	1	1723	1578	4145						I			
61st Assembly District	15761	8748	55.50		1723	157B	A145						Į –			
St. 8d of Equalization Oist. 4	15761	8748	55.50	1	1723	1578	4145							[		
5th SUPERVISORIAL DISTRICT	15761	8748	55.50	ł	1723	1578	4145				1					
City of Moreno Valley	15761	8748	55.50	. 1	1723	1578	4145						1			

-33-

11/26/12 4:36 PM

November 6,2012

#### RIVERSIDE COUNTY Statement of Vote CONSOLIDATED PRESIDENTIAL ELECTION

296 of 830

		CITY COUNCIL MBR, CITY OF MORENO VALLEY, DIST 3														
100071																
	Registration	Ballots Cast	Turnout (%)		TOM OWINGS	ROBIN N. HASTINGS	CARLOS THOMAS KETCHAM	JOE "JOSE" GARCIA								
50302 MORENO VALLEY/3	1606	564	35 12		199	165	53	68		1	+	1	1	<u> </u>		
50302 - Vote by Mail Reporting	1608		36.92	1	265	215	33	53				[	ļ	1	•	
50304 MORENO VALLEY/3	1554	464	29 86		158	118	24	84					Į.	l l		
50304 - Vote by Mail Reporting 50308 MORENO VALLEY/3	1554		43 31		260	201	39	83		1	1	1	1	1		
50308 - Vote by Mail Reporting	1154 1154	338 430	29.29 37.26		104	75	6	83					ļ		ĺ	
50309 MORENO VALLEY/3	1696	460	27.12		112 143	118 103	18	126		1				1		
50309 - Vote by Meil Reporting	1696	590	34.79		194	161	32 33	89 137		]						1
50310 MORENO VALLEY/3	1397	456	32.64		162	117	33	78		{		1				
50310 - Vote by Mail Reporting	1397	507	36 29	ſ	168	142	49	94 94		1		1		1	1	
50311 MORENO VALLEY/3	850	286	33.65		99	68	13	50								
50311 - Vote by Mail Reporting	850	276	32.71		94	79	21	56			1	1			]	
50313 MORENO VALLEY/3	1233	355	28.79		121	103	30	55		ł	ł	ł			1	1
50313 - Vote by Mail Reporting	1233	485	39 33		187	151	45	62					1		1	Į
50316 MORENO VALLEY/3	1302	349	26.80		120	73	20	82			ł					l .
50316 - Vote by Mail Reporting	1302	421	32 33		136	126	29	86			ł		}	1		1
50318 MORENO VALLEY/3	2218	570	25.70		180	134	53	109								ł
50318 - Vote by Mail Reporting	2216	956	43,10		321	316	59	138						ł		ĺ
50321 MORENO VALLEY/3 50321 - Vote by Mail Reporting	1723 1723	551	31.98		172	137	59	84							l I	
50322 MORENO VALLEY/3	0	613	35.58 0.00	\$	217	190	48	83			L					
50322 - Vote by Mail Reporting	6	ò	0.00	t	o	oi	U.	ានណា	ncient 1	urnout to I	Protect \ I	oter Priv	acy	**********	1	
50323 MORENO VALLEY/3	ď	ŏ	0.00	ł	o	0	0	0			1					
50323 - Vote by Mail Reporting	0	0	0 00		ŏ	o	0	0								
50325 MORENO VALLEY/3	2020	573	28.37		167	151	33	103								
50325 - Vote by Mail Reporting	2020	713	35 30		253	193	42	120			1					
50327 MORENO VALLEY/3	1123	316	28 32		98	87	31	43								
50327 - Vote by Mail Reporting	1123	472	42.03		167	158	19	69								
Precincl Totals	17876	5285	29.56		1723	1331	391	928								
Vote by Mail Reporting Totals	1787 <del>6</del>	6763	37.83		2365	2050	435	1107								
Grand Totals	17876	12048	67 40	- 1	4088	3381	826	2035							[ ]	
RIVERSIDE COUNTY	17876	12048	67 40		4088	3381	826	2035								
41st Congressional District	17876	12048	67.40		4088	3381	826	2035								
31st Senatorial District	17876	12048	67.40		4088	3381	826	2035								
61st Assembly District	17876	12048	67 40		4088	3381	826	2035								
St. Bd of Equalization Dist. 4	17876	12048	67 40		4058	3381	826	2035								
5th SUPERVISORIAL DISTRICT	17876	12048	67.40	[	4088	3381	826	2035	i							
City of Moreno Valley	17876	12048	67 40		4088	3381	826	2035				I				

Item No. 1

.

11/26/12 4:36 PM

November 6,2012

#### **RIVERSIDE COUNTY Statement of Vote** CONSOLIDATED PRESIDENTIAL ELECTION

Į		CITY COUNCIL MBR, CITY OF MORENO VALLEY, DIST 5												
100072														
	Registration	Ballots Cast	Turnout (%)	GARY CAPOLINO	ALONZO "LONNE" COOKS	LADONNA JEMPSON	VINCE LAURO	DWAYNE LEWIS	VICTORIA BACA	SHERRI BATEY	JOHN T. PALMER			
	and the second second second					¢.	5	<u> </u>		្ ភ	5		1	
50501 MORENO VALLEY/5 50501 - Vole by Mail Reporting 50504 MORENO VALLEY/5 50505 MORENO VALLEY/5 50505 - Vole by Mail Reporting 50506 MORENO VALLEY/5 50506 MORENO VALLEY/5 50507 MORENO VALLEY/5 50507 - Vole by Mail Reporting 50509 MORENO VALLEY/5 50509 - Vole by Mail Reporting 50511 MORENO VALLEY/5 50512 - Vole by Mail Reporting 50512 MORENO VALLEY/5 50512 - Vole by Mail Reporting 50515 MORENO VALLEY/5 50515 - Vole by Mail Reporting 50516 MORENO VALLEY/5 50516 - Vole by Mail Reporting 50516 - Vole by Mail Reporting 50517 - Vole by Mail Reporting 50518 - Vole by Mail Reporting 50516 - Vole by Mail Reporting	2079 2079 1410 1410 1076 1242 1242 1333 1188 1186 1186 993 993 993 1049 1601 1614 1614 1558 1658	410 603 3021 298 373 287 413 336 243 271 359 236 366 210 219 357 497 351 385 388 455	19.72 29 00 21.42 36.95 27.70 34 67 23.11 33 25 25.21 33 23 22.85 30 27 23.77 36.88 20.02 20.88 22.30 31.04 21.75 23.85 24.90 29.20	7 10 5 9 6 8 8 8 8 8 8 9 6 5 5 7 7 10 1 3 3 3 4 7 7 1 1 3 3 4 7 7 1 8 7 8 7 9 6 3 3 4 7 7 5 9 8 9 9 9 8 8 9 9 9 8 9 9 9 9 8 9 9 9 9 9 8 8 9	2 22 6 13 7 9 6 14 3 4 16 17 16 17 16 17 16 17 16 18 18 18 18 19 19 19 19 19 19 19 19 25 8 4 9 10 11 19 10 10 10 10 10 10 10 10 10 10 10 10 10	26 51 20 35 56 32 31 26 17 37 17 37 17 28 10 11 23 34 34 31 33 34 33 34 35	4 9 3 1 4 2 2 5 4 3 5 2 2 5 4 3 5 8 3 2 4 3 5 8 3 2 4 3 5 8 3 2 4 3 5 8 3 2 4 3 5 8 3 2 4 3 5 8 3 5 4 5 8 5 8 5 8 5 8 5 8 5 8 5 8 5 8 5 8	12 31 19 73 25 27 25 41 15 32 7 27 27 16 49 9 9 20 11 46 21 23 25 38	169 77 113	44 82 33 52 60 62 28 57 37 57 29 46 36 60 19 22 38 35 35 35 35 35 58	15 43 19 33 12 21 10 24 23 29 12 18 15 15 15 25 29 29 29 24 33 14 26			
Precinct Totals	15141	3446	22 7B	717	112	246	42	183	933	393	177			
Vote by Mail Reporting Totals	1 <b>51</b> 41	4634	30.61	951	164	400	65	408	1185	595	285	:		
Grand Totals RIVERSIDE COUNTY 41st Congressional District 31st Senatorial District 61st Assembly District St. Bd of Equalization Dist. 4 5th SUPERVISORIAL DISTRICT	15141 15141 15141 15141 15141 15141 15141 15141	8080 8080 8080 8080 8080 6080 8080	63.37 53.37 53.37 53.37 53.37 53.37 53.37 53.37	1658 1669 1689 1688 1868 1868 1668	276 276 276 276	646 646 646 646 646 648 548	107 107 107 107 107 107 107	591 691 591 591 591 691 591	2118 2118 2118 2118 2118 2118 2118 2118	988 988 988 988 988 988 988 988	453 463 463 463 463 463			
City of Moreno Valley	15141	8080	53 37	1668	276	646	107	591 591	2118 2118	988 988	463 463		 	

-35-

297 of 830

This page intentionally left blank.



APPROVALS		
BUDGET OFFICER	Caf	
CITY ATTORNEY	Rest	
CITY MANAGER	-mos	

# Report to City Council

- TO: Mayor and City Council
- FROM: Jane Halstead, City Clerk, CMC
- AGENDA DATE: December 11, 2012
- TITLE:CITY COUNCIL REORGANIZATION MAYOR AND<br/>MAYOR PRO TEM

# RECOMMENDED ACTION

Recommendation: That the City Council:

1. Conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

# ADVISORY BOARD/COMMISSION RECOMMENDATION

"N/A"

# **SUMMARY**

The City Council's Rules of Procedure provide that the City Council meet annually at its first regular meeting in December of each year to choose one of its number as Mayor and another of its number as Mayor Pro Tem. Said Rules of Procedure also provide that the new Mayor and Mayor Pro Tem shall be installed and sworn in during a special ceremonial meeting on the first Tuesday of January. Since the first Tuesday of January is a national holiday and City Hall will be closed, the special ceremonial meeting will be held on January 2, 2013. The Mayor and Mayor Pro Tem shall assume their offices at the regular City Council meeting on the second Tuesday of January (January 8, 2013).

# BACKGROUND/DISCUSSION

Section 4.2.3 of the Rules of Procedure provides that nominations for the office of Mayor and Mayor Pro Tem may be made by any member of the City Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately; provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for such office, the City Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the City Council.

Voting in the selection of Mayor and Mayor Pro Tem shall be by written ballot unless the City Council, by three or more affirmative votes, determines to conduct the selection process by voice vote. If conducted by written ballot, the vote of each Councilmember shall remain undisclosed until all votes have been cast and have been lodged with the City Clerk. The City Clerk shall then read aloud into the minutes of the City Council the identity of the voting Council Member and the name of the person for whom such person is voting. The written ballots shall be public documents and shall be retained in the records of the City Council. The Standard Code of Parliamentary Procedure shall apply to resolve any question of procedure arising during the selection process, which is not governed by Section 4.2 of the City Council Rules of Procedure.

The new Mayor and Mayor Pro Tem shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem in December 2013.

# **ALTERNATIVES**

- 1. Conduct the reorganization of the City Council by selecting a new Mayor and Mayor Pro Tem.
- 2. Continue the selection to the next regular meeting of the City Council if upon repeating the selection process, no person receives three affirmative votes for either Mayor or Mayor Pro Tem.

# FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

# **STAFF RECOMMENDATION**

Staff recommends that the City Council conduct the reorganization of the City Council by selecting two Council Members to serve one-year terms respectively as Mayor and Mayor Pro Tem.

#### **NOTIFICATION**

Publication of the Agenda

# ATTACHMENTS/EXHIBITS

None

Prepared By: Jane Halstead, City Clerk 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:	

This page intentionally left blank.

#### MINUTES CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY November 27, 2012

# CALL TO ORDER

# SPECIAL PRESENTATIONS

1. Proclamation Recognizing Pancreatic Cancer Awareness Month

2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event

3. Proclamation Recognizing the 25 Anniversary of the Moreno Valley Community Band

4. Moreno Valley Chamber of Commerce Donation to the Boy Scouts of America

5. Recognition of Mayor Pro Tem William H. Batey II and Council Member Robin N. Hastings

# MINUTES JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY MORENO VALLEY HOUSING AUTHORITY BOARD OF LIBRARY TRUSTEES

#### REGULAR MEETING – 6:30 PM November 27, 2012

#### CALL TO ORDER

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:55 p.m. by Mayor Richard A. Stewart in the Council Chamber located at 14177 Frederick Street

Mayor Richard A. Stewart announced that the City Council receives a separate stipend for CSD meetings.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Robin N. Hastings

#### INVOCATION

Pastor Diane Gardner - Beautiful Women of God - Diane Gardner Ministries

# ROLL CALL

#### ROLL CALL

#### Council:

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

Staff:

Cindy Miller Juliene Clay	Executive Assistant to the Mayor and Council Administrative Assistant
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
Joel Ontiveros	Police Chief
Abdul Ahmad	Fire Chief
Ahmad Ansari	Public Works Director
Barry Foster	Community and Economic Development Director
Tom DeSantis	Human Resources Director
Mike McCarty	Parks & Community Services Director
Prem Kumar	Assistant City Engineer

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, MORENO VALLEY HOUSING AUTHORITY AND THE BOARD OF LIBRARY TRUSTEES

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

# A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- A.2 MINUTES REGULAR MEETING OF NOVEMBER 13, 2012 (Report of: City Clerk's Department)

# **Recommendation:**

Approve as submitted.

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

# **Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of November 7-20, 2012.

A.4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

> MINUTES November 27, 2012

(Report of: Public Works Department)

### **Recommendation:**

Approve Resolution No. 2012-91, amending the Electric Rates for Moreno Valley Utility

Resolution No. 2012-91

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

Announcement from Jeannette Olko, of Moreno Valley Utility, the amendments to the electric rates referenced in the staff report on pages 2 and 3.

A.5 APPROVE RESOLUTION NO. 2012-92 AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR STATE-LOCAL PARTNERSHIP PROGRAM (SLPP) GRANT FUNDING FOR THE PERRIS BOULEVARD WIDENING PROJECT FROM IRONWOOD AVENUE TO MANZANITA AVENUE -PROJECT NO. 801 0024 70 77 (Report of: Public Works Department)

#### **Recommendation:**

Approve Resolution No. 2012-92 authorizing the submittal of an application for the California Transportation Commission (CTC) State-Local Partnership Program (SLPP) grant for the requested amount of \$1.0 million for the Perris Boulevard Widening Project from Ironwood Avenue to Manzanita Avenue.

Resolution No. 2012-92

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Funds to the California Transportation Commission for the State-Local Partnership Program Grant Under the Proposition 1b Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 for the Perris Boulevard Widening Project from Ironwood Avenue to Manzanita Avenue - Project No. 801 0024 70 77

A.6 AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AND PURCHASE ORDER WITH LATITUDE GEOGRAPHICS GROUP, LTD. FOR GEOCORTEX ESSENTIALS WEB MAPPING SOFTWARE AND CONSULTANT IMPLEMENTATION SERVICES (Report of: Financial & Administrative Services Department)

#### Recommendations

- Authorize the City Manager to execute an agreement and purchase order with Latitude Geographics Group, Ltd. for costs not-to-exceed \$97,242.90 for the Geocortex Essentials Web Mapping software and consultant services, and first year support for the implementation of a new web mapping solution for the City's intranet and Internet sites.
- 2. Authorize the City Manager to approve annual support, hosting, and update services payments as follows:

Year 1 - Included – No Charge Year 2 - \$13,500 Year 3 - \$14,500

Annual maintenance costs will continue for the useful life of the system with authorization requested through the budget process.

A.7 APPROVE RESOLUTION NO. 2012-93 AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF MORENO VALLEY IS ELIGIBLE (Report of: Public Works Department)

#### **Recommendation:**

Adopt the proposed Resolution No. 2012-93 approving submittal of application(s) for all CalRecycle grants for which the City of Moreno Valley is eligible.

Resolution No. 2012-93

A Resolution of the City Council of the City of Moreno Valley, California approving submittal of application(s) for all CalRecycle Grants for which the City of Moreno Valley is Eligible

A.8 AUTHORIZATION OF ANNUAL TECHNOLOGY SOFTWARE AND HARDWARE MAINTENANCE PAYMENTS AND WAIVING FORMAL BIDDING AND INSURANCE REQUIREMENTS FOR THESE PAYMENTS (Report of: Financial & Administrative Services Department)

#### Recommendations

- 1. Waive the formal bidding requirements for technology annual maintenance payments.
- 2. Waive the insurance requirements for technology annual maintenance payments.

MINUTES November 27, 2012

- 3. Authorize the City Manager to make technology annual maintenance payments to various vendors for an aggregate amount not-to-exceed \$835,929 during Fiscal Year 2012-13 according to the schedule.
- A.9 APPROVAL OF THE CITY'S PARTICIPATION IN THE 2013 WEST COAST THUNDER MEMORIAL DAY BIKE RUN (Report of: City Manager Department)

# **Recommendation:**

Staff recommends that the City Council approve the City's participation in the 2013 West Coast Thunder Memorial Day Bike Run.

Announcement from Michelle Dawson, Assistant City Manager, on the West Coast Thunder Memorial Day Bike Run.

A.10 APPROVAL OF PAYMENT REGISTER FOR SEPTEMBER, 2012 (Report of: Financial & Administrative Services Department)

#### **Recommendation:**

Adopt Resolution No. 2012-94, approving the Payment Register for the month of September, 2012 in the amount of \$16,524,028.99.

Resolution No. 2012-94

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Payment Register for the month of September, 2012

A.11 RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED SEPTEMBER 30, 2012 (Report of: Financial & Administrative Services Department)

# **Recommendation:**

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

A.12 APPROVE THE COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN - LINE B, STAGE 3 (HEACOCK CHANNEL) AMONGST RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, MARCH JOINT POWERS AUTHORITY AND THE CITY OF MORENO VALLEY PROJECT NO. 804 0001 70 77 (Report of: Public Works Department)

# Recommendations

1. Approve the draft Cooperative Agreement for Sunnymead Master

Drainage Plan – Line B, Stage 3 (Heacock Channel) amongst Riverside County Flood Control and Water Conservation District, March Joint Powers Authority and the City of Moreno Valley.

- 2. Authorize the Public Works Director/City Engineer, or his designee, to make modifications to the draft agreement subject to the approval of the City Attorney.
- 3. Authorize the City Manager to execute the final agreement subject to the approval of the City Attorney.
- 4. Once the Agreement has been executed by all parties, authorize the issuance of a purchase order to March Joint Powers Authority up to an amount not-to-exceed \$1,250,000.
- A.13 NOTICE OF COMPLETION AND ACCEPTANCE OF THE HEACOCK STREET BRIDGE OVER PERRIS VALLEY STORM DRAIN LATERAL "A" IMPROVEMENTS CONSTRUCTED BY KIP, INCORPORATED PROJECT NO. 802 0001 70 77 (Report of: Public Works Department)

# Recommendations

- Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and Caltrans acceptance is received for the Heacock Street Bridge over Perris Valley Storm Drain Lateral "A" Improvements constructed by KIP, Incorporated, 25740 Washington Avenue, Murrieta, CA 92562.
- 2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.
- 3. Authorize the Financial & Administrative Services Director to release the retention to KIP, Incorporated thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.
- 4. Authorize the Public Works Director/City Engineer to accept improvements into the City's maintained street system upon acceptance of the improvements within the public right of way as complete.

Announcement from Ahmad Ansari, Public Works Director, outlining the

MINUTES November 27, 2012

recommendations before City Council and achievements on project.

A.14 ADOPT RESOLUTION NO. 2012-95 IMPLEMENTING PERMIT PARKING FOR THE RESIDENTS OF ST. CHRISTOPHER LANE ON SATURDAYS AND SUNDAYS (Report of: Public Works Department)

# **Recommendation:**

Approve and adopt Resolution No. 2012-95 and direct staff to implement permit parking on St. Christopher Lane.

 A.15 REJECTION OF ALL BIDS FOR THE EMERGENCY VEHICLE PRE-EMPTION RETROFIT AT 117 SIGNALIZED INTERSECTIONS PROJECT – PROJECT NO. 808 0010 70 76 (Report of: Public Works Department)

#### Recommendations

- 1. Reject all bids opened on August 30, 2012 for the Emergency Vehicle Pre-Emption Retrofit at 117 Signalized Intersections project.
- 2. Direct staff to re-advertise for construction bids Emergency Vehicle Pre-Emption Retrofit at 117 Signalized Intersections project.

#### <u>Motion to Approve Item A.15 by m/Mayor Pro Tem William H. Batey II,</u> <u>s/Council Member Jesse L. Molina</u>

# Approved by a vote of 5-0.

# **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 NOVEMBER 13, 2012 (Report of: City Clerk's Department)

#### **Recommendation:**

Approve as submitted.

B.3 APPROVAL RENEWAL AND ACCEPT FUNDING FOR THE AFTER SCHOOL EDUCATION AND SAFETY GRANT FOR FISCAL YEAR 2013/2014 THROUGH FISCAL YEAR 2015/2016 (Report of: Parks & Community Services Department)

#### **Recommendation:**

Authorize the City Manager to renew and accept funding for the After School Education and Safety Grant (ASES) with the California Department of Education for fiscal years 2013 -2016.

B.4 AUTHORIZE SUBMISSION OF APPLICATION FOR 21ST CENTURY COMMUNITY LEARNING CENTERS GRANT FOR FISCAL YEAR 2013/2014

(Report of: Parks & Community Services Department)

#### **Recommendation:**

Authorize the City Manager to submit an application to the California Department of Education for the 21st Century Community Learning Centers Grant for Fiscal Year 2013/2014.

B.5 AUTHORIZE THE SUBMISSION OF APPLICATION FOR ADDITIONAL AFTER SCHOOL EDUCATION AND SAFETY GRANT FUNDS FOR FISCAL YEAR 2013/2014 (Report of: Parks & Community Services Department)

#### **Recommendation:**

Authorize the City Manager to submit an application to the California Department of Education for additional After School Education and Safety Grant funds (ASES) for FY 2013-14.

# C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- C.2 MINUTES REGULAR MEETING OF NOVEMBER 13, 2012 (Report of: City Clerk's Department)

# **Recommendation:**

Approve as submitted.

# D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- D.2 MINUTES REGULAR MEETING OF NOVEMBER 13, 2012 (Report of: City Clerk's Department)

MINUTES November 27, 2012

### Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 with the exception of A.15, which was pulled for separate action, by m/Mayor Pro Tem William H. Batey II, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

# E. PUBLIC HEARINGS

E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR APN 478-430-031 AND APN 292-280-032 BALLOTING FOR NPDES (Report of: Public Works Department)

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

# **Recommendations That the City Council:**

 After conducting the Public Hearing and accepting public testimony, direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Assessor's Parcel Number (APN) 478-430-031 and APN 292-280-032.

The Clerk announced the results as follows:

APN 478-430-031 – "Yes" – 1 – passed APN 292-280-032 – "Yes" – 1 – passed

- 2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.
- 3. Receive and file with the City Clerk's office the Official Tally Sheet.
- 4. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APN 478-430-031 and APN 292-280-032.

Motion to Approve Recommendation No. 1 by m/Mayor Pro Tem William H. Batey II, s/Council Member Robin N. Hastings

# Approved by a vote of 5-0.

# Motion to Approve Recommendation Nos. 2-4 by m/Mayor Pro Tem William H. Batey II, s/Council Member Robin N. Hastings

# Approved by a vote of 5-0.

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 478-430-031 BALLOTING FOR CSD ZONE M (Report of: Public Works Department)

# **Recommendations That the CSD:**

 After conducting the Public Hearing and accepting public testimony, direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for Assessor's Parcel Number (APN) 478-430-031.

The Secretary announced the results as follows:

APN 478-430-031 – "Yes" – 1 – passed

- 2. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet.
- 3. Receive and file with the City Clerk's office the Official Tally Sheet.
- 4. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APN 478-430-031.

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

# Motion to Approve Recommendation No. 1 by m/Vice President William H. Batey II, s/Board Member Robin N. Hastings

# Approved by a vote of 5-0.

# Motion to Approve Recommendation Nos. 2-4 by m/Vice President William H. Batey II, s/Board Member Robin N. Hastings

Approved by a vote of 5-0.

E.3 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE NASON STREET IMPROVEMENT PROJECT FROM CACTUS AVENUE TO FIR AVENUE - PROJECT NO. 801 0001 70 77 (Report of: Public Works Department)

#### **Recommendations That the City Council:**

Adopt a Mitigated Negative Declaration (MND) for the Nason Street Improvements from Cactus Avenue to Fir Avenue, Project 801 0001 70 77, in that mitigation measures included in the Initial Study and ultimately incorporated into the project construction specifications will reduce all potential environmental impacts to an acceptable level.

Mayor Richard A. Stewart opened the public testimony portion of the public hearing which was received from Deanna Reeder (oppose).

# Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co

#### Approved by a vote of 5-0.

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

Richard A. Stewart opened the agenda item for public comments, which were received from Luke Faubion (oppose) and Jason Shadle (oppose).

Item A.15 was pulled for separate action and discussion.

#### G. REPORTS

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

a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (JPC)

b) Report by Council Member Jesse Molina on Riverside Transit Agency (RTA)

#### Jesse L. Molina

The RTA Directors awarded a contract to Carlsbad based Transportation Management and Design for a study that will examine the agency's current operations and make suggestions on how to improve the operations in the

> MINUTES November 27, 2012

future. People are being urged to attend RTA meetings and tell the Board their needs. More buses are being used, and records are being broken with ridership. On November 13, RTA gave away 2 Ipads to two college students to commerate the success of the Go Pass and U Pass program. Board members applauded Larry Rubio for the agency's success during the last year. Mr. Rubio was named Manager of the Year by the California Transportation Foundation.

#### Richard A. Stewart

There was an update from Don Ecker regarding March Health Care, and he is on schedule and has met all his deadlines. He is working hard to get the first two medical buildings in and they are in escrow.

G.2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

None

G.3 CITY ATTORNEY'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
  - H.2.1 ORDINANCE NO. 855 AN ORDINANCE 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 (RECEIVED FIRST READING AND INTRODUCTION ON NOVEMBER 13, 2012 BY A 4-0-1 VOTE, MAYOR PRO TEM BATEY ABSENT) (Report of: Police Department)

# **Recommendations That the City Council:**

Adopt Ordinance No. 855 which would make Crime Free Multi-Housing Certification a requirement for owners and/or operators of residential rental housing properties.

Ordinance No. 855

MINUTES November 27, 2012 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

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

# Motion to Approve by m/Mayor Pro Tem William H. Batey II, s/Council Member Robin N. Hastings

# Approved by a vote of 5-0.

- 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

# Deanna Reeder

- 1. Requested an answer from her previous question
- 2. Which agenda items were discussed in the last Closed Session

# Tom Jerele, Sr.

- 1. Flood control preparedness
- 2. Thank you to Council Member Batey and Hastings for their years of service to Moreno Valley
- 3. Cottonwood Golf Course
- 4. Annual 4th of July Celebration
- 5. Memorial Day Thunder Bike Ride

# Daryl Terrell

1. Thank you to Council Member Batey and Council Member Hastings for their years of service

# Oscar Valedepena

- 1. Thank you to Fire Chief, Abdul Ahmad and Fire Marshall, Randy Metz on Knox boxes
- 2. Thank you to Council Member Batey and Council Member Hastings for their years of service on the dais

# CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

# Jesse L. Molina

1. It was an interesting month. It is sad two people did their service, and they are leaving. There is hope as the Council moves forward. As a Council everyone worked together and tried to do what was best for the City. Moreno Valley is close to their hearts. Bill and Robin have done a great job. Things change and evolve. Let's look towards the future and leave the past behind.

# Robin N. Hastings

1. Very proud of my service to Moreno Valley and what I accomplished in four years. Elimination of a four lane arterial on Ironwood, Nason Street improvements, additional bike lanes and crosswalks, reduced speed limits, and street parking on JFK, Moreno Valley Community College where parking was restricted. Lot of complaints and issues were resolved. It has been a wild ride for 4 years. There have been a lot of battles, and won some and lost some. Major wins were Morrison Street Fire Station, the camera surveillance system, Nason Sreet bridge, Moreno Beach bridge, Eucalyptus going through. Serving with WRCOG, the water agencies, and the County Office of Education was a real educational experience. It was an honor to represent Moreno Valley, and it was an honor to be only the second Chair of that organization from Moreno Valley since 1992. Did the AB 811 program, which is now the largest in the nation. \$25M was funded and approved in retrofitting of energy efficiency in western Riverside County, and it is now going state wide. There are many people to thank. Honored to have worked alongside the employees for 18 years. People supported me through four years and the ugliest election I've seen. Mr. Batey is the epitome of honesty and integrity. Thank you to my family that allowed me to represent the City. They were always flexible. My

> MINUTES November 27, 2012

husband Jim is my source of strength. Anything I ever accomplished is because of him. Thank you to the residents of the 3rd District for allowing me to serve as your representative. I have absolutely no regrets, and I am proud to leave with my ethical standards and my integrity.

# William H. Batey II

1. It has been a privilege and honor to serve the 5th District and the entire City. Developed a lot of great friendships and support. To all the employees, it has been outstanding working with each and every one of you. When you see the employees, shake their hands because they are the ones that make the City go. It has been an honor to serve with you. Thanked Oscar, as he was a guiding light in helping me understand the needs of our business community. Without my wife's support I wouldn't have been as succesful in this position as I have been. Robin and I go back 20 plus years, and we have developed a great friendship. When I walked into City Hall, it was Robin that broke me into my position. I will be forever in her debt. Now it's time for me to take a well, long overdue rest, because tomorrow I put 36 years of fire service retirement. A lot of changes in my life. Mike, Parks and Rec, I will be there to support you and make our after school program the best they can be. Thanked the Council Members. Thank you very much, Moreno Valley.

# Marcelo Co

1. Thanked everyone in the community for all the hard work and glad election came to an end. Thanked Council Member Hastings and Mayor Pro Tem Batey for the wonderful job they have done for the City. Your votes count. Moving forward, we must work together. In the months to come we will hear your voice. We will make sure we listen to you and make the changes you want. We want to bring changes. All of you who are listening thank you for your votes. Hopefully this new year will bring us new hopes and new aspiration, the good we all look forward to you. Wishing all the luck and thank you.

**Richard Stewart** 

 Having Bill as an active fire captain was that we always had a keen insight into the fire issues. Often times it came to a competition for the money, fighting over getting three or four police officers. We worked together. Robin jumped on the band wagon for fire stations in District 3. March Joint Powers accomplishments (look at Highway 215). Bill's reading program was very important. He didn't finish, but he was getting the water flow issue solved in the Edgemont area. Robin working for the County and City coming in and knowing how the flow of things worked. It's been a pleasure working with Robin and the safety she was concerned about. We had a hard argument and it was a debate that went on.

- 2. Several events are planned request that Council coordinate with staff to ensure attendance.
- 3. We have 2 appraisals for City Clerk and City Attorney, if you cannot make December 4 Closed Session, please call and give me your appraisals. New Council Members cannot do it. We are going to finish them.
- 4. Moreno Valley Police Department's posse is patrolling the Moreno Valley Mall parking lot during the holidays.

# **CLOSED SESSION - None**

# ADJOURNMENT

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

Submitted by:

City Clerk Jane Halstead, City Clerk, CMC Secretary, Moreno Valley Community Services District Secretary, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley Secretary, Moreno Valley Housing Authority Secretary, Board of Library Trustees

Approved by:

Mayor Richard A. Stewart President, Moreno Valley Community Services District Chairperson, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley Chairperson, Moreno Valley Housing Authority Chairperson, Board of Library Trustees This page intentionally left blank.



# Report to City Council

TO: Mayor and City Council

**FROM:** Jane Halstead, City Clerk

AGENDA DATE: December 11, 2012

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

# **RECOMMENDED ACTION**

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of November 21 – December 4, 2012.

Reports on Reimbursable Activities November 21 – December 4, 2012			
Council Member	Date	Meeting	
William H. Batey II		None	
Marcelo Co		None	
Robin N. Hastings		None	
Jesse L. Molina	11/28/12	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley	
Richard A. Stewart	12/4/12	Moreno Valley Hispanic Chamber of Commerce Adelante	

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:	

\Zurich\shared\InterDept\Council-Clerk\City Clerk Files\Council Office\AB 1234 Reports\2012\Staff Report 2012\_Reimbursable Activity 121112.doc

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-1100

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Ahmad R. Ansari, P.E., Public Works Director/City Engineer
- AGENDA DATE: December 11, 2012

TITLE: AWARD CONSTRUCTION CONTRACT TO SEQUEL CONTRACTORS, INC. FOR THE ALESSANDRO BOULEVARD IMPROVEMENTS AT INDIAN STREET, PROJECT NO. 801 0041 70 77-2002

# **RECOMMENDED ACTION**

Recommendations:

- 1. Award the construction contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, CA 90670, to the lowest responsible bidder, for the construction of Alessandro Boulevard Improvements at Indian Street.
- 2. Authorize the City Manager to execute the Agreement with Sequel Contractors, Inc.
- 3. Authorize the issuance of a Purchase Order to Sequel Contractors, Inc. for \$309,608.18 (\$269,224.50 base 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 related minor change orders to the contract with Sequel Contractors, Inc. up to, but not to exceed, the contingency amount of \$40,383.68, subject to the approval of the City Attorney.
- 5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to Sequel Contractors, Inc., if no claims are filed against the project.

# BACKGROUND

As part of the Fiscal Year 2012-2013 CIP Budget, the City Council approved a budget for the improvements of Alessandro Boulevard at Indian Street.

The Planning Division of the Community and Economic Development Department determined on September 19, 2012, that this project qualifies for a Class I Categorical Exemption as defined in both Section 15301C of the California Environmental Quality Act (CEQA) and Section 4.6B of the City's Rules and Procedures for implementation of CEQA.

# DISCUSSION

This project includes the reconstruction of a cross gutter along north side of Alessandro Boulevard at Indian Street and approximately 480 feet of curb, gutter, sidewalk and pavement on north side of Alessandro Boulevard west of Indian Street. The purpose of the project is to improve the drainage flow along the north side of Alessandro Boulevard crossing Indian Street and eliminate the existing standing water issues along the gutter west of Indian Street. Standing water has become a nuisance especially at the bus stop area on Alessandro Boulevard west of Indian Street affecting pedestrians and bus passengers and has damaged the street pavement at this area. The project also includes the reconstruction of access ramps, the bus stop landing area, and driveway approaches to meet ADA requirements.

The design and bidding documents were completed in September 2012 by in-house staff as a cost savings solution for the City. In October 2012, the project was advertised for construction bids. Formal bidding procedures have been followed in conformance with the Public Contract Code. The City Clerk opened bids at 10:15 a.m. on November 15, 2012, for the subject project. Seven (7) bids were received as follows:

# **CONTRACTORS**

#### Total Bid Amounts

1.	Sequel Contractors, Inc., Santa Fe Springs	\$ 269,224.50
2.	Hillcrest Contracting, Inc., Corona	-
3.	Wheeler Paving, Inc., Riverside	\$ 287,675.00
4.	All American Asphalt, Corona	\$ 299,000.00
5.	United Paving Company, La Mirada	\$ 309,608.00
6.	Hardy & Harper, Inc., Santa Ana	\$ 311,000.00
7.	Laird Construction Co., Inc., Rancho Cucamonga	\$ 337,733.00

The lowest responsible bidder was determined by comparing the total Bid Price of all Base Bid Items, as stipulated in the bidding documents. Staff has reviewed the bid from Sequel Contractors, Inc. and finds Sequel Contractors, Inc. to be the lowest responsible bidder in possession of the appropriate valid contractor's license and bid bond. No outstanding issues were identified through review of the references submitted by Sequel Contractors, Inc. in their bid.

# ALTERNATIVES

- 1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will facilitate completion of the project in a timely manner.*
- 2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the project and incur more costs to the City.*

# FISCAL IMPACT

The project is included in the Fiscal Year 2012-2013 Capital Improvement Program and will be financed using Gas Tax funds (Fund 2000) and Proposition 42 Replacement funds (Fund 2002). These funds are to be used for street improvements. There is no impact to the General Fund.

#### BUDGETED FUNDS

Gas Tax Fund	
(Account 2000-70-77-80001) (Project No. 801 0041 70 77-2000)	. \$144,000
Prop 42 Replacement Funds	
(Account 2002-70-77-80001) (Project No, 801 0041 70 77-2002)	. <u>\$206,000</u>
Total Project Budget	. \$350,000

# ESTIMATED PROJECT COSTS:

Design Costs	\$10,000
Construction Costs (includes contingency)	
Construction Surveying Costs	\$12,000
Construction Geotechnical Costs	\$8,000
Construction Management and Inspection Services*	<u>\$10,000</u>
Total Estimated Project Costs	\$350,000
*City staff will provide Construction Management and Inspection Services	

# ANTICIPATED PROJECT SCHEDULE:

Start ConstructionJa	nuary 2013
Anticipated Completion of Construction	. April 2013

# **CITY COUNCIL GOALS**

# PUBLIC SAFETY:

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

# PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

# **SUMMARY**

This project provides much needed street, sidewalk and drainage improvements for Alessandro Boulevard at Indian Street to ensure the continued safety of pedestrians, drivers, and the general public. City staff recommends awarding a contract to Sequel Contractors, Inc. to construct these improvements.

# ATTACHMENTS

Attachment 1: Location Map Attachment 2: Agreement, Project No. 801 0041 70 77-2002

Page 5

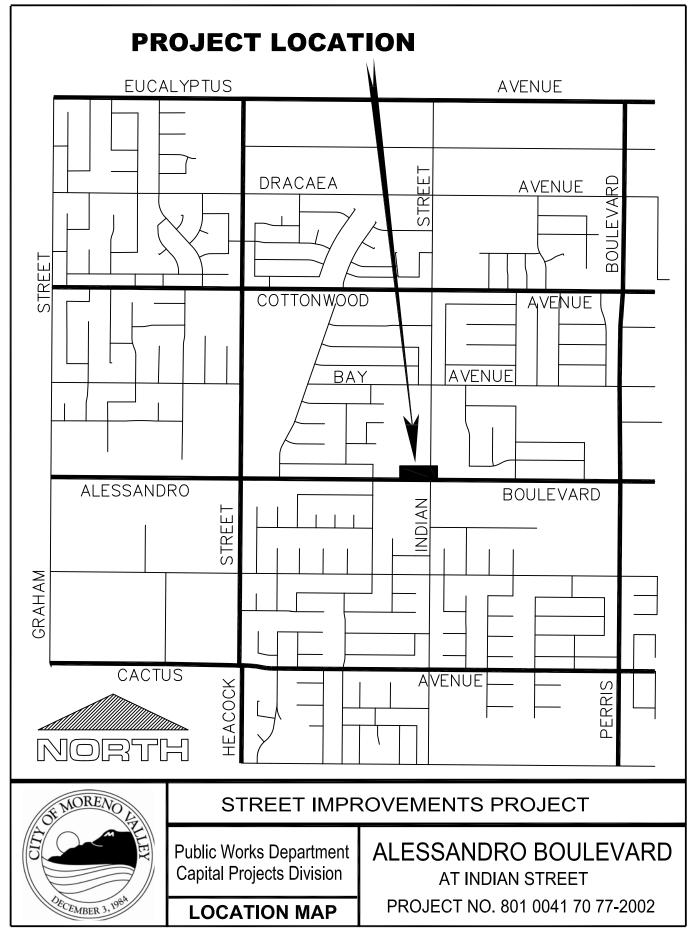
Prepared By: Quang Nguyen Senior Engineer, P.E. Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

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:

This page intentionally left blank.

# Attachment 1



This page intentionally left blank.

Attachment 2

Agreement No.\_\_\_\_\_

# AGREEMENT

### PROJECT NO. 801 0041 70 77-2002

#### ALESSANDRO BOULEVARD IMPROVEMENTS AT INDIAN STREET

THIS Agreement, effective as of the date signed by the City of Moreno Valley by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Sequel Contractors, Inc.**, hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

**1. CONTRACT DOCUMENTS**. The Contract Documents consist of the following, which are incorporated herein by this reference:

- A. Governmental approvals, including, but not limited to, permits required for the Work
- B. Any and all Contract Change Orders issued after execution of this Agreement
- C. This Agreement
- D. Addenda Nos. <u>none</u> inclusive, issued prior to the opening of the Bids
- E. City Special Provisions, including the General Provisions and Technical Provisions
- F. Standard Specifications for Public Works Construction ("Greenbook") latest edition in effect at the Bid Deadline, as modified by the City Special Provisions
- G. Reference Specifications/Reference Documents
- H. Project Plans
- I. City Standard Plans
- J. Caltrans Standard Plans
- K. Eastern Municipal Water District
- L. The bound Bidding Documents
- M. Contractor's Certificates of Insurance and Additional Insured Endorsements
- N. Contractor's Bidder's Proposal and Subcontractor Listing

In the event of conflict between any of the Contract Documents, the provisions placing a more stringent requirement on the Contractor shall prevail. The Contractor shall provide the better quality or greater quantity of Work and/or materials unless otherwise directed by City in writing. In the event none of the Contract Documents place a more stringent requirement or greater burden on the Contractor, the controlling provision shall be that which is found in the document with higher precedence in accordance with the above order of precedence.

**2. REFERENCE DOCUMENTS**. The following Reference Documents are not considered Contract Documents and were provided to the Contractor for informational purposes:

#### None

**3. SCOPE OF WORK**. The Contractor shall perform and provide all materials, tools, equipment, labor, and services necessary to complete the Work described in the Contract

Documents, except as otherwise provided in the Plans, Standard Specifications, or City Special Provisions to be the responsibility of others.

# 4. PAYMENT.

4.1. Contract Price and Basis for Payment. In consideration for the Contractor's full, complete, timely, and faithful performance of the Work required by the Contract Documents, the City shall pay Contractor for the actual quantity of Work required under the Bid Items awarded by the City performed in accordance with the lump sum prices and unit prices for Bid Items and Alternate Bid Items, if any, set forth the Bidder's Proposal submitted with the Bid. The sum of the unit prices and lump sum prices for the Bid Items awarded by the City is **Two Hundred Sixty Nine Thousand Two Hundred Twenty Four and 50/100 Dollars** (\$ 269,224.50) ("Contract Price"). It is understood and agreed that the quantities set forth in the Bidder's Proposal for which unit prices are fixed are estimates only and that City will pay and Contractor will accept, as full payment for these items of work, the unit prices set forth in the Bidder's Proposal multiplied by the actual number of units performed, constructed, or completed as directed by the City Engineer.

4.2. **Payment Procedures**. Based upon applications for payment submitted by the Contractor to the City, the City shall make payments to the Contractor in accordance with Article 9 of the Standard Specifications, as modified by Article 9 of the City Special Provisions.

# 5. CONTRACT TIME.

**A. Initial Notice to Proceed.** After the Agreement has been fully executed by the Contractor and the City, the City shall issue the "Notice to Proceed to Fulfill Preconstruction Requirements." The date specified in the Notice to Proceed to Fulfill Preconstruction Requirements constitutes the date of commencement of the Contract Time of **Fifty (50) Working Days**. The Contract Time includes the time necessary to fulfill preconstruction requirements and to complete construction of the Project (except as adjusted by subsequent Change Orders).

The Notice to Proceed to Fulfill Preconstruction Requirements shall further specify that Contractor must complete the preconstruction requirements within **Ten (10) Working Days** after the date of commencement of the Contract Time; this duration is part of the Contract Time.

Critical preconstruction requirements include, but are not limited to, the following:

- Submitting and obtaining approval of Traffic Control Plans
- Submitting and obtaining approval of the Water Pollution Control Plan (WPCP)
- Submitting and obtaining approval of critical required submittals
- Installation of the approved Project Identification Signs
- Obtaining an approved no fee Encroachment Permit
- Notifying all agencies, utilities, business, residents, etc., as outlined in the Bidding Documents

If the City's issuance of a Notice to Proceed to Fulfill Preconstruction Requirements is delayed due to Contractor's failure to return the fully executed Agreement and insurance and bond documents within Ten (10) Working Days after Contract award, then Contractor agrees to the deduction of one (1) Working Day from the number of days to complete the Project for every Working Day of delay in the City's receipt of said documents. This right is in addition to and does not affect the City's right to demand forfeiture of Contractor's Bid Security of Contractor persistently delays in providing the required documentation.

**B.** Notice to Proceed with Construction. After all preconstruction requirements are met in accordance with the Notice to Proceed to Fulfill Preconstruction Requirements, the City shall issue the "Notice to Proceed with Construction," at which time the Contractor shall diligently prosecute the Work, including corrective items of Work, day to day thereafter, within the remaining Contract Time.

# 6. LIQUIDATED DAMAGES.

6.1. **Liquidated Damages.** The Contractor and City (collectively, the "Parties") have agreed to liquidate damages with respect to Contractor's failure to fulfill the preconstruction requirements and/or failure to complete the Work within the Contract Time. The Parties intend for the liquidated damages set forth herein to apply to this Contract as set forth in Government Code Section 53069.85. Contractor acknowledges and agrees that the liquidated damages are intended to compensate the City solely for Contractor's failure to meet the deadline for completion of the Work and will not excuse Contractor from liability from any other breach, including any failure of the Work to conform to the requirements of the Contract Documents.

In the event that Contractor fails to fulfill the preconstruction requirements and/or fails to complete the Work within the Contract Time, Contractor agrees to pay the City **\$415.00 per Calendar day** that completion of the Work is delayed beyond the Contract Time, as adjusted by Contract Change Orders. The Contractor will not be assessed liquidated damages for delays occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

The Contractor and City acknowledge and agree that the foregoing liquidated damages have been set based on an evaluation of damages that the City will incur in the event of late completion of the Work. The Contractor and City acknowledge and agree that the amount of such damages are impossible to ascertain as of the date of execution hereof and have agreed to such liquidated damages to fix the City's damages and to avoid later disputes. It is understood and agreed by Contractor that liquidated damages payable pursuant to this Agreement are not a penalty and that such amounts are not manifestly unreasonable under the circumstances existing as of the date of execution of this Agreement.

It is further mutually agreed that the City will have the right to deduct liquidated damages against progress payments or retainage and that the City will issue a Change Order or Construction Change Directive and reduce the Contract Price accordingly. In the event the remaining unpaid Contract Price is insufficient to cover the full amount of liquidated damages, Contractor shall pay the difference to the City.

6.2. **Owner is Exempt from Liability for Early Completion Delay Damages**. While the Contractor may schedule completion of all of the Work, or portions thereof, earlier than the Contract Time, the Owner is exempt from liability for and the Contractor will not be entitled to an adjustment of the Contract Sum or to any additional costs, damages, including, but not limited to, claims for extended general conditions costs, home office overhead, jobsite overhead, and management or administrative costs, or compensation whatsoever, for use of float time or for Contractor's inability to complete the Work earlier than the Contract Time for any reason whatsoever, including but not limited to, delay cause by Owner or other Excusable Compensable Delay. See Section 6-6 of the Standard Specifications and City Special Provisions regarding compensation for delays.

# 7. INSURANCE.

7.1. **General**. The Contractor shall procure and maintain at its sole expense and throughout the term of this Agreement, any extension thereof, Commercial General Liability,

Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described herein.

7.2. Additional Insured Endorsements. The Contractor shall cause the insurance required by the Contract Document to include the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives as an additional insureds. For the Commercial General Liability coverage, said parties shall be named as additional insureds utilizing either:

- 1. Insurance Services Office ("ISO") Additional Insured endorsement CG 20 10 (11/85); or
- 2. ISO Additional Insured endorsement CG 20 10 (10/01) and Additional Insured Completed Operations endorsement CG 20 37 (10/01); or
- 3. substitute endorsements providing equivalent coverage, approved by the City.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. The coverage shall contain no special limitations on the scope of protection afforded to such additional insureds. Coverage for such additional insureds does not extend to liability to the extent prohibited by Insurance Code Section 11580.4.

7.3. **Waivers of Subrogation**. All policies of insurance required by the Contract Documents shall include or be endorsed to provide a waiver by the insurers of any rights of recovery or subrogation that the insurers may have at any time against the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives.

7.4. **Primary Coverage**. All policies and endorsements shall stipulate that the Contractor's (and the Subcontractors') insurance coverage shall be primary insurance as respects the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives, and shall be excess of the Contractor's (and its Subcontractors') insurance and shall not contribute with it.

7.5. **Coverage Applies Separately to Each Insured and Additional Insured**. Coverage shall state that the Contractor's (and its Subcontractors') insurance shall apply separately to each insured or additional insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage shall apply to any claim or suit brought by an additional insured against a named insured or other insured.

7.6. **Self-Insurance**. Any self-insurance (including deductibles or self-insured retention in excess of \$50,000) in lieu of liability insurance must be declared by Contractor and approved by the City in writing prior to execution of the Agreement. The City's approval of self-insurance, if any, is within the City's sole discretion and is subject to the following conditions:

- 1. Contractor must, at all times during the term of the Agreement and for a period of at least **one (1)** year after completion of the Project, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions, maintain and upon Owner's reasonable request provide evidence of:
  - (a) Contractor's "net worth" (defined as "total assets" [defined as all items of value owned by the Contractor including tangible items such as cash, land, personal property and equipment and intangible items such as copyrights and business goodwill]) minus total outside liabilities must be reflected in a financial statement for the prior fiscal year reflecting sufficient income and budget for Contractor to afford at least one loss in an amount equal to the amount of self-insurance;
  - (b) financial statements showing that Contractor has funds set aside/budgeted to finance the self-insured fund (i.e., Contractor has a program that fulfills functions that a primary insurer would fill; and
  - (c) a claims procedure that identifies how a claim is supposed to be tendered to reach the financing provided by the self-insured fund.
- 2. If at any time after such self-insurance has been approved Contractor fails to meet the financial thresholds or otherwise fails to comply with the provisions set forth in this Paragraph 7, at the option of the City:
  - (a) the Contractor shall immediately obtain and thereafter maintain the third party insurance required under this Paragraph 7 and otherwise on the terms required above; or
  - (b) the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or
  - (c) the Contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

7.7. **Insurer Financial Rating**. Insurance companies providing insurance hereunder shall be rated A-:VII or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

7.8. Notices to City of Cancellation or Changes. Each insurance policy described in this Paragraph 7 shall contain a provision or be endorsed to state that coverage will not be cancelled without thirty (30) days' prior written notice by certified or registered mail to the City (this obligation may be satisfied in the alternative by requiring such notice to be provided by Contractor's insurance broker and set forth on its Certificate of Insurance provided to the City), except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. If an insurance carrier cancels any policy or elects not to renew any policy required to be maintained by Contractor pursuant to the Contract Documents, Contractor agrees to give written notice to the City at the address indicated on the first page of the Agreement. Contractor agrees to provide the same notice of cancellation and non-renewal to the City that is required by such policy(ies) to be

provided to the First Named Insured under such policy(ies). Contractor shall provide confirmation that the required policies have been renewed not less than seven (7) days prior to the expiration of existing coverages and shall deliver renewal or replacement policies, certificates and endorsements to the City Clerk within fourteen (14) days of the expiration of existing coverages. Contractor agrees that upon receipt of any notice of cancellation or alteration of the policies, Contractor shall procure within five (5) days, other policies of insurance similar in all respects to the policy or policies to be cancelled or altered. Contractor shall furnish to the City Clerk copies of any endorsements that are subsequently issued amending coverage or limits within fourteen (14) days of the amendment.

7.9. **Commercial General Liability**. Coverage shall be written on an ISO Commercial General Liability "occurrence" form CG 00 01 (10/01 or later edition) or equivalent form approved by the City for coverage on an occurrence basis. The insurance shall cover liability, including, but not limited to, that arising from premises operations, stop gap liability, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The policy shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 (11/85). Coverage shall contain no contractors' limitation or other endorsement limiting the scope of coverage for liability arising from pollution, explosion, collapse, or underground (x, c, u) property damage. Contractor shall provide Products/Completed Operations coverage to be maintained continuously for a minimum of **one (1) year** after Final Acceptance of the Work, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions.

Contractor shall maintain Commercial General Liability insurance with the following minimum limits: \$1,000,000 per occurrence / \$2,000,000 aggregate / \$2,000,000 products-completed operations.

7.10. **Business Automobile Liability**. Coverage shall be written on ISO form CA 00 01 (12/93 or later edition) or a substitute form providing equivalent coverage for owned, hired, leased and non-owned vehicles, whether scheduled or not, with \$1,000,000 combined single limit per accident for bodily injury and property damage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

7.11. **Workers' Compensation**. Contractor shall comply with the applicable sections of the California Labor Code concerning workers' compensation for injuries on the job. Compliance is accomplished in one of the following manners:

- 1. Provide copy of permissive self-insurance certificate approved by the State of California; or
- 2. Secure and maintain in force a policy of workers' compensation insurance with statutory limits and Employer's Liability Insurance with a minimal limit of **\$1,000,000** per accident; or
- 3. Provide a "waiver" form certifying that no employees subject to the Labor Code's Workers' Compensation provision will be used in performance of this Contract.

7.12. **Subcontractors' Insurance**. 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.

8. **BONDS**. The Contractor shall furnish a satisfactory Performance Bond meeting all statutory requirements of the State of California on the form provided by the City. The bond shall be

furnished as a guarantee of the faithful performance of the requirements of the Contact Documents as may be amended from time to time, including, but not limited to, liability for delays and damages (both direct and consequential) to the City and the City's Separate Contractors and consultants, warranties, guarantees, and indemnity obligations, in an amount that shall remain equal to one hundred percent (100%) of the Contract Price.

The Contractor shall furnish a satisfactory Labor and Materials Payment Bond meeting all statutory requirements of the State of California on the form provided by the City in an amount that shall remain equal to one hundred percent (100%) of the Contract Price to secure payment of all claims, demands, stop notices, or charges of the State of California, of material suppliers, mechanics, or laborers employed by the Contractor or by any Subcontractor, or any person, form, or entity eligible to file a stop notice with respect to the Work.

All bonds shall be executed by a California-admitted surety insurer. Bonds issued by a Californiaadmitted surety insurer listed on the latest version of the U.S Department of Treasury Circular 570 shall be deemed accepted unless specifically rejected by the City. Bonds issued by sureties not listed in Treasury Circular 570 must be accompanied by all documents enumerated in California Code of Civil Procedure Section 995.660(a). The bonds shall bear the same date as the Contract. The attorney-in-fact who executes the required bonds on behalf of the surety shall affix thereto a certified and current copy of the power of attorney. In the event of changes that increase the Contract Price, the amount of each bond shall be deemed to increase and at all times remain equal to the Contract Price. The signatures shall be acknowledged by a notary public. Every bond must display the surety's bond number and incorporate the Contract for construction of the Work by reference. The terms of the bonds shall provide that the surety agrees that no change, extension of time, alteration, or modification of the Contract Documents or the Work to be performed thereunder shall in any way affect its obligations and shall waive notice of any such change, extension of time, alteration, or modification of the Contract Documents. The surety further agrees that it is obligated under the bonds to any successor, grantee, or assignee of the City.

Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract, the Contractor shall promptly furnish a copy of the bonds or shall authorize a copy to be furnished.

Should any bond become insufficient, or should any of the sureties, in the opinion of the City, become non-responsible or unacceptable, the Contractor shall, within ten (10) Calendar Days after receiving notice from the City, provide written documentation to the Satisfaction of the City that Contractor has secured new or additional sureties for the bonds; otherwise the Contractor shall be in default of the Contract. No further payments hall be deemed due or will be made under Contract until a new surety(ies) qualifies and is accepted by the City.

Contractor agrees that the Labor and Materials Payment Bond and Faithful Performance Bond attached to this Agreement are for reference purposes only, and shall not be considered a part of this Agreement. Contractor further agrees that said bonds are separate obligations of the Contractor and its surety, and that any attorney's fee provision contained in any payment bond or performance bond shall not apply to this Agreement. In the event there is any litigation between the parties arising from the breach of this Agreement, each party will bear its own attorneys' fees in the litigation.

**9. RECORDS**. The Contractor and its Subcontractors shall maintain and keep books, payrolls, invoices of materials, and Project records current, and shall record all transactions pertaining to the Contract in accordance with generally acceptable accounting principles. Said books and records

shall be made available to the City of Moreno Valley, Riverside 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 at least three (3) years after Final Acceptance.

#### 10. INDEMNIFICATION.

10.1. General. To the fullest extent permitted by law, the Contractor assumes liability for and agrees, at the Contractor's sole cost and expense, to promptly and fully indemnify, protect, hold harmless and defend (even if the allegations are false, fraudulent, or groundless), the City of Moreno Valley, its City Council, the Moreno Valley Housing Authority (MVHA), the Moreno Valley Community Services District (CSD), and all of their respective officials, officers, directors, employees, commission members, representatives and agents ("Indemnitees"), from and against any and all claims, allegations, actions, suits, arbitrations, administrative proceedings, regulatory proceedings, or other legal proceeds, causes of action, demands, costs, judgments, liens, stop notices, penalties, liabilities, damages, losses, anticipated losses of revenues, and expenses (including, but not limited to, any fees of accountants, attorneys, experts or other professionals, or investigation expenses), or losses of any kind or nature whatsoever, whether actual, threatened or alleged, arising out of, resulting from, or in any way (either directly or indirectly), related to the Work, the Project or any breach of the Contract by Contractor or any of its officers, agents, employees, Subcontractors, Subsubcontractors, or any person performing any of the Work, pursuant to a direct or indirect contract with the Contractor ("Indemnity Claims"). Such Indemnity Claims include, but are not limited to, claims for:

- A. Any activity on or use of the City's premises or facilities;
- B. Any liability incurred due to Contractor acting outside the scope of its authority pursuant to the Contract, whether or not caused in part by an Indemnified Party;
- C. The failure of Contractor or the Work to comply with any Applicable Law, permit or orders;
- D. Any misrepresentation, misstatement or omission with respect to any statement made in the Contract Documents or any document furnished by the Contractor in connection therewith;
- E. Any breach of any duty, obligation or requirement under the Contract Documents, including, but not limited to any breach of Contractor's warranties, representations or agreements set forth in the Contract Documents;
- F. Any failure to coordinate the Work with City's Separate Contractors;
- G. Any failure to provide notice to any party as required under the Contract Documents;
- H. Any failure to act in such a manner as to protect the Project from loss, cost, expense or liability;
- I. Bodily or personal injury, emotional injury, sickness or disease, or death at any time to any persons including without limitation employees of Contractor;
- J. Damage or injury to real property or personal property, equipment and materials (including, but without limitation, property under the care and custody of the Contractor or the City) sustained by any person or persons (including, but not limited to, companies, corporations, utility company or property owner, Contractor and its employees or agents, and members of the general public);

- K. Any liability imposed by Applicable Law including, but not limited to criminal or civil fines or penalties;
- L. Any dangerous, hazardous, unsafe or defective condition of, in or on the Site, of any nature whatsoever, which may exist by reason of any act, omission, neglect, or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors;
- M. Any operation conducted upon or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors under or pursuant to the provisions of the Contract or otherwise;
- N. Any acts, errors, omission or negligence of Contractor, its officers, agents, employees, or Subcontractors;
- O. Infringement of any patent rights, licenses, copyrights or intellectual property which may be brought against the Contractor or Owner arising out of Contractor's Work, for which the Contractor is responsible; and
- P. Any and all claims against the City seeking compensation for labor performed or materials used or furnished to be used in the Work or alleged to have been furnished on the Project, including all incidental or consequential damages resulting to the City from such claims.

10.2. Effect of Indemnitees' Active Negligence. Contractor's obligations to indemnify and hold the Indemnitees harmless <u>exclude</u> only such portion of any Indemnity Claim which is attributable to the active negligence or willful misconduct of the Indemnitee, provided such active negligence or willful misconduct is determined by agreement of the parties or by findings of a court of competent jurisdiction. In instances where an Indemnitee's active negligence accounts for only a percentage of the liability for the Indemnity Claim involved, the obligation of Contractor will be for that entire percentage of liability for the Indemnity Claim not attributable to the active negligence or willful misconduct of the Indemnitee(s). Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph 11. Subject to the limits set forth herein, the Contractor, at its own expense, shall satisfy any resulting judgment that may be rendered against any Indemnitee resulting from an Indemnity Claim. The Indemnitees shall be consulted with regard to any proposed settlement.

10.3. **Independent Defense Obligation.** The duty of the Contractor to indemnify and hold harmless the Indemnitees includes the separate and independent duty to defend the Indemnitees, which duty arises immediately upon receipt by Contractor of the tender of any Indemnity Claim from an Indemnitee. The Contractor's obligation to defend the Indemnitee(s) shall be at Contractor's sole expense, and not be excused because of the Contractor's inability to evaluate liability or because the Contractor evaluates liability and determines that the Contractor is not liable. This duty to defend shall apply whether or not an Indemnity Claim has merit or is meritless, or which involves claims or allegations that any or all of the Indemnitees were actively, passively, or concurrently negligent, or which otherwise asserts that the Indemnitees are responsible, in whole or in part, for any Indemnity Claim for defense and/or indemnity by an Indemnitee, unless the Indemnitee agrees in writing to an extension of this time. The defense provided to the Indemnitees by Contractor shall be by well qualified, adequately insured and experienced legal counsel acceptable to the City.

10.4. **Intent of Parties Regarding Scope of Indemnity.** It is the intent of the parties that the Contractor and its Subcontractors of all tiers shall provide the Indemnitees with the broadest defense and indemnity permitted by Applicable Law. In the event that any of the defense, indemnity or hold harmless provisions in the Contract Documents are found to be ambiguous, or in conflict

with one another, it is the parties' intent that the broadest and most expansive interpretation in favor of providing defense and/or indemnity to the Indemnitees be given effect.

10.5. **Waiver of Indemnity Rights Against Indemnitees.** With respect to third party claims against the Contractor, to the fullest extent permitted by law, the Contractor waives any and all rights to any type of express or implied indemnity against the Indemnitees.

10.6. **Subcontractor Requirements.** In addition to the requirements set forth hereinabove, Contractor shall ensure, by written subcontract agreement, that each of Contractor's Subcontractors of every tier shall protect, defend, indemnify and hold harmless the Indemnitees with respect to Indemnity Claims arising out of, in connection with, or in any way related to each such Subcontractors' Work on the Project in the same manner in which Contractor is required to protect, defend, indemnify and hold the Indemnitees harmless. In the event Contractor fails to obtain such defense and indemnity obligations from others as required herein, Contractor agrees to be fully responsible to the Indemnitees according to the terms of this Paragraph 11.

No Limitation or Waiver of Rights. Contractor's obligations under this Paragraph 10.7. 11 are in addition to any other rights or remedies which the Indemnitees may have under the law or under the Contract Documents. Contractor's indemnification and defense obligations set forth in this Paragraph 11 are separate and independent from the insurance provisions set forth in the Contract Documents, and do not limit, in any way, the applicability, scope, or obligations set forth in such insurance provisions. The purchase of insurance by the Contractor with respect to the obligations required herein shall in no event be construed as fulfillment or discharge of such obligations. In any and all claims against the Indemnitees by any employee of the Contractor, any Subcontractor, any supplier of the Contractor or Subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the obligations under this Paragraph 11 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any Subcontractor or any supplier of either of them, under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. Failure of the City to monitor compliance with these requirements imposes no additional obligations on the City and will in no way act as a waiver of any rights hereunder.

10.8. **Withholding to Secure Obligations.** In the event an Indemnity Claim arises prior to final payment to Contractor, the City may, in its sole discretion, reserve, retain or apply any monies due Contractor for the purpose of resolving such Indemnity Claims; provided, however, the City may release such funds if the Contractor provides the City with reasonable assurances of protection of the Indemnitees' interests. The City shall, in its sole discretion, determine whether such assurances are reasonable.

10.9. **Survival of Indemnity Obligations.** Contractor's obligations under this Paragraph 11 are binding on Contractor's and its Subcontractors' successors, heirs and assigns and shall survive the completion of the Work or termination of the Contractor's performance of the Work.

**11. SUCCESSORS AND ASSIGNS**. The Parties bind themselves, their heirs, executors, administrators, successors and assigns the covenants, agreements and obligations contained in the Contract Documents. The Contractor shall not, either voluntarily or by action of law, assign any right or obligation of the Contractor under the Contract Documents without prior written consent of the City.

#### (SIGNATURE PAGE FOLLOWS)

#### CITY OF MORENO VALLEY Project No. 801 0041 70 77-2002

CITY OF MORENO VALLEY, Municipal Corporation	SEQUEL CONTRACTORS, INC
BY: City Manager	License No./ Classification:
DATE:	Expiration Date:
	Federal I.D. No.:
INTERNAL USE ONLY	PRINT NAME:
APPROVED AS TO LEGAL FORM:	SIGNATURE:
	TITLE:
City Attorney	DATE:
Date	
RECOMMENDED FOR APPROVAL:	PRINT NAME:
	SIGNATURE:
Public Works Director/City Engineer	TITLE:
Date	DATE:

# SIGNING INSTRUCTIONS TO THE CONTRACTOR:

Signature(s) must be accompanied by a completed notary certificate of acknowledgement attached hereto. A general partner must sign on behalf of a partnership. **Two (2)** corporate officers must sign on behalf of a corporation unless the corporation has a corporate resolution that allows one person to sign on behalf of the corporation; if applicable, said resolution must be attached hereto. The corporate seal may be affixed hereto.

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mo

# Report to City Council

TO: Mayor and City Council

**FROM:** Ahmad R. Ansari, Public Works Director/City Engineer

AGENDA DATE: December 11, 2012

TITLE:AWARD CONSTRUCTION CONTRACT TO C & C GRADING &<br/>PAVING, INC. FOR THE STREET IMPROVEMENT PROGRAM,<br/>KENTLAND LANE SOUTH OF EUCALYPTUS AVENUE, WILSON<br/>PLACE AND KENNY DRIVE, PROJECT NO. 801 0011 70 77

#### **RECOMMENDED ACTION**

Recommendations:

- Award the construction contract for \$243,613.96 to C & C Grading & Paving, Inc., P.O. Box 251, Temecula, CA 92593, the lowest responsible bidder, for construction of the Street Improvement Program, Kentland Lane south of Eucalyptus Avenue, Wilson Place and Kenny Drive.
- 2. Authorize the City Manager to execute the Agreement with C & C Grading & Paving, Inc.
- 3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for \$292,336.75 (\$243,613.96 bid plus 20% contingency) when the contract has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with C & C Grading & Paving, Inc. up to, but not exceeding, the contingency amount of \$48,722.79, subject to the approval of the City Attorney.
- 5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to C & C Grading & Paving, Inc., if no claims are filed against the project.

# BACKGROUND

The Street Improvement Program (SIP) is a multi-year Capital Improvement Plan to facilitate construction of selected unimproved streets. The streets to be improved are selected from a list of streets demonstrating the need for improvement per established review criteria for public road, utility, and public service purposes.

The City Council approved the Fiscal Year 2012/2013 Capital Improvement Plan budget with the following streets listed for improvement in the SIP: Kentland Lane south of Eucalyptus Avenue, Wilson Place from Hubbard Street to Kenny Drive, and Kenny Drive from Wilson Place to Hilton Street. Each of these streets is either paved with deteriorating asphalt concrete or is native material. When the project construction is complete, the streets will be paved with twenty-four (24) feet (two lanes) of asphalt concrete.

The design and construction documents have been prepared by in-house staff as a cost saving solution for the City. In October 2012, the City Engineer approved the Plans and Specifications for the project, and authorized the advertisement for construction bids.

# DISCUSSION

This project is part of the City's ongoing SIP. The project involves the reconstruction of three (3) streets citywide with Asphalt Concrete (AC) pavement roadway, striping, and signage. The improvements also include drainage, driveway construction, mailbox and utility relocations. Limited grading is required along the roadways to transition to existing improvements along the frontage of the streets. This project is determined as a Class 1 Categorical Exemption (CE) pursuant to Section 15301 of the State CEQA Guidelines.

This project will improve the following three (3) streets:

STREET NAME	<u>FROM</u>	<u>TO</u>
Kentland Lane	. south end	. Eucalyptus Avenue
Wilson Place	. Hubbard Street	. Kenny Drive
Kenny Drive	. Wilson Place	. Hilton Street

Formal bidding procedures have been followed in conformance with the Public Contract Code and City requirements. The City Clerk opened bids at 2:00 p.m., November 29, 2012. Eight (8) valid and responsive bids were received and are as follows:

# CONTRACTORS:

1.	C & C Grading & Paving, Inc., Temecula	\$243,613.96
2.	Sequel Contractors, Inc., Santa Fe Springs	\$259,385.00
3.	Hardy & Harper, Inc., Santa Ana	\$262,000.00
4.	Wheeler Paving, Inc, Riverside	\$266,464.00
5.	All American Asphalt, Corona	\$267,000.00
6.	Hillcrest Contracting, Corona	\$281,462.00

# Item No. A.5

Page 3

7.	Laird Construction Company, Inc., Rancho Cucamonga	\$297,792.00
	Sean Malek Engineering & Construction, Temecula	
		0000 405 00

Engineers Estimate\_\_\_\_\_\$202,165.00

Staff has reviewed the bid by C & C Grading & Paving, Inc. and finds it to be the lowest responsible bidder in possession of a valid license for this work and providing a bid bond as required. No outstanding issues were identified through review of the references submitted by C & C Grading & Paving, Inc.

The project was bid on the basis of a Base Bid and Additive Alternate Bid A. The Base Bid includes Kentland Lane south of Eucalyptus Avenue; Additive Alternate Bid A includes Wilson Place and Kenny Drive. The bid documents stipulated that the low bidder would be determined by the total of the Base Bid and Additive Alternate Bid A. Staff recommends, and this report reflects, the award of the Contract to include all three (3) streets, the Base Bid plus the Additive Alternate Bid A option.

# ALTERNATIVES

- 1. Approve and authorize the recommended actions as presented in this staff report. This alternative will provide for the timely construction of the improvements on Kentland Lane, Wilson Place and Kenny Drive.
- 2. Do not approve and authorize the recommended actions as presented in this staff report. This alternative will delay the construction of the improvements on Kentland Lane, Wilson Place and Kenny Drive.

# FISCAL IMPACT

This project is included in the Fiscal Year 2012/2013 Capital Improvements Plan Budget and is financed using Measure A funds (Fund 2001). **These funds can only be used for transportation related projects.** There is no impact on the General Fund.

# AVAILABLE CONSTRUCTION FUNDS:

Fiscal Year 2012/2013 Street Improvement Program	
(G/L No. 2001-70-77-80001) (Project No. 801 0011 70 77)	\$676,000.00
Total Budget:	\$676,000.00

ESTIMATE CONSTRUCTION RELATED COSTS:

Contractor Construction Costs (includes 20% contingency)	\$293,000.00
Construction Survey Services	•
Construction Geotechnical Services	
Project Management, Administration, and Inspection*	
Total Estimated Project Costs	

\* Public Works and consultant staff will provide Project Administration including inspection services.

# ANTICIPATED PROJECT SCHEDULE

Start ConstructionJanu	ary 2013
------------------------	----------

# Item No. A.5

Anticipated Completion of C	construction	April 2013

# 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

The Street Improvement Program (SIP) facilitates the improvement of streets selected from a list of streets demonstrating the need for improvement, based on established review criteria for public road, utility, and public service purposes. The SIP will construct asphalt concrete pavement for the three (3) selected streets: Kentland Lane south of Eucalyptus Avenue, Wilson Place and Kenny Drive. The City Council is requested to award the construction contract to C & C Grading & Paving, Inc. and authorize the issuance of the purchase order for the street improvement construction.

# **NOTIFICATION**

Local residents, law enforcement, the fire department, hospitals, and schools in the area will be notified of the proposed construction. Construction notification signs will also be installed to notify commuters of the construction work.

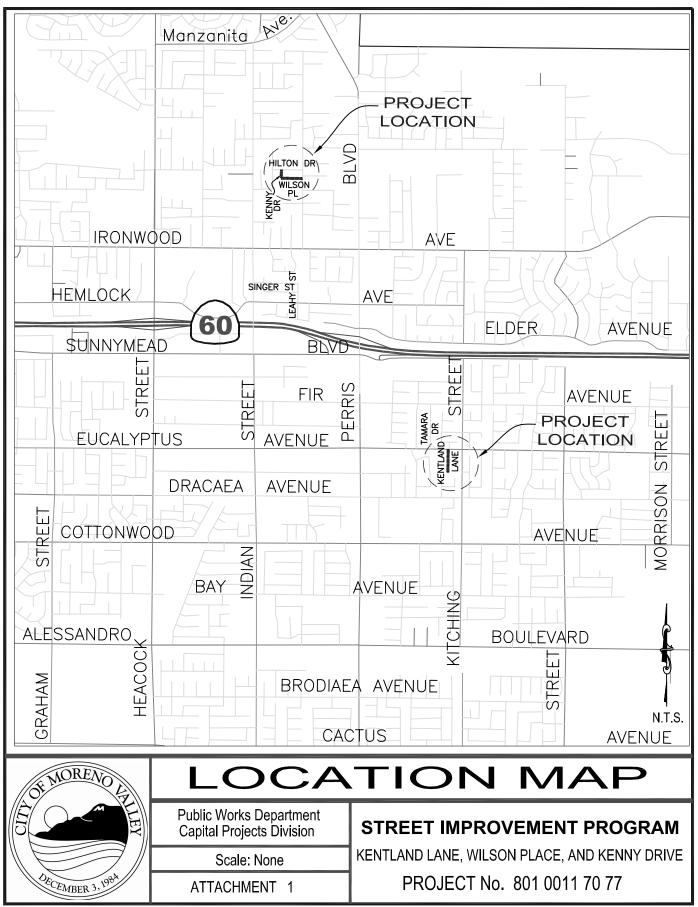
# **ATTACHMENTS**

Attachment 1: Location Map Attachment 2: Agreement Prepared By: Henry Ngo Senior Engineer, P.E. Department Head Approval: Ahmad R. Ansari, 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:

This page intentionally left blank.



This page intentionally left blank.

#### **ATTACHMENT 2**

Agreement No.\_\_\_\_\_

# AGREEMENT

#### PROJECT NO. 801 0011 70 77

#### STREET IMPROVEMENT PROGRAM Kentland Lane south of Eucalyptus Avenue, Wilson Place, and Kenny Drive

THIS Agreement, effective as of the date signed by the City of Moreno Valley by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and C & C Grading & Paving, Inc., hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

**1. CONTRACT DOCUMENTS**. The Contract Documents consist of the following, which are incorporated herein by this reference:

- A. Governmental approvals, including, but not limited to, permits required for the Work
- B. Any and all Contract Change Orders issued after execution of this Agreement
- C. This Agreement
- D. Addenda No. none, issued prior to the opening of the Bids
- E. City Special Provisions, including the General Provisions and Technical Provisions
- F. Standard Specifications for Public Works Construction ("Greenbook") latest edition in effect at the Bid Deadline, as modified by the City Special Provisions
- G. Project Plans
- H. City Standard Plans
- I. The bound Bidding Documents
- J. Contractor's Certificates of Insurance and Additional Insured Endorsements
- K. Contractor's Bidder's Proposal and Subcontractor Listing

In the event of conflict between any of the Contract Documents, the provisions placing a more stringent requirement on the Contractor shall prevail. The Contractor shall provide the better quality or greater quantity of Work and/or materials unless otherwise directed by City in writing. In the event none of the Contract Documents place a more stringent requirement or greater burden on the Contractor, the controlling provision shall be that which is found in the document with higher precedence in accordance with the above order of precedence.

**2. REFERENCE DOCUMENTS**. The following Reference Documents are not considered Contract Documents and were provided to the Contractor for informational purposes:

A. None

3. SCOPE OF WORK. The Contractor shall perform and provide all materials, tools, equipment, labor, and services necessary to complete the Work described in the Contract

Documents, except as otherwise provided in the Plans, Standard Specifications, or City Special Provisions to be the responsibility of others.

#### 4. PAYMENT.

4.1. **Contract Price and Basis for Payment**. In consideration for the Contractor's full, complete, timely, and faithful performance of the Work required by the Contract Documents, the City shall pay Contractor for the actual quantity of Work required under the Bid Items awarded by the City performed in accordance with the lump sum prices and unit prices for Bid Items and Alternate Bid Items, if any, set forth the Bidder's Proposal submitted with the Bid. The sum of the unit prices and lump sum prices for the Base Bid Items and Alternate Bid Items, if any, awarded by the City is **Two Hundred Forty Three Thousand Six Hundred Thirteen and 96/100 Dollars (\$243,613.96)** ("Contract Price"). The Alternate Bid A Items were selected by the City and included in the Contract. It is understood and agreed that the quantities set forth in the Bidder's Proposal for which unit prices are fixed are estimates only and that City will pay and Contractor will accept, as full payment for these items of work, the unit prices set forth in the Bidder's Proposal multiplied by the actual number of units performed, constructed, or completed as directed by the City Engineer.

4.2. **Payment Procedures**. Based upon applications for payment submitted by the Contractor to the City, the City shall make payments to the Contractor in accordance with Article 9 of the Standard Specifications, as modified by Article 9 of the City Special Provisions.

#### 5. CONTRACT TIME.

**A. Contract Time.** The Contract Time shall be determined in accordance with the following:

Base Bid	45 Working Days
Alternate Bid A	30 Working Days

**B.** Initial Notice to Proceed. After the Agreement has been fully executed by the Contractor and the City, the City shall issue the "Notice to Proceed to Fulfill Preconstruction Requirements." The date specified in the Notice to Proceed to Fulfill Preconstruction Requirements constitutes the date of commencement of the Contract Time of Seventy-Five (75) Working Days for Base Bid plus Alternate Bid A. The Contract Time includes the time necessary to fulfill preconstruction requirements, and to complete construction of the Project (except as adjusted by subsequent Change Orders).

The Notice to Proceed to Fulfill Preconstruction Requirements shall further specify that Contractor must complete the preconstruction requirements within **Fifteen (15) Working Days** after the date of commencement of the Contract Time; this duration is part of the Contract Time.

Preconstruction requirements include, but are not limited to, the following:

- Submitting and obtaining approval of Traffic Control Plans
- Submitting and obtaining approval of the Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Plan (WPCP)
- Submitting and obtaining approval of critical required submittals
- Installation of the approved Project Identification Signs
- Obtaining an approved no fee Encroachment Permit

# Item No. A.5

- Obtaining a Temporary Use Permit for a construction yard
- Notifying all agencies, utilities, residents, etc., as outlined in the Bidding Documents
- Completion of all pre-construction activities under Environmental Mitigations

If the City's issuance of a Notice to Proceed to Fulfill Preconstruction Requirements is delayed due to Contractor's failure to return the fully executed Agreement and insurance and bond documents within ten (10) Working Days after Contract award, then Contractor agrees to the deduction of one (1) Working Day from the number of days to complete the Project for every Working Day of delay in the City's receipt of said documents. This right is in addition to and does not affect the City's right to demand forfeiture of Contractor's Bid Security of Contractor persistently delays in providing the required documentation.

**Notice to Proceed with Construction.** After all preconstruction requirements are met and materials have been ordered in accordance with the Notice to Proceed to Fulfill Preconstruction Requirements, the City shall issue the "Notice to Proceed with Construction," at which time the Contractor shall diligently prosecute the Work, including corrective items of Work, day to day thereafter, within the remaining Contract Time.

#### 6. LIQUIDATED DAMAGES

6.1. Liquidated Damages. The Contractor and City (collectively, the "Parties") have agreed to liquidate damages with respect to Contractor's, failure to fulfill the preconstruction requirements, and/or failure to complete the Work within the Contract Time. The Parties intend for the liquidated damages set forth herein to apply to this Contract as set forth in Government Code Section 53069.85. Contractor acknowledges and agrees that the liquidated damages are intended to compensate the City solely for Contractor's failure to meet the deadline for completion of the Work and will not excuse Contractor from liability from any other breach, including any failure of the Work to conform to the requirements of the Contract Documents.

In the event that Contractor fails to fulfill the preconstruction requirements and/or fails to complete the Work within the Contract Time, Contractor agrees to pay the City **\$400.00 per Calendar day** that completion of the Work is delayed beyond the Contract Time, as adjusted by Contract Change Orders. The Contractor will not be assessed liquidated damages for delays occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

The Contractor and City acknowledge and agree that the foregoing liquidated damages have been set based on an evaluation of damages that the City will incur in the event of late completion of the Work. The Contractor and City acknowledge and agree that the amount of such damages are impossible to ascertain as of the date of execution hereof and have agreed to such liquidated damages to fix the City's damages and to avoid later disputes. It is understood and agreed by Contractor that liquidated damages payable pursuant to this Agreement are not a penalty and that such amounts are not manifestly unreasonable under the circumstances existing as of the date of execution of this Agreement.

It is further mutually agreed that the City will have the right to deduct liquidated damages against progress payments or retainage and that the City will issue a Change Order or Construction Change Directive and reduce the Contract Price accordingly. In the event the remaining unpaid Contract Price is insufficient to cover the full amount of liquidated damages, Contractor shall pay the difference to the City.

6.2. **Owner is Exempt from Liability for Early Completion Delay Damages**. While the Contractor may schedule completion of all of the Work, or portions thereof, earlier than the Contract Time, the Owner is exempt from liability for and the Contractor will not be entitled to an adjustment of the Contract Sum or to any additional costs, damages, including, but not limited to, claims for extended general conditions costs, home office overhead, jobsite overhead, and management or administrative costs, or compensation whatsoever, for use of float time or for Contractor's inability to complete the Work earlier than the Contract Time for any reason whatsoever, including but not limited to, delay cause by Owner or other Excusable Compensable Delay. See Section 6-6 of the Standard Specifications and City Special Provisions regarding compensation for delays.

#### 7. INSURANCE.

7.1. **General.** The Contractor shall procure and maintain at its sole expense and throughout the term of this Agreement, any extension thereof, Commercial General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described herein.

7.2. Additional Insured Endorsements. The Contractor shall cause the insurance required by the Contract Document to include the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives as an additional insureds. For the Commercial General Liability coverage, said parties shall be named as additional insureds utilizing either:

- 1. Insurance Services Office ("ISO") Additional Insured endorsement CG 20 10 (11/85); or
- 2. ISO Additional Insured endorsement CG 20 10 (10/01) and Additional Insured Completed Operations endorsement CG 20 37 (10/01); or
- 3. substitute endorsements providing equivalent coverage, approved by the City.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. The coverage shall contain no special limitations on the scope of protection afforded to such additional insureds. Coverage for such additional insureds does not extend to liability to the extent prohibited by Insurance Code Section 11580.4.

7.3. **Waivers of Subrogation**. All policies of insurance required by the Contract Documents shall include or be endorsed to provide a waiver by the insurers of any rights of recovery or subrogation that the insurers may have at any time against the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives.

7.4. **Primary Coverage**. All policies and endorsements shall stipulate that the Contractor's (and the Subcontractors') insurance coverage shall be primary insurance as respects the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and

-92-

representatives, and shall be excess of the Contractor's (and its Subcontractors') insurance and shall not contribute with it.

7.5. **Coverage Applies Separately to Each Insured and Additional Insured**. Coverage shall state that the Contractor's (and its Subcontractors') insurance shall apply separately to each insured or additional insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage shall apply to any claim or suit brought by an additional insured against a named insured or other insured.

7.6. **Self-Insurance**. Any self-insurance (including deductibles or self-insured retention in excess of \$50,000) in lieu of liability insurance must be declared by Contractor and approved by the City in writing prior to execution of the Agreement. The City's approval of self-insurance, if any, is within the City's sole discretion and is subject to the following conditions:

- 1. Contractor must, at all times during the term of the Agreement and for a period of at least **one (1)** year after completion of the Project, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions, maintain and upon Owner's reasonable request provide evidence of:
  - (a) Contractor's "net worth" (defined as "total assets" [defined as all items of value owned by the Contractor including tangible items such as cash, land, personal property and equipment and intangible items such as copyrights and business goodwill]) minus total outside liabilities must be reflected in a financial statement for the prior fiscal year reflecting sufficient income and budget for Contractor to afford at least one loss in an amount equal to the amount of self-insurance;
  - (b) financial statements showing that Contractor has funds set aside/budgeted to finance the self-insured fund (i.e., Contractor has a program that fulfills functions that a primary insurer would fill; and
  - (c) a claims procedure that identifies how a claim is supposed to be tendered to reach the financing provided by the self-insured fund.
- 2. If at any time after such self-insurance has been approved Contractor fails to meet the financial thresholds or otherwise fails to comply with the provisions set forth in this Paragraph 7, at the option of the City:
  - (a) the Contractor shall immediately obtain and thereafter maintain the third party insurance required under this Paragraph 7 and otherwise on the terms required above; or
  - (b) the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or
  - (c) the Contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

7.7. **Insurer Financial Rating**. Insurance companies providing insurance hereunder shall be rated A-VII or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

7.8. Notices to City of Cancellation or Changes. Each insurance policy described in this Paragraph 7 shall contain a provision or be endorsed to state that coverage will not be cancelled without thirty (30) days' prior written notice by certified or registered mail to the City (this obligation may be satisfied in the alternative by requiring such notice to be provided by Contractor's insurance broker and set forth on its Certificate of Insurance provided to the City), except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. If an insurance carrier cancels any policy or elects not to renew any policy required to be maintained by Contractor pursuant to the Contract Documents, Contractor agrees to give written notice to the City at the address indicated on the first page of the Agreement. Contractor agrees to provide the same notice of cancellation and non-renewal to the City that is required by such policy(ies) to be provided to the First Named Insured under such policy(ies). Contractor shall provide confirmation that the required policies have been renewed not less than seven (7) days prior to the expiration of existing coverages and shall deliver renewal or replacement policies, certificates and endorsements to the City Clerk within fourteen (14) days of the expiration of existing coverages. Contractor agrees that upon receipt of any notice of cancellation or alteration of the policies. Contractor shall procure within five (5) days, other policies of insurance similar in all respects to the policy or policies to be cancelled or altered. Contractor shall furnish to the City Clerk copies of any endorsements that are subsequently issued amending coverage or limits within fourteen (14) days of the amendment.

7.9. **Commercial General Liability**. Coverage shall be written on an ISO Commercial General Liability "occurrence" form CG 00 01 (10/01 or later edition) or equivalent form approved by the City for coverage on an occurrence basis. The insurance shall cover liability, including, but not limited to, that arising from premises operations, stop gap liability, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The policy shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 (11/85). Coverage shall contain no contractors' limitation or other endorsement limiting the scope of coverage for liability arising from pollution, explosion, collapse, or underground (x, c, u) property damage. Contractor shall provide Products/Completed Operations coverage to be maintained continuously for a minimum of **one (1) year** after Final Acceptance of the Work, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions.

Contractor shall maintain Commercial General Liability insurance with the following minimum limits: \$1,000,000 per occurrence / \$2,000,000 aggregate / \$2,000,000 products-completed operations.

7.10. **Business Automobile Liability**. Coverage shall be written on ISO form CA 00 01 (12/93 or later edition) or a substitute form providing equivalent coverage for owned, hired, leased and non-owned vehicles, whether scheduled or not, with \$1,000,000 combined single limit per accident for bodily injury and property damage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

7.11. **Workers' Compensation**. Contractor shall comply with the applicable sections of the California Labor Code concerning workers' compensation for injuries on the job. Compliance is accomplished in one of the following manners:

1. Provide copy of permissive self-insurance certificate approved by the State of California; or

- 2. Secure and maintain in force a policy of workers' compensation insurance with statutory limits and Employer's Liability Insurance with a minimal limit of **\$1,000,000** per accident; or
- 3. Provide a "waiver" form certifying that no employees subject to the Labor Code's Workers' Compensation provision will be used in performance of this Contract.

7.12. **Subcontractors' Insurance**. 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.

8. BONDS. The Contractor shall furnish a satisfactory Performance Bond meeting all statutory requirements of the State of California on the form provided by the City. The bond shall be furnished as a guarantee of the faithful performance of the requirements of the Contact Documents as may be amended from time to time, including, but not limited to, liability for delays and damages (both direct and consequential) to the City and the City's Separate Contractors and consultants, warranties, guarantees, and indemnity obligations, in an amount that shall remain equal to one hundred percent (100%) of the Contract Price.

The Contractor shall furnish a satisfactory Labor and Materials Payment Bond meeting all statutory requirements of the State of California on the form provided by the City in an amount that shall remain equal to one hundred percent (100%) of the Contract Price to secure payment of all claims, demands, stop notices, or charges of the State of California, of material suppliers, mechanics, or laborers employed by the Contractor or by any Subcontractor, or any person, form, or entity eligible to file a stop notice with respect to the Work.

All bonds shall be executed by a California-admitted surety insurer. Bonds issued by a Californiaadmitted surety insurer listed on the latest version of the U.S Department of Treasury Circular 570 shall be deemed accepted unless specifically rejected by the City. Bonds issued by sureties not listed in Treasury Circular 570 must be accompanied by all documents enumerated in California Code of Civil Procedure Section 995.660(a). The bonds shall bear the same date as the Contract. The attorney-in-fact who executes the required bonds on behalf of the surety shall affix thereto a certified and current copy of the power of attorney. In the event of changes that increase the Contract Price, the amount of each bond shall be deemed to increase and at all times remain equal to the Contract Price. The signatures shall be acknowledged by a notary public. Every bond must display the surety's bond number and incorporate the Contract for construction of the Work by reference. The terms of the bonds shall provide that the surety agrees that no change, extension of time, alteration, or modification of the Contract Documents or the Work to be performed thereunder shall in any way affect its obligations and shall waive notice of any such change, extension of time, alteration, or modification of the Contract Documents. The surety further agrees that it is obligated under the bonds to any successor, grantee, or assignee of the City.

Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract, the Contractor shall promptly furnish a copy of the bonds or shall authorize a copy to be furnished.

Should any bond become insufficient, or should any of the sureties, in the opinion of the City, become non-responsible or unacceptable, the Contractor shall, within ten (10) Calendar Days after receiving notice from the City, provide written documentation to the Satisfaction of the City that Contractor has secured new or additional sureties for the bonds; otherwise the Contractor shall be in

default of the Contract. No further payments hall be deemed due or will be made under Contract until a new surety(ies) qualifies and is accepted by the City.

Contractor agrees that the Labor and Materials Payment Bond and Faithful Performance Bond attached to this Agreement are for reference purposes only, and shall not be considered a part of this Agreement. Contractor further agrees that said bonds are separate obligations of the Contractor and its surety, and that any attorney's fee provision contained in any payment bond or performance bond shall not apply to this Agreement. In the event there is any litigation between the parties arising from the breach of this Agreement, each party will bear its own attorneys' fees in the litigation.

**9. RECORDS**. The Contractor and its Subcontractors shall maintain and keep books, payrolls, invoices of materials, and Project records current, and shall record all transactions pertaining to the Contract in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, Riverside 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 at least three (3) years after Final Acceptance.

#### 10. INDEMNIFICATION.

10.1. **General**. To the fullest extent permitted by law, the Contractor assumes liability for and agrees, at the Contractor's sole cost and expense, to promptly and fully indemnify, protect, hold harmless and defend (even if the allegations are false, fraudulent, or groundless), the City of Moreno Valley, its City Council, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and all of their respective officials, officers, directors, employees, commission members, representatives and agents ("Indemnitees"), from and against any and all claims, allegations, actions, suits, arbitrations, administrative proceedings, regulatory proceedings, or other legal proceeds, causes of action, demands, costs, judgments, liens, stop notices, penalties, liabilities, damages, losses, anticipated losses of revenues, and expenses (including, but not limited to, any fees of accountants, attorneys, experts or other professionals, or investigation expenses), or losses of any kind or nature whatsoever, whether actual, threatened or alleged, arising out of, resulting from, or in any way (either directly or indirectly), related to the Work, the Project or any breach of the Contract by Contractor or any of its officers, agents, employees, Subcontractors, Sub-subcontractors, or any person performing any of the Work, pursuant to a direct or indirect contract with the Contractor ("Indemnity Claims"). Such Indemnity Claims include, but are not limited to, claims for:

- A. Any activity on or use of the City's premises or facilities;
- B. Any liability incurred due to Contractor acting outside the scope of its authority pursuant to the Contract, whether or not caused in part by an Indemnified Party;
- C. The failure of Contractor or the Work to comply with any Applicable Law, permit or orders;
- D. Any misrepresentation, misstatement or omission with respect to any statement made in the Contract Documents or any document furnished by the Contractor in connection therewith;
- E. Any breach of any duty, obligation or requirement under the Contract Documents, including, but not limited to any breach of Contractor's warranties, representations or agreements set forth in the Contract Documents;

-96-

- F. Any failure to coordinate the Work with City's Separate Contractors;
- G. Any failure to provide notice to any party as required under the Contract Documents;
- H. Any failure to act in such a manner as to protect the Project from loss, cost, expense or liability;
- I. Bodily or personal injury, emotional injury, sickness or disease, or death at any time to any persons including without limitation employees of Contractor;
- J. Damage or injury to real property or personal property, equipment and materials (including, but without limitation, property under the care and custody of the Contractor or the City) sustained by any person or persons (including, but not limited to, companies, corporations, utility company or property owner, Contractor and its employees or agents, and members of the general public);
- K. Any liability imposed by Applicable Law including, but not limited to criminal or civil fines or penalties;
- L. Any dangerous, hazardous, unsafe or defective condition of, in or on the Site, of any nature whatsoever, which may exist by reason of any act, omission, neglect, or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors;
- M. Any operation conducted upon or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors under or pursuant to the provisions of the Contract or otherwise;
- N. Any acts, errors, omission or negligence of Contractor, its officers, agents, employees, or Subcontractors;
- O. Infringement of any patent rights, licenses, copyrights or intellectual property which may be brought against the Contractor or Owner arising out of Contractor's Work, for which the Contractor is responsible; and
- P. Any and all claims against the City seeking compensation for labor performed or materials used or furnished to be used in the Work or alleged to have been furnished on the Project, including all incidental or consequential damages resulting to the City from such claims.

10.2. Effect of Indemnitees' Active Negligence. Contractor's obligations to indemnify and hold the Indemnitees harmless <u>exclude</u> only such portion of any Indemnity Claim which is attributable to the active negligence or willful misconduct of the Indemnitee, provided such active negligence or willful misconduct is determined by agreement of the parties or by findings of a court of competent jurisdiction. In instances where an Indemnitee's active negligence accounts for only a percentage of the liability for the Indemnity Claim involved, the obligation of Contractor will be for that entire percentage of liability for the Indemnity Claim not attributable to the active negligence or willful misconduct of the Indemnitee(s). Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph 11. Subject to the limits set forth herein, the Contractor, at its own expense, shall satisfy any resulting judgment that may be rendered against any Indemnitee resulting from an Indemnity Claim. The Indemnitees shall be consulted with regard to any proposed settlement.

10.3. **Independent Defense Obligation.** The duty of the Contractor to indemnify and hold harmless the Indemnitees includes the separate and independent duty to defend the Indemnitees, which duty arises immediately upon receipt by Contractor of the tender of any Indemnity Claim from an Indemnitee. The Contractor's obligation to defend the Indemnitee(s) shall be at Contractor's sole expense, and not be excused because of the Contractor's inability to evaluate liability or because

the Contractor evaluates liability and determines that the Contractor is not liable. This duty to defend shall apply whether or not an Indemnity Claim has merit or is meritless, or which involves claims or allegations that any or all of the Indemnitees were actively, passively, or concurrently negligent, or which otherwise asserts that the Indemnitees are responsible, in whole or in part, for any Indemnity Claim. The Contractor shall respond within thirty (30) Calendar Days to the tender of any Indemnity Claim for defense and/or indemnity by an Indemnitee, unless the Indemnitee agrees in writing to an extension of this time. The defense provided to the Indemnitees by Contractor shall be by well qualified, adequately insured and experienced legal counsel acceptable to the City.

10.4. Intent of Parties Regarding Scope of Indemnity. It is the intent of the parties that the Contractor and its Subcontractors of all tiers shall provide the Indemnitees with the broadest defense and indemnity permitted by Applicable Law. In the event that any of the defense, indemnity or hold harmless provisions in the Contract Documents are found to be ambiguous, or in conflict with one another, it is the parties' intent that the broadest and most expansive interpretation in favor of providing defense and/or indemnity to the Indemnitees be given effect.

10.5. **Waiver of Indemnity Rights Against Indemnitees.** With respect to third party claims against the Contractor, to the fullest extent permitted by law, the Contractor waives any and all rights to any type of express or implied indemnity against the Indemnitees.

10.6. **Subcontractor Requirements.** In addition to the requirements set forth hereinabove, Contractor shall ensure, by written subcontract agreement, that each of Contractor's Subcontractors of every tier shall protect, defend, indemnify and hold harmless the Indemnitees with respect to Indemnity Claims arising out of, in connection with, or in any way related to each such Subcontractors' Work on the Project in the same manner in which Contractor is required to protect, defend, indemnify and hold the Indemnitees harmless. In the event Contractor fails to obtain such defense and indemnity obligations from others as required herein, Contractor agrees to be fully responsible to the Indemnitees according to the terms of this Paragraph 11.

10.7. No Limitation or Waiver of Rights. Contractor's obligations under this Paragraph 11 are in addition to any other rights or remedies which the Indemnitees may have under the law or under the Contract Documents. Contractor's indemnification and defense obligations set forth in this Paragraph 11 are separate and independent from the insurance provisions set forth in the Contract Documents, and do not limit, in any way, the applicability, scope, or obligations set forth in such insurance provisions. The purchase of insurance by the Contractor with respect to the obligations required herein shall in no event be construed as fulfillment or discharge of such obligations. In any and all claims against the Indemnitees by any employee of the Contractor, any Subcontractor, any supplier of the Contractor or Subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the obligations under this Paragraph 11 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any Subcontractor or any supplier of either of them, under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. Failure of the City to monitor compliance with these requirements imposes no additional obligations on the City and will in no way act as a waiver of any rights hereunder.

10.8. **Withholding to Secure Obligations.** In the event an Indemnity Claim arises prior to final payment to Contractor, the City may, in its sole discretion, reserve, retain or apply any monies due Contractor for the purpose of resolving such Indemnity Claims; provided, however, the City may release such funds if the Contractor provides the City with reasonable assurances of protection of

-98-

the Indemnitees' interests. The City shall, in its sole discretion, determine whether such assurances are reasonable.

10.9. **Survival of Indemnity Obligations.** Contractor's obligations under this Paragraph 11 are binding on Contractor's and its Subcontractors' successors, heirs and assigns and shall survive the completion of the Work or termination of the Contractor's performance of the Work.

11. SUCCESSORS AND ASSIGNS. The Parties bind themselves, their heirs, executors, administrators, successors and assigns the covenants, agreements and obligations contained in the Contract Documents. The Contractor shall not, either voluntarily or by action of law, assign any right or obligation of the Contractor under the Contract Documents without prior written consent of the City.

#### (SIGNATURE PAGE FOLLOWS)

CITY OF MORENO VALLEY, Municipal Corporation	C & C Grading & Paving, Inc.
BY: City Manager	License No./ Classification:
DATE:	Expiration Date:
INTERNAL USE ONLY	PRINT NAME:
APPROVED AS TO LEGAL FORM:	SIGNATURE:
City Attorney	DATE:
Date	PRINT NAME:
RECOMMENDED FOR APPROVAL:	SIGNATURE:
Public Works Director/City Engineer	TITLE:
Date	

# SIGNING INSTRUCTIONS TO THE CONTRACTOR:

Signature(s) must be accompanied by a completed notary certificate of acknowledgement attached hereto. A general partner must sign on behalf of a partnership. **Two (2)** corporate officers must sign on behalf of a corporation unless the corporation has a corporate resolution that allows one person to sign on behalf of the corporation; if applicable, said resolution must be attached hereto. The corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT		
State of California	SAMPLE	
County of		
	e 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	
DESCRIPTION OF THE ATTACHED DOCUMENT <u>AGREEMENT SIGNATURE PAGE</u> (Title or description of attached document)	INSTRUCTIONS FOR COMPLETING THIS FORM Any acknowledgment completed in California must contain verbiage exactly as appears above in the norary 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	
(Title or description of attached document continued)	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.	
Number of Pages	<ul> <li>State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.</li> </ul>	
Document Date	<ul> <li>Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.</li> </ul>	
Additional Information	<ul> <li>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).</li> <li>Print the name(s) of document signer(s) who personally appear at the time of notarization.</li> </ul>	
CAPACITY CLAIMED BY THE SIGNER	<ul> <li>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.</li> </ul>	
□ Individual(s) □ Corporate Officer	<ul> <li>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.</li> <li>Signature of the notary public must match the signature on file with the office of the</li> </ul>	
(Tule) Partner (s) Attorney-in-Fact Other	<ul> <li>county clerk.</li> <li>Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.</li> <li>Indicate title or type of attached document, number of pages and date.</li> <li>Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO. Secretary).</li> <li>Securely attach this document to the signed document.</li> </ul>	

CITY OF MORENO VALLEY Project No. 801 0011 70 77

BOND NO. \_\_\_\_\_

PREMIUM \$

#### FAITHFUL PERFORMANCE BOND (100% of Total Contract Price)

#### PROJECT NO. 801 0011 70 77

#### STREET IMPROVEMENT PROGRAM Kentland Lane south of Eucalyptus Avenue, Wilson Place, and Kenny Drive

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **C & C Grading & Paving, 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 of Moreno Valley, and identified as **Project No. 801 0011 70 77**, and all Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents 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 Contract Documents 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.

Contractor and Surety agree that this Faithful Performance Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Faithful Performance Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Faithful Performance Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Documents 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 Contract Documents or to the Work or the Provisions.

#### (SIGNATURE PAGE FOLLOWS)

# Item No. A.5

	CITY OF MORENO VALLEY Project No. 801 0011 70 77	
	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 of20		
City Attorney City of Moreno Valley		

NOTE:

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

CALIEODNI				
CALIFORNIA ALL-PURPOSE				
CERTIFICATE OF ACKNOWLEDGMENT				
	SAMPLE			
State of California County of	JAIMI LI			
On before me, (Here				
(Here				
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				
DESCRIPTION OF THE ATTACHED DOCUMENT	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			
FAITHFUL PERFORMANCE BOND SIGNATURE PAGE (Title or description of attached document)	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			
(Title or description of attached document continued)	document carefully for proper notarial wording and attach this form if required.			
Number of Pages	<ul> <li>State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.</li> <li>Date of notarization must be the date that the signer(s) personally appeared which</li> </ul>			
Document Date	<ul> <li>must also be the same date the acknowledgment is completed.</li> <li>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).</li> </ul>			
Additional Information	<ul> <li>Print the name(s) of document signer(s) who personally appear at the time of notarization.</li> <li>Indicate the correct singular or plural forms by crossing off incorrect forms (i.e.</li> </ul>			
	<ul> <li>haddate the correct singular of platar 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.</li> </ul>			
CAPACITY CLAIMED BY THE SIGNER	• 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			
□ Individual(s)	<ul> <li>sufficient area permits, otherwise complete a different acknowledgment form.</li> <li>Signature of the notary public must match the signature on file with the office of the county clerk.</li> </ul>			
Corporate Officer	<ul> <li>Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.</li> </ul>			
(Title) Partner (s)	<ul> <li>Indicate title or type of attached document, number of pages and date.</li> <li>Indicate the capacity claimed by the signer. If the claimed capacity is a</li> </ul>			
<ul> <li>Attorney-in-Fact</li> <li>Other</li> </ul>	<ul> <li>Securely attach this document to the signed document.</li> </ul>			

# Item No. A.5

CITY OF MORENO VALLEY Project No. 801 0011 70 77

BOND NO.\_\_\_\_\_

PREMIUM \$\_\_\_\_

#### LABOR AND MATERIALS PAYMENT BOND (100% of Total Contract Amount)

#### PROJECT NO. 801 0011 70 77

#### STREET IMPROVEMENT PROGRAM Kentland Lane south of Eucalyptus Avenue, Wilson Place, and Kenny Drive

#### KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **C & C Grading & Paving, 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 of Moreno Valley, and identified as **Project No. 801 0011 70 77**, and Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents 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, i	n the penal sum of
dollars, (\$), lawful money o	f the United States,
for which payment, well and truly to be made, we bind ourselves, our heirs, executors a	and administrators,
successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by the	ese 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 judgment 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.

Contractor and Surety agree that this Labor and Materials Payment Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Labor and Materials Payment Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Labor and Materials Payment Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

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)

	Project No. 801 0011 70 77
	BOND NO
IN WITNESS WHEREOF, we have hereunt	to 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 of20	
City Attorney City of Moreno Valley	

NOTE:

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

CITY OF MORENO VALLEY

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT			
SAMPLE			
State of California			
County of			
On before me,(Her			
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)		
•			
DESCRIPTION OF THE ATTACHED DOCUMENT	ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM		
LABOR AND MATERIALS PAYMENT BOND         SIGNATURE PAGE         (Title or description of attached document)	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		
(Title or description of attached document continued)	document carefully for proper notarial wording and attach this form if required.		
Number of Pages	• State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.		
Document Date	<ul> <li>Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.</li> <li>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).</li> <li>Print the name(s) of document signer(s) who personally appear at the time of</li> </ul>		
Additional Information	<ul> <li>Indicate the correct singular or plural forms by crossing off incorrect forms (i.e.</li> </ul>		
CAPACITY CLAIMED BY THE SIGNER	<ul> <li>he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.</li> <li>The notary seal impression must be clear and photographically reproducible.</li> </ul>		
<ul> <li>Individual(s)</li> <li>Corporate Officer</li> </ul>	<ul> <li>Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.</li> <li>Signature of the notary public must match the signature on file with the office of the county clerk.</li> </ul>		
(Title)  Partner (s)  Attorney-in-Fact Other	<ul> <li>Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.</li> <li>Indicate title or type of attached document, number of pages and date.</li> <li>Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).</li> <li>Securely attach this document to the signed document.</li> </ul>		

# Item No. A.5



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-1100

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Ahmad Ansari, Public Works Director/City Engineer Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- TITLE: MORENO VALLEY RANCH SPECIFIC PLAN 193 EXONERATE FAITHFUL PERFORMANCE BOND AND MATERIAL & LABOR BOND FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR PLANNING AREA 32 (TRACT 32144), IRIS AVENUE FRONTAGE AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

# **RECOMMENDED ACTION**

Recommendations:

- 1. Adopt the Resolution No. 2012-97 authorizing the acceptance of the landscape and irrigation improvements within Planning Area 32 (Tract 32144), Iris Avenue Frontage as complete and accepting the portion of Iris Avenue associated with the project into the City's maintained street system.
- 2. Authorize the City Engineer to exonerate the Faithful Performance Bond in the amount of \$142,710 and exonerate the Material & Labor Bond in the amount of \$71,355 for landscape and irrigation improvements.

### BACKGROUND

The Second Amended Development Agreement between McKenzie Vista, L.P. and the City of Moreno Valley, dated September 14, 1999, requires the developer enter into an agreement for installation of landscape and irrigation improvements along the south side

of Iris Avenue and on the west side of Moreno Valley Ranch. In addition, the developer is required to provide surety to guarantee construction of those improvements.

On March 28, 2000, City Council accepted the bonds and agreement for landscape & irrigation improvements from McKenzie Vista L.P. for Planning Area 32 (Tract 32144) and Planning Area 50 (Tract 29920). Accompanying that agreement was a Faithful Performance Bond in the amount of \$271,000 and a Material & Labor Bond in the amount of \$135,500 issued by Developers Insurance Company.

On November 9, 2004, City Council accepted the bonds and agreement from CHT Investment, LLC, for public improvements for Planning Area 50 (Tract 29920-1). These bonds secure the public improvements including the landscape & irrigation improvements for the Iris Avenue Frontage, which duplicates the security posted by McKenzie Vista L.P. The landscape & irrigation improvements along this portion of Iris Avenue Frontage are 25,658 square feet for a total dollar value of \$128,290. Consequently, McKenzie Vista L.P. requested a reduction to its Faithful Performance Bond and Material & Labor Bond for Planning Area 50 (Tract 29920).

On January 11, 2005, City council approved a reduction to the Faithful Performance Bond in the amount of \$128,290 and a reduction to the Material & Labor Bond in the amount of \$64,145 for Tract 29920 (Planning Area 50) issued by Developers Insurance Company. The remaining portion of the Faithful Performance Bond and the remaining portion of the Material & Labor Bond for McKenzie Vista L.P. are \$142,710 and \$71,355 respectively. These bonds were to remain in effect and secure the remaining landscape and irrigation improvements for Planning Area 32 (Tract 32144).

# **DISCUSSION**

The remaining landscape & irrigation improvements for Planning Area 32 (Tract 32144) have received 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 landscape and irrigation improvements into the City's maintained street system and to exonerate the remaining Faithful Performance Bond in the amount of \$142,710 and the remaining Material & Labor Bond in the amount of \$71,355 issued by Developers Insurance Company.

# ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the landscape and irrigation improvements within Planning Area 32 (Tract 32144), Iris Avenue Frontage as complete and accepting the portion of Iris Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to exonerate the Faithful Performance Bond in the amount of \$142,710 and exonerate the Material & Labor Bond in the amount of \$71,355 for landscape and irrigation improvements. *The required landscape and irrigation 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 landscape and irrigation improvements within Planning Area 32 (Tract 32144), Iris Avenue Frontage as complete and accepting the portion of Iris Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to exonerate the Faithful Performance Bond in the amount of \$142,710 and exonerate the Material & Labor Bond in the amount of \$71,355 for landscape and irrigation improvements. The required landscape and irrigation 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 landscape and irrigation improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 2000-Gas Tax, Fund 2001-Measure "A", and Fund 2008-NPDES. Fund 2000 is restricted to the construction and maintenance of streets and roadways. Fund 2001 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 2008 annual levy are restricted for use only within the Storm Water Management program).

# NOTIFICATION

Publication of agenda

# **ATTACHMENTS**

Attachment 1 – Agreement & Bonds Attachment 2 – Vicinity Map Attachment 3 – Proposed Resolution

Prepared By: Anitra N. Holt Management Analyst Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

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

		· · · ·		JT 1 ,
		DOC # 20 04/10/2000 0		· .
RECORDING REQUESTED BY: City of Moreno Valley		Recorded in O		
WHEN RECORDED, RETURN TO:			Orso / Clerk & Recorder 	
CITY OF MORENO VALLEY City Clerk P. O. Box 88005				
Moreno Valley, CA 92552-0805	Ň	A S U PAGE SIZE	DA PCOR NOCOR	SMF MISC.
No recording fee per Government Code, Section 6103	This spe	1 10		1 Ch
		A R L	COPY LONG REFUN	<u> </u>
AGREEMENT FOR L PROJECT: Moreno Va		Side; South side Iri		M
This Agreement, made and entered into by and, hereinafter	between the City of M r called Contractor.	oreno Valley, State of	California, hereina	fter called City,
	WITNESSET	H:		
FIRST: Contractor, for and in consideration of the other land development project known as: Mor and 50, agrees, at Contractor's own expense, to (60)months from the date this Agreement the required landscape and irrigation improveme with the standards set forth in City ordinances and which are expressly made a part of this Agreement the satisfaction of the City Engineer, and shall Contractor further agrees to guarantee the required defective materials furnished. Contractor shall also comple approved by the City Engineer at such time as the made, and the Contractor waives the 120 day time of said work and improvements, pursuant to the <u>TWO HUNDRED SEVENTY-ONE THOUSANI</u> .	eno Valley Ranch –W b furnish all design, lat is executed, to perfor nts for aforementioned d regulations, and pay ent. All of the above not be deemed compl ired improvements for ce, to the satisfaction omplete the improvement lete any offsite improv he City acquires an in ne limitation set forth in Preliminary Estimate	lest Side: South side of bor, equipment and mate m and complete in a go i project, and to do all we all costs of engineering required work shall be d lete until approved and a period of one year fol of the City Engineer, and ents described in this pare ements required as a co terest in the land which n Section 66462.5, Gove of Cost labeled Exhibit	Iris frontage for Plan erial necessary, and od and workmanlike ork incidental thereto necessary in conne- lone under the inspe accepted as comple lowing acceptance to ny defective work or ragraph pursuant to condition of approval will permit the impro- ernment Code. The A attached hereto, i	within <u>SIXTY</u> manner, all of in accordance ction therewith, action of and to be by the City. by the City and labor done or Section 66462, and with plans wements to be estimated cost
	• .•			
<b>SECOND:</b> Contractor agrees to pay to the City required by the City Engineer. Contractor further completion of the required improvements, all cost such obligations shall be paid by Contractor and reasonable attorney's fees, and that, upon entry in any judgment rendered.	r agrees that, if suit is l is and reasonable expe ouaranteed by the su	brought upon this Agree enses and fees incurred rety in addition to the fac	ment or any bond gu by the City in succes ce amount of the sec	sfully enforcing urity, including
THIRD: City shall not, nor shall any officer or en any accident, loss or damage happening or occu thereof, nor shall City or any officer or employee the work, or by reason of the acts or omissions of said liabilities are assumed by Contractor. Con employees thereof from all loss, liability or claim employees, in the performance of this Agreement this Agreement.	rring to the works spece thereof, be liable for of Contractor, his agen ntractor agrees to pro because of, or arising	ified in this Agreement p any persons or property its or employees, in the itect, defend and hold h to out of the acts or omise	orior to the completion r injured by reason of performance of the v narmless City and th sions of Contractor, 1	n and approval of the nature of work, and all of ne officers and his agents and

c: Sharon Sharrett

. . . .

-113-

.

. . .... .... . ... ...

.....

Item No. A.6

#### AGREEMENT FOR PUBLIC IMPROVEMENTS

#### PROJECT: Moreno Valley Ranch – West Side; South side Iris frontage for Planning Areas 32 and 50

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 the 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.

Item No. A.6



2000-132950 04/10/2000 08:00A 2 of 6 PAGE TWO

#### AGREEMENT FOR PUBLIC IMPROVEMENTS

PROJECT: Moreno Valley Ranch – West Side; South side Iris frontage for Planning Areas 32 and 50

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:

<u>City:</u>

#### Contractor:

MCKENZIE VISTA, L.P.,

City Engineer P.O. Box 88005 14177 Frederick Moreno Valley, CA 92552-0805 Mckenzie Vista L.P. 181 Old Springs Road Anaheim, Ca 92808 Attention: Mary Rauschenburg PAGE THREE

Mayor

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

Date approved by the City: 3/28/00

A Washington limited partnership By: CHATEAU VISTA, L.P., a Washington limited partnership, its General Partner By: SOUTHWEST DEVELOPMENT, INC., a Washington poration, its General Partner Bν Presiden Title ce By: Title CITY OF MORENO V

ATTEST; CITY CLERK OF THE CITY OF MORENO VA By: Citv Clerk (SEAE)

APPROVED AS TO FORM: CITY ATTORNEY

Date: By: **City Attorney** 

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPLICATE 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

-115-



3 of 6

State of California	
Countrat Occurrent	ss.
County of <u>Orange</u>	J
On <u>March 9, 2000</u> , before me,	Cathy Mac Kinney
personally appeared <u>Thomas</u> D	tomerovi
	Name(s) of Signer(s)
	personally known to me
	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(jes), and that by his/her/their
A CONTRACTOR OF THE OWNER OF THE OWNER OF THE OWNER OF	signature(s) on the instrument the person(s), or
CATHY MAC KINNEY	the entity upon behalf of which the person(s
Commission # 1195958 Notary Public - California	acted, executed the instrument.
My Comm. Expires Sep 11,2002	WITNESS my hand and official seal.
	C. H. M. K.
Direc Materia Cool Above	
Place Notary Seal Above	Signature of Notary Fability
O/	PTIONAL
	w, it may prove valuable to persons relying on the document nd reattachment of this form to another document.
Description of Attached Document	
Title or Type of Document:	
Document Date:	Number of Pages:
Signer(s) Other Than Named Above:	·
Capacity(ies) Claimed by Signer	
Signer's Name:	BIGHT THUMBPBINT
Individual	OF SIGNER
	Top of thumb here
□ Partner — □ Limited □ General	
Attorney in Fact	
Trustee	
Guardian or Conservator	
□ Other:	
Signer is Representing:	

Item No. A.6

-116-4 of 6

#### EXHIBIT "A"

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

PROJECT:	Moreno Valley RanchWest Side; South side Iris Frontage For Planning Areas 32 & 50	DATE: PREPARED BY:	12/08/99 Kent Wegelin
<u>IMPROVEME</u>	NT TYPE:		
LANDSCAPI	IG INCLUDING DESIGN :		\$225,400
	TOTAL COST OF IMPROVEMENTS:		\$225,400
,	+20% CONTINGENCY:		\$45,080
	SUBTOTAL:		\$270,480
GRAND TOT	<u>AL:</u>		\$270,480
	· · · · · · · · · · · · · · · · · · ·		

BOND AMOUNT:

\$271,000

CHECKED BY:



2000-132950 2000-132950 2000-08:00A 5 of 6

#### EXHIBIT "A" <u>ENGINEER'S ESTIMATE</u>

Sheet 1 of Z

PROJECT:	Moreno Valley RanchWest Side; South side Iris Frontage For Planning Are STREET WORK	DATE: PREPARED BY: eas 32 and 50	12/08/99 Kent Wegelin
TYPE	QL	JANTITY UNIT UNIT PRICE	TOTAL

Landscaping including design

45080 S.F.	5.00	225,400
SUBTO	TAL:	225,400

Item No. A.6



# FAITHFUL PERFORMANCE BOND

16

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

Landscape and \$271,000.00	Project No. <u>Planning Areas 32 &amp; 50</u>
Bond No. 815574S	Premium \$2,168.00
Surety <u>DEVELOPERS INSURANCE COMPANY</u>	PREMIUM FOR THE TERM OF TWO YEARS SUBJECT TO RENEWAL Principal <u>McKenzie Vista, L.P.</u>
Address <u>17780 FITCH SUITE 200</u>	Attn: Mary Rauschenburg Address <u>181 Old Springs Road</u>
City/Zip IRVINE, CA 92614	City/Zip <u>Anaheim, CA 92808</u>

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and <u>MC KENZIE VISTA, L.P.</u> (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 <u>MORENO VALLEY RANCH PLANNING AREAS 32 & 50</u>, 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 <u>DEVELOPERS INSURANCE COMPANY</u>, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of <u>TWO HUNDRED SEVENTY-ONE</u> <u>THOUSAND AND NO/100</u> Dollars (\*\*\*\$271,000.00\*\*\*), 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.

Morono Valley Ranch

# FAITHFUL PERFORMANCE BOND (Page 2 of 2) PROJECT NO. <u>MORENO VALLEY RANCH PLANNING AREAS 32 & 50</u>

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 V	VITNESS WHEREOF	, this instrument has l	been duly	executed	by the	Principal and	Surety	above named
on _	MARCH 7	, XXX 2000.			· .			

NAME OF PRINCIPAL:			enzie Vista, L.P.	<u></u>			
	Company Nam	e By:	Chateau Vista By: Southwest	LP, Developm	ent, Inc.	- - -	1 - 1
AUTHORIZED SIGNATU			By:				
	N	lame	XQ	Eu	lel.	Title	
•	. N	lame	7 Tim England	and the l		Title	VP
	Ň	lame			<u> </u>	Title	
NAME OF SURETY:	DEVELOPERS I	NSURAN	CE COMPANY				<del></del> .
	Company Nam	ie	01				
AUTHORIZED SIGNATU		Un	let / Jenny		· .		
AUTHORIZED DIORATE	MICHAEL J	. HENS	EL/	]	<b>ITS ATTORNEY-I</b>	N-FACI	-
	••••••••				·		
ATTACH NOTARIAL ACKN	DWLEDGMENT OF	SIGNAT	URE OF PRINCIPAI	L AND ATT	ORNEY-IN-FACT.		
BOND COMPANY - ATTAC	H POWER OF ATTO	RNEY					
				Appiov	ed as to form:		
				Date:	3/21/00		
·			н 1		PDA		
• •				City Atl City of	orney Moreno Valley		
U:\LAND\FORMS\BONDFORM\BND	-FP.SWS (12/96)					· ·	
н на селото на селот На селото на		۰.					
	•						
				•		-	

STATE OF California	]
COUNTY OF Orange	> SS.
On 03-07-2000 , before	me, <u>Cynthia S. Ingraham</u>
PERSONALLY APPEARED Michael J. Hensel	
PERSONALLI AFFEARED MICHAELS, HEISE	
	<u></u>
personally known to me (or proved to me on the bas satisfactory evidence) to be the person(s) whose name(s) subscribed to the within instrument and acknowledged that he/she/they executed the same in his/her/their auth capacity(ies), and that by his/her/their signature(s) instrument the person(s), or the entity upon behalf of the person(s) acted, executed the instrument. WITNESS my hand and official seal.	is/are to me norized on the
Augura A	
Signature Attach South S	This area for Official Notarial Seal
Though the data below is not required by law, it may pro-	IONAL
OPT Though the data below is not required by law, it may pro prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER I INDIVIDUAL CORPORATE OFFICER	IONAL
OPT Though the data below is not required by law, it may proprevent fraudulent reattachment of this form.  CAPACITY CLAIMED BY SIGNER  I INDIVIDUAL CORPORATE OFFICER	IONAL ove valuable to persons relying on the document DESCRIPTION OF ATTACHED DOCL 815574S

-121-

# **A.6**

State of Calif	ornia	]
<b>~</b>	ORANGE	SS.
County of _	UIANGE	J _
· .		•
On <u>March</u>		Rebecca S. Morris, Notary Public
	Date	Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally ap	ppeared <u>Tim England</u>	 Name(s) of Signer(s)
		X personally known to me
		proved to me on the basis of satisfactory
		evidence
		i de la companya de la
		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
	REBECCA S. MORRIS	signature(s) on the instrument the person(s), or
	Commission # 1210515	the entity upon behalf of which the person(s)
	Orange County	acted, executed the instrument.
N N	ty Comm. Expires Feb 9, 2003	WITNESS my hand and official seal.
		Kelecca 5. Morris
	Place Notary Seal Above	Signature of Notary Public
		OPTIONAL
	nformation below is not required b	y law, it may prove valuable to persons relying on the document
an	d could prevent fraudulent remova	al and reattachment of this form to another document.
Description	of Attached Document	
Title or Type of	Document: <u>Faithful F</u>	Performance Bond No. 815574S
Dooumont Date	e: <u>March 7, 2000</u>	Number of Pages: <u>Two</u>
Signer(s) Othe	r Than Named Above: <u>Mic</u>	hael J. Hensel
• • • • • !!! • /! • • !		
	) Claimed by Signer :Tim_England	R(GHT THUMBPRINT
Individual	,IIM IMFIANG	OF SIGNER
	Officer — Title(s): <u>Vice</u> H	President Top of thumb here
	Limited General	
Attorney in	Fact	
Trustee	_	
	r Conservator	
Other:		
		zelopment Inc.,

Item No. A.6

. --

#### POWER OF ATTORNEY OF INDEMNITY COMPANY OF CALIFORNIA AND DEVELOPERS INSURANCE COMPANY

P.O. BOX 19725, IRVINE, CA 92623 • (949) 263-3300

№ 060796

NOTICE: 1. All power and authority herein granted shall in any event terminate on the 31st day of March, 2002:

2. This Power of Attorney is void if altered or if any portion is erased.

3. This Power of Attorney is void unless the seal is readable, the text is in brown ink, the signatures are in blue ink and this notice is in blue ink.

4. This Power of Attorney should not be returned to the Attorney(s)-In-Fact, but should remain a permanent part of the obligee's records.

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, INDEMNITY COMPANY OF CALIFORNIA and DEVELOPERS INSURANCE COMPANY, do each severally, but not jointly, hereby make, constitute and appoint

\*\*\*James E. Mary, Virginia M. Louman, Joan M. Wynn, Michelle Haase, Cynthia S. Ingraham, Marie T. Roussere, Michael J. Hensel, Nell Amyx, jointly or severally\*\*\*

the 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 in an amount not exceeding Ten Million Dollars (\$10,000,000) in any single undertaking; 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 INDEMNITY COMPANY OF CALIFORNIA and DEVELOPERS INSURANCE COMPANY, effective as of September 24, 1986:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporations 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, INDEMNITY COMPANY OF CALIFORNIA and DEVELOPERS INSURANCE COMPANY have severally caused these presents to be signed by their respective. Presidents and attested by their respective. Secretaries this 22nd day of December, 1998.

Βv

R

ATTEST

INDEMNITY COMPANY OF CALIFORNIA

Walter Crowell Secretary

SS

STATE OF CALIFORNIA

#### COUNTY OF ORANGE

On December 22, 1998, before me, C. Hollister, personally appeared Dante F. Vincenti, Jr. and Walter 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.

Signatur



**DEVELOPERS INSURANCE COMPANY** 

MAR: 27

ō

Walter Crowell Secretary

C. HOLLISTER COMM. # 1192615 Notary Public - California ORANGÉ COUNTY

My Comm, Expires AUG, 11, 2002

CERTIFICATE

The undersigned, as Senior Vice President of INDEMNITY COMPANY OF CALIFORNIA, and Senior Vice President of DEVELOPERS INSURANCE COMPANY, does hereby certify that the foregoing and attached 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, this 7 day of <u>MARCH</u>, 2000. INDEMNITY COMPANY OF CALIFORNIA By Milliam T. Sherer Senior Vice President By -123-By -123-By -123-By -123-By -123-By -123-By -123-

ID-314 REV. (12/98)

## MATERIAL AND LABOR BOND

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

	Moreno Valley Ranch
Public Improvements \$_135,500.00	Project No. Planning Areas 32 & 50
Sond No. <u>8155748</u>	Premium <u>INCLUDED IN THE FAITHFUL PERFORMA</u> NCE BOND
Surety DEVELOPERS INSURANCE COMPANY	Principal <u>McKenzie Vista, L. P.</u>
Address 17780 FITCH SUITE 200	Attn: Mary Rauschenburg Address <u>181 Old Springs Road</u>
City/Zip IRVINE, CA 92614	City/Zip <u>Anaheim, CA 92808</u>

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and <u>McKENZIE VISTA, L.P.</u>, (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 <u>MORENO VALLEY RANCH PLANNING AREAS 32 & 50</u>, 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 <u>ONE HUNDRED THIRTY-FIVE THOUSAND FIVE HUNDRED AND NO/100</u> Dollars (\*\*\*\$135,500,00\*\*\*), 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.

# Item No. A.6

### MATERIAL AND LABOR BOND (Page 2 of 2) PROJECT NO. <u>MORENO VALLEY RANCH PLANNING AREAS 32 & 50</u>

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 MARCH 7, 2000

NAME OF PRINCIPAL:	McKenzie Vista, L.P.	·
	Company Name By: Chateau Vista BP, The Stand	
	By: Southwest Development Inc.	· .
AUTHORIZED SIGNATU	RE(S): By:	
By:	Name Dunle	3/7/2000
	Name Tim England	Title
	Name by: Polygon Southwest	Title
	for Tie Maghand, VP	
NAME OF SURETY:	DEVELOPERS INSURANCE COMPANY	
	Company Name	
AUTHORIZED SIGNATU	RE Unkert Hund	
AUTIONIZED DIONATO	MICHAEL J. HENSEL ITS ATTOR	NEY-IN-FACT
· .		
ATTACH NOTARIAL ACKNOWL	EDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.	
BOND COMPANY - ATTACH PO	WER OF ATTORNEY Approved as to form	<b>n</b> .
		1.72

Date:

City Attorney City of Moreno Valley

U:\LAND\FORMS\BONDFORM\B-ML-PUB.DOC (12/96)

STATE OF California	
COUNTY OF Orange	SS.
•	<b>J</b>
On_03-07-2000, before me,	Cynthia S. Ingraham
PERSONALLY APPEARED Michael J. Hensel	
۰	
personally known to me (or proved to me on the basis or satisfactory evidence) to be the person(s) whose name(s) is/ar subscribed to the within instrument and acknowledged to m	re
that he/she/they executed the same in his/her/their authorize capacity(ies), and that by his/her/their signature(s) on th instrument the person(s), or the entity upon behalf of whic	d ne
the person(s) acted, executed the instrument.	CYNTHIA S. INGRAHAM Comm. # 1188015
WITNESS my hand and official seal.	NOTARY PUBLIC - CALIFORNIA Sacramento County My Comm. Expires June 25, 2002
Signature Anthen 5 Amoule	
Signature ALL ICI S (MILLIC)	This area for Official Notarial Seal
OPTION	AL
Though the data below is not required by law, it may prove va	
• • • •	aluable to persons relying on the document ar
Though the data below is not required by law, it may prove va	
Though the data below is not required by law, it may prove va prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER	aluable to persons relying on the document ar <b>DESCRIPTION OF ATTACHED DOCUN</b>
Though the data below is not required by law, it may prove va prevent fraudulent reattachment of this form. <b>CAPACITY CLAIMED BY SIGNER</b> INDIVIDUAL CORPORATE OFFICER	aluable to persons relying on the document ar
Though the data below is not required by law, it may prove va prevent fraudulent reattachment of this form. <b>CAPACITY CLAIMED BY SIGNER</b> INDIVIDUAL CORPORATE OFFICER TITLE(S)	aluable to persons relying on the document ar DESCRIPTION OF ATTACHED DOCUM 815574S
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. <b>CAPACITY CLAIMED BY SIGNER</b> INDIVIDUAL CORPORATE OFFICER TITLE(S) PARTNER(S) LIMITED	aluable to persons relying on the document an <b>DESCRIPTION OF ATTACHED DOCUN</b> <u>815574S</u> TITLE OF TYPE OF DOCUMENT
Though the data below is not required by law, it may prove va prevent fraudulent reattachment of this form. <b>CAPACITY CLAIMED BY SIGNER</b> INDIVIDUAL CORPORATE OFFICER TITLE(S)	aluable to persons relying on the document ar DESCRIPTION OF ATTACHED DOCUM 815574S
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER  INDIVIDUAL CORPORATE OFFICER TITLE(S) PARTNER(S) LIMITED GENERAL	aluable to persons relying on the document ar <b>DESCRIPTION OF ATTACHED DOCUM</b> <u>815574S</u> TITLE OF TYPE OF DOCUMENT two
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER  INDIVIDUAL CORPORATE OFFICER TITLE(S)  PARTNER(S) ILIMITED GENERAL ATTORNEY-IN-FACT TRUSTEE(S) GUARDIAN/CONSERVATOR	aluable to persons relying on the document an <b>DESCRIPTION OF ATTACHED DOCUM</b> <u>815574S</u> TITLE OF TYPE OF DOCUMENT two
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER INDIVIDUAL CORPORATE OFFICER TITLE(S) PARTNER(S) LIMITED GENERAL ATTORNEY-IN-FACT TRUSTEE(S)	Aduable to persons relying on the document an DESCRIPTION OF ATTACHED DOCUM 815574S TITLE OF TYPE OF DOCUMENT two NUMBER OF PAGES 03-07-2000
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER  INDIVIDUAL CORPORATE OFFICER TITLE(S)  PARTNER(S) ILIMITED GENERAL ATTORNEY-IN-FACT TRUSTEE(S) GUARDIAN/CONSERVATOR	aluable to persons relying on the document ar DESCRIPTION OF ATTACHED DOCUM 815574S
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER  INDIVIDUAL CORPORATE OFFICER ITTLE(S) PARTNER(S) INDIVIDUAL GENERAL ATTORNEY-IN-FACT GUARDIAN/CONSERVATOR OTHER: SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(JES)	Aduable to persons relying on the document ar  DESCRIPTION OF ATTACHED DOCUM  815574S TITLE OF TYPE OF DOCUMENT  two NUMBER OF PAGES  03-07-2000 DATE OF DOCUMENT
Though the data below is not required by law, it may prove var prevent fraudulent reattachment of this form. CAPACITY CLAIMED BY SIGNER  INDIVIDUAL CORPORATE OFFICER INTLE(S) PARTNER(S) INTLE(S) INTLE	Aduable to persons relying on the document an DESCRIPTION OF ATTACHED DOCUM 815574S TITLE OF TYPE OF DOCUMENT two NUMBER OF PAGES 03-07-2000

State of Califo	omia	)
<b>O</b>	ORANGE	> ss.
County of _		
On <u>March</u>	<u>/, 2000</u> , before me, <u>_</u>	Rebecca S. Morris, Notary Public Name and Title of Officer (e.g., "Jane Doe, Notary Public")
noreonally an	peared <u>Tim England</u>	
personally ap		Name(s) of Signer(s)
		☑ personally known to me □ proved to me on the basis of satisfactor evidence
	REBECCA S. MORRIS Commission # 1210515	to be the person(s) whose name(s) is/arc 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/thei signature(s) on the instrument the person(s), o
	Notary Public - California Orange County My Comm. Expires Feb 9, 2003	the entity upon behalf of which the person(s acted, executed the instrument. WITNESS my hand and official seal.
	Place Notary Seal Above	Rebecca 5. Montes Signature of Notary Public
	formation below is not required by	<b>OPTIONAL</b> law, it may prove valuable to persons relying on the document l and reattachment of this form to another document.
Description of	of Attached Document	
Title or Type of	Document: <u>Material</u> ar	nd Labor Bond No. 815574S
Document Date	: March 7, 2000	Number of Pages: Two
Signer(s) Other	Than Named Above:M	ichael J. Hensel
	Claimed by Signer	
□ Individual		OF SIGNER Top of thumb here
	Officer — Title(s): <u>Vice Pi</u>	resident
	] Limited 🗆 General	
Attorney in I Trustee		
Guardian or	Conservator	
 □ Other:		· · · · · · · · · · · · · · · · · · ·

# Item No. A.6

#### **POWER OF ATTORNEY OF** INDEMNITY COMPANY OF CALIFORNIA AND DEVELOPERS INSURANCE COMPANY

P.O. BOX 19725, IRVINE, CA 92623 • (949) 263-3300

NOTICE: 1. All power and authority herein granted shall in any event terminate on the 31st day of March, 2002.

- 2. This Power of Attorney is void if altered or if any portion is erased.
  - 3. This Power of Attorney is void unless the seal is readable, the text is in brown ink, the signatures are in blue ink and this notice is in blue ink.
  - 4. This Power of Attorney should not be returned to the Attorney(s)-In-Fact, but should remain a permanent part of the obligee's records.

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, INDEMNITY COMPANY OF CALIFORNIA and DEVELOPERS INSURANCE COMPANY, do each severally, but not jointly, hereby make, constitute and appoint

#### \*\*\*James E. Mary, Virginia M. Louman, Joan M. Wynn, Michelle Haase, Cynthia S. Ingraham, Marie T. Roussere, Michael J. Hensel, Nell Amyx, jointly or severally\*\*\*

the 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 in an amount not exceeding Ten Million Dollars (\$10,000,000) in any single undertaking; 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 INDEMNITY COMPANY OF CALIFORNIA and DEVELOPERS INSURANCE COMPANY, effective as of September 24, 1986:

RESOLVED, that the Chairman of the Board; the President and any Vice President of the corporations 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 INDEMNITY COMPANY OF CALIFORNIA and DEVELOPERS INSURANCE COMPANY have severally caused these presents to be signed by their respective Presidents and attested by their respective Secretaries this 22nd day of December, 1998.

Βv

B١

INDEMNITY COMPANY OF CALIFORNIA

Walter Crowel Secretary

SS

OCT. 5 1967 LIFOR

ATTEST

**DEVELOPERS INSURANCE COMPANY** 

Walter Crowel Secretary



Nº 060715

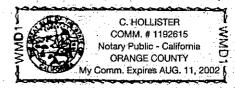
STATE OF CALIFORNIA

COUNTY OF ORANGE

On December 22, 1998, before me, C. Hollister, personally appeared Dante F. Vincenti, Jr. and Walter 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



#### CERTIFICATE

The understaned, as Senior Vice President of INDEMNITY COMPANY OF CALIFORNIA, and Senior Vice President of DEVELOPERS INSURANCE COMPANY, does hereby certify that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the provisions of the resolutions of the resolutions of the resolutions of the resolutions of the resolution at the provision of the resolution of the res of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

128-

LIFORM

2000 This Certificate is executed in the City of Irvine, California, this 7th day of March

INDEMNITY COMPANY OF CALIFORNIA

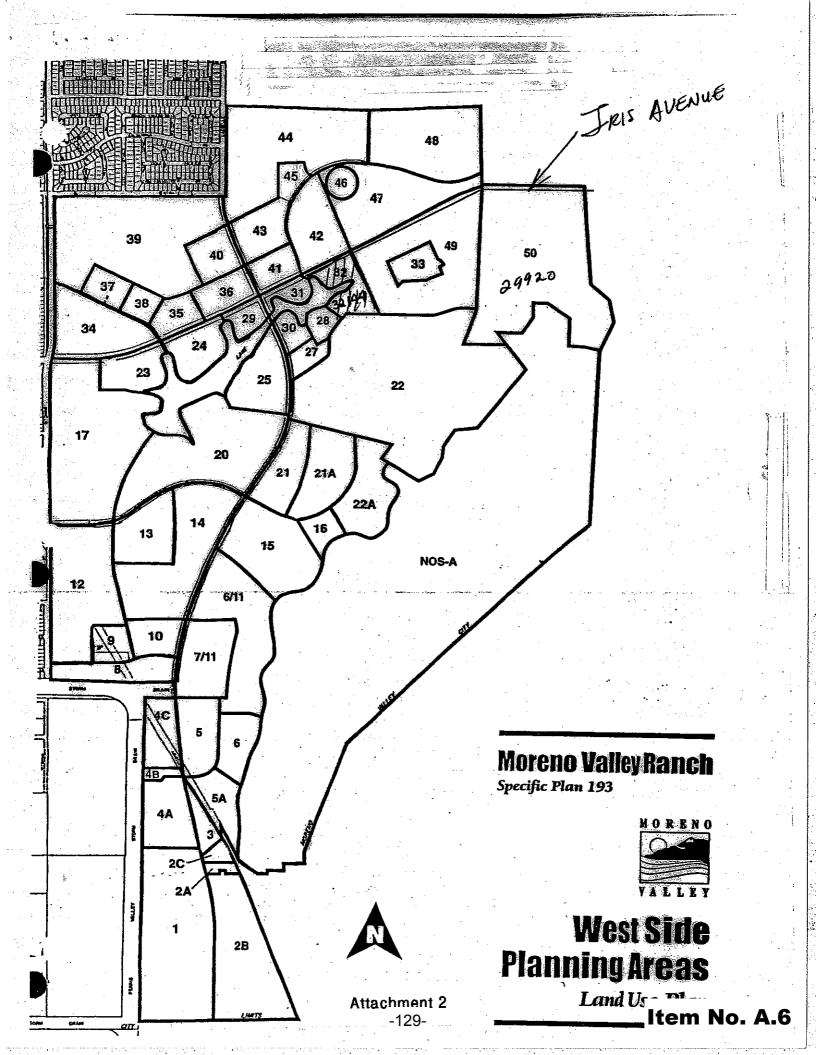
Ken T. Sherer e President

ID-314 REV. (12/98)

William T. Sherer Senior Vice President

**DEVELOPERS INSURANCE COMPANY** 

MAR 27



This page intentionally left blank.

### RESOLUTION NO. 2012-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS AS COMPLETE WITHIN PLANNING AREA 32 (TRACT 32144), IRIS AVENUE FRONTAGE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the landscape and irrigation improvements constructed by McKenzie Vista, L.P. on the portion of Iris 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 landscape and irrigation improvements as complete within Planning Area 32 (Tract 32144) and accept the portion of Iris 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: that the landscape and irrigation improvements within Planning Area 32 (Tract 32144) are complete, and the portion of Iris Avenue associated with the project are accepted into the City's maintained street system.

1 Resolution No. 2012-97 Date Adopted: December 11, 2012

# Item No. A.6

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-97 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-97 Date Adopted: December 11, 2012

# Item No. A.6

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Richard Teichert, Financial & Administrative Services Director
- AGENDA DATE: December 11, 2012
- TITLE:RECEIVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT<br/>FEES FOR FISCAL YEAR 2011-12

### RECOMMENDED ACTION

Recommendations:

- 1. Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006.
- 2. Approve the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

### BACKGROUND

Government Code Section 66006 requires municipalities imposing impact fees to undertake an annual accounting of such fees within 180 days of the fiscal year end. The Code also requires that the accounting be made available for public review. The accounting must provide the beginning and ending balances for the fiscal year; receipts; disbursements; interest earned and any other income; a description of how the fees were expended during the past year; and any refunds or allocations pursuant to Government Code Section 66001(f). If fees are unexpended, whether committed or uncommitted for a period of five or more years, the report must include a finding regarding the continuing need for the fees. If a continuing need cannot be shown, State law requires that the City refund the unused, uncommitted fees. The City's report contains no such instances of unexpended and uncommitted Development Impact Fees.

# DISCUSSION

The attached Annual Report on Development Impact Fees is for the fiscal year ended June 30, 2012. This report is prepared in compliance with the California Government Code Section 66006 regarding the annual accounting of impact fees. The accounting was complete and the required information was available to the public within the required time frame, 180 days subsequent to fiscal year end.

On April 26, 2011, the City Council approved the Economic Development Action Plan that included the identification of funding sources to allow for the re-sequencing of capital projects to allow for the acceleration of certain capital projects. Included in this plan were loans from the Library DIF (\$4 million) and Corporate Yard DIF (\$2.5 million) funds. These loans are to be repaid or reviewed by Council by June 30, 2013.

This report does not include any findings for unexpended, uncommitted fees. All funds collected and held by the City as of June 30, 2012 within each of the 14 respective Development Impact Fee funds are designated for specific capital projects, consistent with the Development Impact Fee Study Final Report approved by the City Council on October 25, 2005, and the Capital Improvement Plan approved by the City Council on June 12,2012.

This report, however, does make a finding for continuing to hold previously collected development impact fees. This finding is supported by fact that all fees collected and held by the City as of June 30, 2012 are designated for specific capital projects, consistent with the Development Impact Fee Study Final Report approved by the City Council on October 25, 2005, and the Capital Improvement Plan approved by the City Council on June 12, 2012. The Development Impact Fee Study has recently been revised to reflect current development expectations and was reviewed, discussed and approved by Council on October 9, 2012.

# **ALTERNATIVES**

The following alternatives are available to the City Council:

1. Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006 and approve the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees. Staff recommends this alternative.

2. Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006 but reject the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees. Staff does not recommend this alternative in that this action could result in the

need to refund unexpended fees such that projects and debt service intended to be funded through these fees would be left without a funding source.

### FISCAL IMPACT

There is no fiscal impact resulting from the recommended action; the information included in the staff report is provided to comply with State law.

#### **CITY COUNCIL GOALS**

**Revenue Diversification and Preservation.** Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**Public Facilities and Capital Projects.** Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

#### <u>SUMMARY</u>

Government Code Section 66006 requires municipalities that impose impact fees to render an annual accounting of such fees and to provide findings that support the retention of any fees that have been held in excess of five years and remain unexpended or have not been committed to projects. The City has no Development Impact Fees that are unexpended or uncommitted for a period of five years or more. The information included in this staff report is provided to comply with State law.

#### **NOTIFICATION**

Publication of the agenda

### **ATTACHMENTS**

Attachment 1 - Annual Report on Development Impact Fees for the Fiscal Year Ended June 30, 2012

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:		

This page intentionally left blank.

#### City of Moreno Valley Annual Report on Development Impact Fees For the Fiscal Year Ended June 30, 2012

Pursuant to Government Code Section 66006, the following report on the receipt, use and retention of development impact fees for fiscal year ended June 30, 2012 is hereby presented to the City Council for review and approval.

	Ве	ginning Fund					E	nding Fund
Fund Number Fund Name (Old Fund Number)	J	Balance uly 1, 2011		Receipts	Dis	bursements	Ju	Balance ne 30, 2012
2901 (00201) Arterial Streets Development Impact Fee	\$	6,425,888	\$	252,945	\$(	5,474,700)		1,204,133
2902 (00202) Traffic Signal Development Impact Fee	\$	2,380,657	\$	74,229	\$(	1,470,000)	\$	984,886
2903 (00203) Fire Facilitv Development Impact Fee	\$	820,897	\$	24,533	\$	(254,000)	\$	591,431
2904 (00204) Police Facility Development Impact Fee	\$	-	\$	12,888	\$	(12,888)	\$	(0)
2905 (00205) Parkland Facilities Development Impact Fee	\$	2,788,441	\$	144,100	\$	(320,000)	\$	2,612,541
2906 (00206) Quimby In-Lieu Park Fee	\$	2,050,543	\$	585,225	\$	-	\$	2,635,769
2907 (00207) Recreation Center Development Impact Fee	\$	-	\$	82,015	\$	(82,015)	\$	-
2908 (00208) Libraries Development Impact Fee	\$	4,235,181	\$	87,491	\$(•	4,000,000)	\$	322,672
2909 (00209) City Hall Development Impact Fee	\$	2,442,710	\$	56,922	\$	-	\$	2,499,633
2910 (00210) Corporate Yard Development Impact Fee	\$	155,679	\$2	2,414,531	\$(2	2,500,000)	\$	70,210
2911 (00211) Interchange Improvements Development Impact Fee	\$	112,183	\$	7,226	\$	-	\$	119,409
2912 (00212) Maintenance Equipment Development Impact Fee	\$	81,093	\$	1,486	\$	-	\$	82,579
2913 (00213) Animal Shelter Development Impact Fee	\$	-	\$	152	\$	(152)	\$	-
3001 (00413) Capital Improvement Fund	\$	38,487	\$	-	\$	-	\$	38,487

The reservation of Fund Balance and disbursement information for each of the above funds is as follows:

### Fund 2901 (00201)- Arterial Streets Development Impact Fee

Fund Balance Designations:	
Future Arterial Streets Development	\$ 1,204,133
Unreserved Fund Balance	None
Funds unexpended or uncommitted for five years or more	None
Disbursements:	
Cottonwood Ave / Perris Blvd to Perris Blvd	305,000
Ironwood Ave / Heacock St to Perris Blvd	1,550,000
Nason St / Cactus Ave to Iris Ave	2,500,000
Debt Service – 2005 Lease Revenue Bonds Current Year	1,119,700
	\$ 5,474,700

#### Fund 2902 (00202) Traffic Signal Development Impact Fee

Fund Balance Designations: Future Traffic Signal Development	\$ 984,886
Unreserved Fund Balance	None
Funds unexpended or uncommitted for five years or more	None
Disbursements:	
Lasselle St / Margaret Ave Traffic Signal	272,000
ITS Deployment Phase I A	30,000
Traffic Management System	121,000
John F. Kennedy Dr / La Brisis Way Traffic Signal	240,000
Nason St / RCRMC Main Driveway Traffic Signal	250,000
Sunnymead Blvd / SR-60 On-Ramp from Perris Blvd Traffic Signal	25,000
Ironwood Ave / Davis St Traffic Signal	260,000
Nason St / Cactus Ave to Iris Ave	272,000
	\$ 1,470,000

# Fund 2903 (00203) Fire Facility Development Impact Fees

Fund Balance Designations: Future Fire Facility	\$	591,431
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more		None None
<u>Disbursements:</u> Debt Service – 2005 Lease Revenue Bonds Current Year	\$	254,000 254,000
Fund 2904 (00204) Police Facility Development Impact Fe	<u>e</u>	
<u>Fund Balance Designations</u> : Future Police Facility	\$	(0)
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more		None None
<u>Disbursements:</u> Debt Service – 2005 Lease Revenue Bonds Current Year	\$	12,888 12,888
Fund 2905 (00205) Parkland Facilities Development Impact I	Fee	
Fund Balance Designations: Future Parkland Facility	\$ 2	2,612,541
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more		None None
<u>Disbursements:</u> Community Park	\$	320,000 320,000

# Fund 2906 (00206) Quimby In-Lieu Park Fee

<u>Fund Balance Designations</u> : Future Parkland	\$ 2,635,769
Unreserved Fund Balance	None
Funds unexpended or uncommitted for five years or more	None
<u>Disbursements</u>	-
No Disbursements	\$ -
Fund 2907 (00207) Recreation Center Development Impact I	Fee
Fund Balance Designations: Future Recreation Center	<u>\$ -</u>
Unreserved Fund Balance	None
Funds unexpended or uncommitted for five years or more	None
Disbursements:	82,015
Conference and Recreation Center	\$ 82,015
Fund 2908 (00208) Libraries Development Impact Fee	
<u>Fund Balance Designations</u> : Future Libraries	\$ 322,672
Unreserved Fund Balance	None
Funds unexpended or uncommitted for five years or more	None
Disbursements:	(4,000,000)
Interfund Loan to Capital Improvement Fund (see Resolution 2011-113)	\$(4,000,000)

# Fund 2909 (00209) City Hall Development Impact Fee

Fund Balance Designations: Future City Hall	\$ 2,499,633
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more	None None
<u>Disbursements:</u> No Disbursements	- \$-
Fund 2910 (00210) Corporate Yard Development Impact Fe	<u>ee</u>
Fund Balance Designations: Future Corporate Yard	\$ 70,210
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more	None None
<u>Disbursements:</u> Interfund Loan to Capital Improvement Fund (see Resolution 2011-112)	(2,500,000) \$(2,500,000)
Fund 2911 (00211) Interchange Improvements	
Fund Balance Designations: Future Interchange Improvements	\$ 119,409
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more	None None
<u>Disbursements:</u> No Disbursements	

# Fund 2912 (00212) Maintenance Equipment Development Impact Fee

Fund Balance Designations: Future Maintenance Equipment	\$	82,579
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more		None None
<u>Disbursements:</u> No Disbursements	-c	
Fund 2913 (00213) Animal Shelter Development Impact Fe	\$ ee	
Fund Balance Designations: Future Animal Shelter	\$	
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more		None None
Disbursements: Animal Shelter Land Acquisition	\$	152 152
Fund 3001 (00413) Capital Improvement Fund		
<u>Fund Balance Designations</u> : Future Animal Shelter	\$	38,487
Unreserved Fund Balance Funds unexpended or uncommitted for five years or more		None None
Fund Balance Designations Long Term Receivable - Koll-Oleander		38,487
<u>Disbursements:</u> No Disbursements	\$	38,487 - -



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-1100

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Ahmad R. Ansari, Public Works Director/City Engineer
- AGENDA DATE: December 11, 2012
- TITLE:NOTICE OF COMPLETION AND ACCEPTANCE OF THE<br/>MORRISON PARK FIRE STATION (FIRE STATION NO. 99),<br/>PROJECT NO. 803 0013 70 77 (FORMERLY 11-43472527)

### RECOMMENDED ACTION

Recommendations:

- 1. Accept the work as complete for construction of the Morrison Park Fire Station (Fire Station 107), constructed by Silver Creek Industries, 195 East Morgan Street, Perris, CA 92571.
- 2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.
- 3. Authorize the Financial and Administrative Services Director to release the retention to Silver Creek Industries thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.
- 4. Accept the improvements into the City's maintained building system.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

The Morrison Park Fire Station design concept was presented to and approved by the Public Safety Subcommittee at its meeting on February 8, 2010.

# BACKGROUND

On September 13, 2011 the City Council awarded a construction contract in the amount of \$3,628,688 to Silver Creek Industries, for the Morrison Park Fire Station. A purchase order for \$4,354,426, inclusive of a 20% contingency, was issued to the Contractor. The project construction work began on October 14, 2011.

# DISCUSSION

The Morrison Park Fire Station includes a 9,772 square foot two-bay fire station and a 576 square foot storage building. The project construction includes on-site and off-site utilities, storm drain connection, low maintenance landscaping, street improvement, a pre-emptive traffic signal at the main driveway, and striping.

The Contractor, Silver Creek Industries, completed the project at a total construction cost of \$3,792,988.43 inclusive of Contract Change Order Nos. 1, 2, 3, 4, and 5. The final contract total cost did not exceed the approved purchase order amount of \$4,354,426. The project was completed on schedule, within budget, and in accordance with the project's contract documents.

### ALTERNATIVES

- 1. Approve and authorize the recommended actions as presented in this staff report. This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained building system.
- 2. Do not approve and authorize the recommended actions as presented in this staff report. This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained building system, and incurring extra cost to the City.

### FISCAL IMPACT

The project is included in Fiscal Year 2011-12 Capital Improvement Plan. It is funded by Successor Agency 2007 Tax Allocation Bonds (Fund 4821). There is no impact to the General Fund.

### **BUDGETED CONSTRUCTION FUNDS:**

# PROJECT CONSTRUCTION COSTS:

Architectural Construction Services	\$387,000
Construction (Includes Change Orders)	\$3,792,988
Building Furnishings/Inventory	
Communication/Telephone	

Construction Management and Inspection*	\$200,000
Project Administration	\$50,000
Miscellaneous Costs (utility connections, RC IT)	
Total Project Construction Costs	
* Includes Project Management and City staff support.	

# **CITY COUNCIL GOALS**

# PUBLIC SAFETY:

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

### PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

### **SUMMARY**

Silvercreek Industries has completed the Morrison Park Fire Station. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Silver Creek Industries, and accept the improvements into the City's maintained building system.

# ATTACHMENT

Attachment 1: Location Map

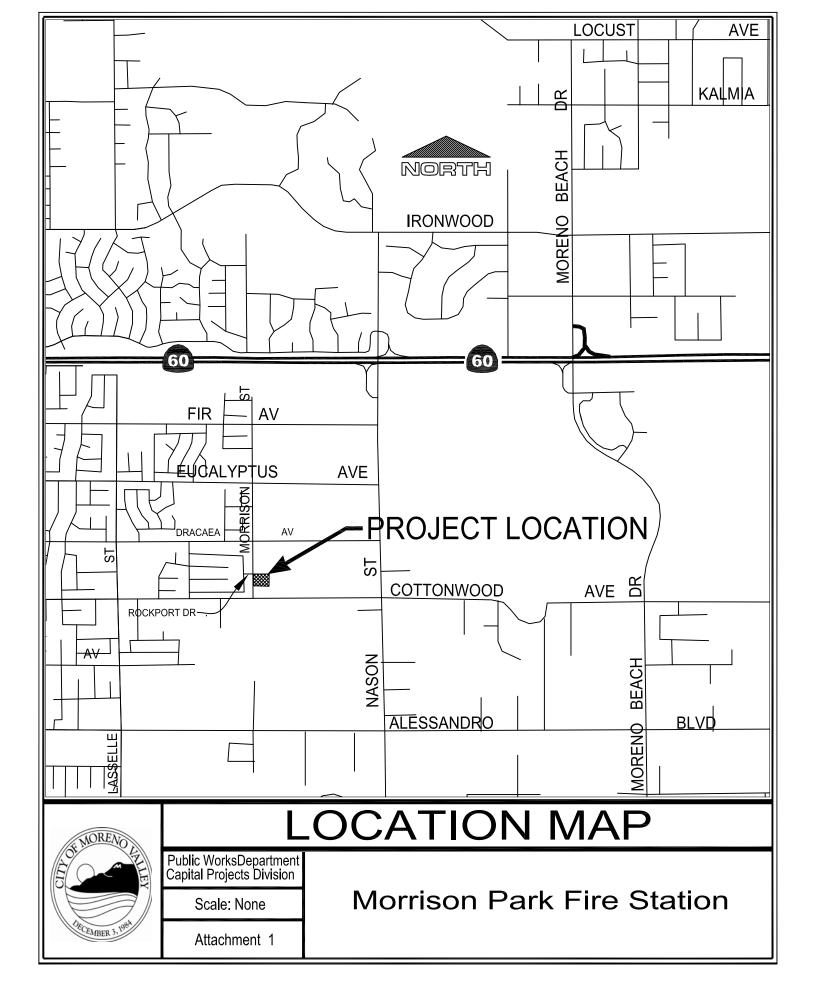
Prepared By: Henry Ngo Senior Engineer

Concurred By: Prem Kumar, P.E. Deputy Public Works Director/Assistant City Engineer Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

Concurred By: Abdul Ahmad Fire Chief

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:





APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012

TITLE: PA04-0104, TM 32625 - ACCEPT TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) REIMBURSEMENT AGREEMENT #T06-002. MERITAGE HOMES OF CALIFORNIA, INC. CORONA, CA 92879

### RECOMMENDED ACTION

Recommendations:

- 1. Accept the Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreement for PA04-0104, TM 32625 for qualifying public improvements on Redlands Boulevard.
- 2. Authorize the Mayor to execute the Agreement.
- 3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

### BACKGROUND

The Transportation Uniform Mitigation Fee (TUMF) Program applies to those jurisdictions in Western Riverside County that have adopted and are implementing the TUMF Program Ordinance. The TUMF Program has been developed pursuant to and consistent with authority provided in the requirements of California Government Code, Chapter 5, Section 66000-66008, "Fees for Development Projects" (also known as California Assembly Bill 1600 [AB1600] or the Mitigation Fee Act) which governs the assessment of development impact fees in California. Pursuant to the City of Moreno Valley Municipal Code 3.44.070, the Western Riverside Council of Governments

(WRCOG) has been appointed the Administrator of the Transportation Uniform Mitigation Fee Program.

Developers are required to pay TUMF to the City for projects that impact designated arterial streets. The TUMF Program funds may only be used for capital expenditures associated with the Regional System of Highways and Arterials (RSHA) and for capital expenditures for transit system improvements consistent with the TUMF Nexus Study. The TUMF Reimbursement Agreement will allow the developer to be reimbursed for planning, environmental review, engineering and design costs, right-of-way acquisition, and administrative costs associated with RSHA roads that have been identified in the Nexus Study. The developer's reimbursement is the lower of the TUMF Nexus Study amount or Verified Actual Construction Cost.

# **DISCUSSION**

On April 14, 2005, the Planning Commission of the City of Moreno Valley approved PA04-0104, a planning application for Tentative Tract Map 32625, a twenty-lot subdivision on 7 acres.

On November 28, 2006, the City Council of the City of Moreno Valley approved final Tract Map 32625 along with a public improvement agreement and related securities for public improvements.

The developer has completed all of the required public improvements in accordance with the public improvement agreement. The public improvements on Redlands Boulevard covered under the TUMF Reimbursement Agreement include expenditures for the planning, environmental review, engineering and design costs, right-of-way acquisition, and administrative costs. The developer did not receive a TUMF Credit at the time TUMF fees were paid and is now seeking reimbursement. WRCOG has agreed to allow a TUMF reimbursement for this project, although a TUMF Improvement Credit Agreement was not previously executed. This is the one and only time WRCOG will allow TUMF reimbursement without a previously approved TUMF Improvement Credit Agreement. A TUMF Reimbursement Agreement was drafted and reviewed by WRCOG staff in order to facilitate the TUMF reimbursement.

The amount of TUMF reimbursement is the lower of actual construction costs and the TUMF Nexus Study costs. For this project, the actual construction costs which were verified by City staff were lower than the TUMF Nexus Study costs. The TUMF reimbursement amount is \$228,573.

# **ALTERNATIVES**

1. Accept the Transportation Uniform Mitigation Fee Reimbursement Agreement for PA04-0104, TM 32625. Authorize the Mayor to execute the Agreement in the form attached hereto. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

2. Do not accept the Transportation Uniform Mitigation Fee Reimbursement Agreement for PA04-0104, TM 32625. Do not authorize the Mayor to execute the Agreement in the form attached hereto. Do not direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

### FISCAL IMPACT

No fiscal impact is anticipated.

### NOTIFICATION

Publication of the agenda

### **ATTACHMENTS**

Attachment 1 – TUMF Reimbursement Agreement

Prepared By Clement Jimenez Senior Engineer, P.E. Department Head Approval Barry Foster Community & Economic Development Director

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

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

Attachment 1

### REIMBURSEMENT AGREEMENT TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

#### **NUMBER T06-002**

#### RECITALS

WHEREAS, Developer paid to the City the TUMF Obligation pursuant to City's Conditions of Approval for <u>PA04-0104 (Tentative Tract Map No. 32625)</u> as well as City Resolution No. 2010-01 in accordance with City Ordinance No. 807 and City Ordinance No. 835 <u>one hundred ninety three thousand eight hundred sixty</u> (\$193,860) ("TUMF Obligation") and receive no credit to offset the TUMF Obligation;

WHEREAS, City and WRCOG have consented to execute a reimbursement agreement with Developer pursuant to City Resolution No. 2010-01 in accordance with City Ordinance No. 807 and City Ordinance No. 835, and the TUMF Administrative Plan adopted by WRCOG.

NOW, THEREFORE, for the purposes set forth herein, and for good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

#### **TERMS**

1.0 <u>Incorporation of Recitals</u>. The Parties hereby affirm the facts set forth in the Recitals above and agree to the incorporation of the Recitals as though fully set forth herein.

2.0 <u>Amount of Reimbursement</u>. Subject to the terms, conditions, and limitations set forth in this Agreement, the Parties hereby agree that Developer is entitled to receive reimbursement pursuant to City Resolution No. 2010-01 in accordance with City Ordinance No. 807 and City Ordinance No. 835, and the TUMF Administrative Plan adopted by WRCOG ("Reimbursement"). The Reimbursement shall be subject to verification by WRCOG. City and Developer shall provide any and all documentation reasonably necessary for WRCOG to verify the amount of the Reimbursement. The Reimbursement shall be in an amount not exceeding two hundred twenty eight thousand five hundred seventy three dollars (\$228,573) ("Reimbursement Amount"). TUMF Credit was not issued for this project. Therefore, the Reimbursement Amount includes the TUMF Credit the developer would have received plus the verified actual construction costs over the TUMF Obligation. The Reimbursement is for TM 32625 Redlands Boulevard Street

#T06-002

**Improvements.** WRCOG shall pay the Reimbursement Amount to City and the City shall be responsible for transmitting the Reimbursement Agreement to the Developer.

3.0 <u>Payment of Reimbursement; Funding Contingency</u>. The payment of the Reimbursement Agreement shall be subject to the following conditions:

3.1 Developer shall have no right to receive payment of the Reimbursement unless and until (i) the TUMF Improvements are completed and accepted by City, (ii) the TUMF Improvements are scheduled for funding pursuant to the five-year Transportation Improvement Program adopted annually by WRCOG, (iii) WRCOG has funds available and appropriated for payment of the Reimbursement amount.

3.2 Developer shall not be entitled to any interest or other cost adjustment for any delay between the time when the dollar amount of the Reimbursement is determined and the time when payment of the Reimbursement is made to Developer by WRCOG through City/County.

#### [SIGNATURES OF PARTIES ON NEXT PAGE]

Item No. A.9

-156-

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

**DEVELOPER:** 

	Meritage Homes of California, Inc.
	By: Duiscon President
ATTEST: By:	
Its:	
	City of Moreno Valley By:
	Its:
ATTEST: By:	
Its:	

APPROVED AS TO FORM: CITY ATTORNEY

Date:

By:\_\_\_

City Attorney

RVPUB\PKNOX\769377.3

#T06-002

#### ACKNOWLEDGMENT

(In accordance with Section 1189 of the California Civil Code)

State of California

County of Riverside} ss.

On September 21, 2012 before me, Katherine L Chavez, Notary Public, personally appeared Kevin Kimball, who 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 he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person 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

'Katherine L Chavez, Notary Public # 1837848 (My Commission Expires Feb 22, 2013)



(seal)



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Ahmad R. Ansari, P.E., Public Works Director/City Engineer
- AGENDA DATE: December 11, 2012

TITLE:APPROVE RESOLUTION 2012-98 DIRECTING MORENO VALLEY<br/>UTILITY TO USE THE ALLOWANCE REVENUE FROM THE<br/>CALIFORNIA CAP-AND-TRADE PROGRAM AUCTION SOLELY<br/>TO BENEFIT ITS RETAIL ELECTRICITY CUSTOMERS

### RECOMMENDED ACTION

Recommendation:

1. Approve Resolution No. 2012-98 directing Moreno Valley Utility to use the allowance revenue from the California Cap-and-Trade Program auction solely to benefit its retail electricity customers.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

### BACKGROUND

Assembly Bill 32 (AB32), known as the Global Warming Solutions Act, was signed by the Governor in 2006 and calls for a reduction in the emissions that contribute to global warming to 1990 levels by the year 2020. This means a reduction in greenhouse gas emissions of about 15% from current levels. The California Air Resources Board (CARB) is the agency responsible for developing and implementing the programs to meet this target.

The Climate Change Scoping Plan was approved by CARB in December 2008, and is essentially the blueprint of how the state will meet the goals as defined in AB 32. The key strategies in the Scoping Plan include the following:

- Cap-and-Trade Program
- Pavley Standards reduces 30% of vehicle greenhouse gas emissions by 2016
- Low Carbon Fuel Standard decreases carbon intensive vehicle fuels 10% by 2020
- SB 375 changes the way cities are planned, developed, and built through better land-use planning
- Renewable Portfolio Standard 33% renewable energy by 2020
  - Million Solar Roofs Program
  - Increase use of solar hot water heating
- Energy efficiency
  - Improve appliance efficiency standards
  - o Green buildings
  - Water efficiency
- Audit of the largest industrial sources to identify greenhouse gas reduction opportunities
- Regulations on refinery flaring and fugitive emissions
- Capture refrigerants and other high global warming potential gases already in use
- Reduce future impact through leak-resistant equipment
- Encourage more efficient agricultural equipment, fuel use and water use
- Reduce emissions from manure digesters at dairies
- Reduce methane emissions from landfills
- Move toward high recycling and zero waste

# DISCUSSION

As discussed in the AB 32 update provided on September 25, 2012, Moreno Valley Utility (MVU) was allocated a number of allowances by CARB to be sold in the Cap-and-Trade auctions that will occur quarterly each year, beginning on November 14, 2012. However, because MVU does not generate electricity, nor import any electricity, MVU does not have a compliance obligation, meaning MVU is not required to surrender any allowances to CARB. As a result, MVU will not have to purchase any allowances at auction, and will be able to use the revenues received from the sale of the allowances to benefit ratepayers.

The allowance revenue can be used to fund implementation of programs that are consistent with the goal of AB32 (reduction in greenhouse gases) and that will benefit the utility's ratepayers. Examples include the purchase of renewable energy to help meet the utility's Renewable Portfolio Standard, direct rebates to MVU customers, and the implementation of additional energy efficiency programs for MVU customers.

Staff is recommending that the proceeds from the sale of the allowances in the auctions be used to purchase renewable energy. Under Senate Bill 2 (1X), MVU is required to purchase enough renewable energy to equal 33% of retail sales by December 31, 2020. The use of allowance revenue will help MVU to meet its renewable energy requirement

with minimal rate impacts while promoting the State's goal of reducing greenhouse gas emissions.

### **ALTERNATIVES**

- 1. Approve the proposed Resolution directing Moreno Valley Utility to use the allowance revenue from the California Cap-and-Trade Program auction to solely benefit its retail electricity customers.
- 2. Do not approve the proposed Resolution directing Moreno Valley Utility to use the allowance revenue to solely benefit is retail electricity customers. *The City could be considered non-compliant and could potentially face penalties.*

### FISCAL IMPACT

MVU has been allocated a total of 312,567 allowances through 2020. It is anticipated that MVU will receive approximately \$400,000 per year through 2020 for a total of \$3,577,084 to be used for the purchase of renewable energy.

### **CITY COUNCIL GOALS**

### POSITIVE ENVIRONMENT:

The diversified portfolio of the City's power supply resources will foster a positive environment and potentially help contribute to the State's reliance on fossil-fueled generation.

### **NOTIFICATION**

Posting of Agenda.

### ATTACHMENTS

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko Electric Utility Division Manager Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

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

### RESOLUTION NO. 2012-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DIRECTING MORENO VALLEY UTILITY TO USE THE ALLOWANCE REVENUE FROM THE CALIFORNIA CAP-AND-TRADE PROGRAM AUCTION SOLELY TO BENEFIT ITS RETAIL ELECTRICITY CUSTOMERS

WHEREAS, the California Air Resources Board ("ARB") implemented the California Cap-and-Trade Program in which an Allowance is a limited tradable authorization to emit up to one metric ton of greenhouse gases; and

WHEREAS, Moreno Valley Electric Utility ("MVU") is an Electric Distribution Utility as defined in ARB's regulations, and shall receive a direct allocation of Allowances for each vintage year from 2013 until 2020 in an amount that is prescribed in the ARB regulations; and

WHEREAS, MVU is required to consign these Allowances to ARB's Allowance auction for the respective vintage; and

WHEREAS, MVU shall receive the revenue when its Allowances are sold in the auction; and

WHEREAS, subject to any limitations imposed by the City Council, MVU is required to use the Allowance revenue solely to benefit its retail electricity customers in a manner consistent with the Global Warming Solutions Act of 2006 ("AB 32"); and

WHEREAS, Senate Bill 2 (1X) established the California Renewable Portfolio Standard which requires MVU, subject to certain exemptions, to implement minimum targets for procuring eligible renewable resources as a percentage of total kWh sold to MVU's retail electricity customers; and

WHEREAS, the ARB Scoping Plan provides policy guidance for the implementation of AB 32 by local governments, among other things, by increasing the amount of eligible renewable resources procured by a municipal utility to serve its retail electricity customers; and

WHEREAS, the Electric Utility Division Manager is authorized to do all things necessary and proper for operating MVU.

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

Section 1. MVU shall establish an Allowance Revenue Account for the

Resolution No. 2012-XX Date Adopted: December 11, 2012

purpose of holding, tracking, and disbursing all revenues received by MVU from the sale of its Allowances in the California Cap-and-Trade Program auction.

<u>Section 2</u>. The Electric Utility Division Manager, or her/his designee, is directed to use the Allowance revenue to procure eligible renewable resources to serve MVU's retail electricity customers.

<u>Section 3</u>. The Electric Utility Division Manager, or her/his designee is directed to establish a program to ensure that funds from the Allowance Revenue Account benefit the MVU retail electricity customers, and to communicate this program to all MVU retail electricity customers.

<u>Section 4</u>. The City Clerk shall certify to the adoption of this Resolution.

<u>Section 5</u>. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 11th day of December, 2012.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-98 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-98 Date Adopted: December 11, 2012



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mo

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Ahmad R. Ansari, P.E., Public Works Director/City Engineer
- AGENDA DATE: December 11, 2012

TITLE: AUTHORIZATION TO ISSUE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR ENGINEERING OF THE SCE RULE 20B UNDERGROUNDING FOR THE NASON STREET FROM CACTUS AVENUE TO FIR AVENUE IMPROVEMENT PROJECT PROJECT NO. 801 0001 70 77

### RECOMMENDED ACTION

Recommendations:

- 1. Authorize the issuance of a Purchase Order to SCE in the amount of \$144,000 (\$120,000 plus 20% contingency) from Account No. 2000-70-77-80001.
- 2. Authorize a deposit payment to SCE in an amount up to \$144,000 for the engineering of the proposed Rule 20B Undergrounding of SCE facilities for the Nason Street from Cactus Avenue to Fir Avenue Improvements.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

### BACKGROUND

On July 26, 2011, the City Council authorized the addition of the Nason Street from Cactus Avenue to Fir Avenue Improvement Project to the FY 2011-12 Capital Improvement Plan (CIP) and the appropriation of up to \$15 million in California Communities Gas Tax Revenue Certificates of Participation (COPS), Series 2011B (TRIP – Total Road Improvement Program) monies for the project. At this same

meeting, the City Council adopted Resolution No. 2011-81 approving the sale, execution, and delivery of not more than \$20 million in principal amount of COPS monies. These improvements are integral elements of the Economic Development Action Plan focused on building a central medical corridor to facilitate and attract development and create jobs for Moreno Valley residents.

On February 28, 2012, City Council approved staff's recommendation to schedule a public hearing for March 27, 2012 to consider establishing an underground utility district along Nason Street from Cactus Avenue to Fir Avenue. At the March 27, 2012 City Council meeting, a public hearing was conducted and a proposed ordinance for the establishment of an underground utility district was introduced. A second reading of the proposed ordinance was conducted at the City Council meeting on April 10, 2012. No comments were received, verbally at the public hearing or submitted in writing to the City within the specified timeframe; therefore, City Council adopted Ordinance No. 841 at its April 10, 2012 meeting, thereby establishing the underground utility district.

City Council adopted a Mitigated Negative Declaration (MND) for the project at its meeting on November 27, 2012. As stated in the MND, the mitigation measures included in the Initial Study and ultimately incorporated into the project construction specifications will reduce all potential environmental impacts of the improvements.

### DISCUSSION

The Nason Street Improvement Project proposes to construct improvements along Nason Street from Cactus Avenue to Fir Avenue for a 4-Lane Divided Arterial, Augmented Parkway with 120 foot right of way and 86 foot roadway width. The improvements will include curb and gutter, sidewalk, street lights, drainage facilities, and undergrounding of overhead utilities. Traffic signal improvements will be constructed at Fir Avenue, Eucalyptus Avenue, Dracaea Avenue, Cottonwood Avenue, and Alessandro Boulevard. A new traffic signal at Medical Center will also be completed. A 24" EMWD water line, on Nason Street from Dracaea Avenue to Cottonwood Avenue and on Cottonwood Avenue from Nason Street to 1,300 feet to the west, may be incorporated into the project. At intersections, including Fir Avenue, Dracaea Avenue, Cottonwood Avenue, and Alessandro Boulevard, there will be improvements from approximately 200 to 600 feet on each side of Nason Street.

Staff is working with SCE as they begin their design process to underground the overhead facilities. Based on SCE's preliminary estimates, the cost to underground Nason Street from Cactus Avenue to Cottonwood Avenue and from Eucalyptus Avenue to Fir Avenue is estimated to be \$3.15 million, which will be funded by a combination of Rule 20A (SCE-paid) and Rule 20B (City-paid) funds. All utilities on Nason Street from Cottonwood Avenue to Eucalyptus Avenue are already undergrounded. SCE is anticipated to contribute approximately \$850,000 under Rule 20A toward the undergrounding. Staff anticipates that any segment not funded by Rule 20A will be funded based upon SCE's Rule 20B. The SCE Rule 20B cost to the City is estimated to be approximately \$2.3 million and is included as part of the overall \$15 million project budget.

The requested purchase order and payment amount are for the initial engineering deposit required plus 20% contingency. This deposit will allow SCE to proceed with engineering and development of cost estimates for the Rule 20B undergrounding of SCE's distribution facilities. If the project is cancelled, SCE will deduct from the engineering deposit any expenses incurred prior to issuing any refund. If the project continues through completion, the engineering deposit will be applied to the total cost of the engineering and cost estimate development. Staff is working with SCE to complete their work in time to attain the overall project schedule completion date of January 2017.

# ALTERNATIVES

- 1. By motion authorize the recommended actions as presented in this staff report. This action will allow the engineering of the SCE Rule 20B undergrounding to begin and will keep the project on schedule.
- 2. Do not authorize the recommended actions as presented in this staff report. This action will delay the engineering of the SCE Rule 20B undergrounding and ultimately will delay the construction of this essential project.

# FISCAL IMPACT

The City of Moreno Valley will fund the design and construction of the project with the proceeds from the California Communities Gas Tax Revenue Certificates of Participation (COPS), Series 2011B (TRIP - Total Road Improvement Program) in the amount of \$15 Million (overall project budget). There is no fiscal impact to the City's General Fund.

A portion of the overall segment (Nason Street from Alessandro Boulevard to Fir Avenue) is eligible for approximately \$10 million of Transportation Uniform Mitigation Fee (TUMF) reimbursement. The City can seek reimbursement of TUMF funds in the future as funds become available.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION: Fiscal Year 2012/2013 Budget	
(Account No. 2000-70-77-80001 / Project No. 801 0001 70 77)	\$14,600,000
ESTIMATED PROJECT COSTS:	
Remaining Preliminary Engineering and Environmental Costs	\$150,000
Design and Design Management Costs	\$700,000
Right of Way	
Utility Relocation Costs (including SCE Engineering Deposit)*	
Construction and Construction Management Costs	
Total Estimated Project Costs	
*An additional \$850,000 of separate SCE Rule 20A funds is also estimated for Utility F	

# ANTICIPATED PROJECT SCHEDULE

Preliminary Engineering and Environmental Clearance Complete.	December 2012
PS&E Complete	June 2013
Right of Way Acquisition and Utility Relocation Work Complete	
Advertise and Award of Construction	October 2015
Complete Construction	January 2017

# CITY COUNCIL GOALS

Upon approval of the recommended action contained in this staff report the following City Council Goals would be furthered:

### 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.

# <u>SUMMARY</u>

This action authorizes the issuance of a Purchase Order in the amount of \$144,000 to SCE for the engineering and development of cost estimates for the Rule 20B Undergrounding of SCE's distribution facilities for the Nason Street from Cactus Avenue to Fir Avenue Improvement Project.

### **NOTIFICATION**

All utilities, adjacent property owners, business owners, law enforcement, fire department, and other emergency services responders in the area have been notified of the proposed construction.

# **ATTACHMENTS**

Attachment 1 – Location Map

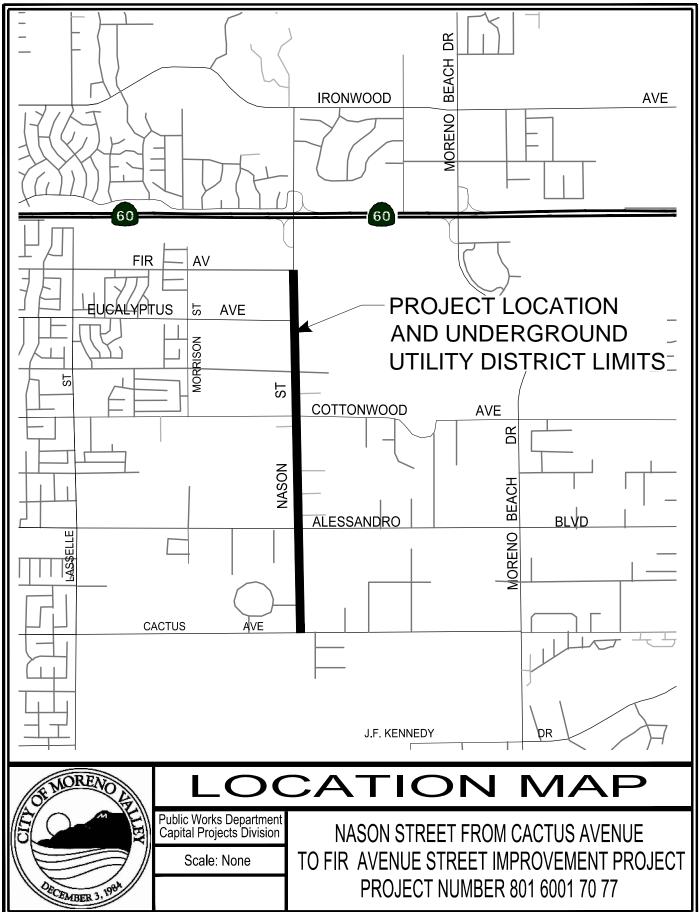
Page 5

Prepared By: Lorenz R. Gonzales Senior Engineer, P.E. Department Head Approval: Ahmad R. Ansari, 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:

# **ATTACHMENT 1**





APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

# Report to City Council

- TO: Mayor and City Council
- FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer
- AGENDA DATE: December 11, 2012
- TITLE:APPROVE RESOLUTION 2012-99 ADOPTING A RESOURCE<br/>ADEQUACY PROGRAM FOR MORENO VALLEY UTILITY

# RECOMMENDED ACTION

Recommendation:

1. Approve Resolution No. 2012-99 adopting a Resource Adequacy Program for Moreno Valley Utility.

# ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

# BACKGROUND

The California Independent System Operator ("CAISO") is the agency responsible for the reliable operation of the transmission system under its control. Requiring that electric utilities, also known as load-serving entities, procure sufficient capacity and energy to serve their customers is necessary to ensure reliable operation of the transmission system. The CAISO's Reliability Requirement Tariff, initially established in 2006, requires load-serving entities to maintain a reserve margin above their monthly forecasted peak, and the submittal of monthly and annual Resource Adequacy Plans to the CAISO that identify resources that will satisfy the requirements of the tariff.

### DISCUSSION

The current Reliability Requirement Tariff requires the preparation of an annual Resource Adequacy Plan that is approved by City Council by September 1 of each year. The approved plan must be submitted to the CAISO by September 30 of each

year. The annual Resource Adequacy Plan must be consistent with the annual Demand Forecast that is submitted to the California Energy Commission. The Tariff also requires the procurement of capacity and/or energy to meet a reserve margin of 15% above the forecasted monthly peak demand. To minimize costs and potential rate impacts, staff is recommending a phased-in approach over five years to reach the required 15% reserve margin.

# **ALTERNATIVES**

- 1. Approve proposed Resolution adopting a Resource Adequacy Program for Moreno Valley Utility.
- 2. Do not approve proposed Resolution adopting a Resource Adequacy Program for Moreno Valley Utility. *The City could be considered non-compliant and potentially face higher costs as the CAISO has the authority to procure the necessary resources for the City and charge those costs to the City.*

# FISCAL IMPACT

At this time, there is no cost associated with adopting the Resource Adequacy Program. The fiscal impact related to the Resource Adequacy Program will be identified as the Resource Adequacy Plan is developed and brought before the Council for approval.

### CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:

The diversified portfolio of the City's power supply resources will foster a positive environment and continue to provide reliable power supply to the community.

### **NOTIFICATION**

Posting of agenda.

### **ATTACHMENTS**

Attachment 1 – Proposed Resolution

Attachment 2 – Resource Adequacy Program.

Prepared By: Jeannette Olko Electric Utility Division Manager Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

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

### RESOLUTION NO. 2012-99

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A RESOURCE ADEQUACY PROGRAM FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley is authorized under various provisions of the California Constitution and the general laws of California (including, specifically, Article XI, Section 9(a) of the California Constitution, Public Utilities Code section 10004, and Government Code section 39732(a)) to establish, purchase, and operate a public utility to furnish its inhabitants with, among other things, electricity; and

WHEREAS, the City of Moreno Valley operates a municipal electric utility ("<u>City</u>"); and

WHEREAS, as a municipal electric utility, the City is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities ("<u>POUs</u>"); and

WHEREAS, the California Independent System Operator ("CAISO") is charged under both California law and by FERC with the responsibility for the reliable operation of the transmission system under its Operational Control, and resource adequacy is a necessary element of reliable grid operations; and

WHEREAS, the CAISO's Reliability Requirements Tariff requires that Load Serving Entities maintain a reserve margin which is the amount of capacity over and above the predicted Demand that is necessary to provide adequate Operating Reserve and is consistent with general Good Utility Practice and ensures that resources are available when and where they are needed; and

WHEREAS, Moreno Valley Utility is considered to be a Load Serving Entity under the CAISO's Tariffs and must comply with the provisions set forth in the Tariff; and

WHEREAS, the City desires to implement a Resource Adequacy Program for Moreno Valley Utility that will comply with the requirements of the Reliability Requirements Tariff.

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

That the City of Moreno Valley Resource Adequacy Program set forth in Attachment 2 is hereby approved and shall become effective pursuant to the terms contained therein.

1 Resolution No. 2012-99 Date Adopted: December 11, 2012

APPROVED AND ADOPTED this 11th day of December, 2012.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2 Resolution No. 2012-99 Date Adopted: December 11, 2012

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-99 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-99 Date Adopted: December 11, 2012

This page intentionally left blank.

### RESOURCE ADEQUACY PROGRAM

CITY OF MORENO VALLEY

This Resource Adequacy (RA) Program shall apply to the City of Moreno Valley, operating through its municipal electric utility (City).

#### 1. RESOURCE ADEQUACY PLANS

Moreno Valley Electric Utility (MVU) shall be responsible for developing RA Plans to guide the procurement of capacity resources adequate to serve the requirements of the City's customers consistent with Good Utility Practice and applicable reliability requirements. The RA Plans shall identify resources, including Local Capacity Area Resources as defined by the California Independent System Operator Corporation (CAISO), that MVU will rely upon to satisfy the requirements set forth below.

**1.1 Annual Resource Adequacy Plan:** MVU shall prepare an annual RA Plan each year for the following year. The Annual Resource Adequacy Plan shall identify capacity resources owned or contracted for by the City sufficient to meet 90% of the following target Reserve Margins:

RA Compliance Year	<u>Reserve Margin</u>
2013	23% of forecast monthly peak loads <sup>1</sup>
2014	46% of forecast monthly peak loads
2015	69% of forecast monthly peak loads
2016	92% of forecast monthly peak loads
2017 and subsequent years	115% of forecast monthly peak loads

The annual RA Plan shall set forth the Local Capacity Area Resources, if any, procured by MVU. MVU shall present the annual RA Plan to the City Council by September 1 of each year and shall send the approved plan to the CAISO by September 30 of each

<sup>&</sup>lt;sup>1</sup> The monthly peak load shall be derived based upon the Demand Forecast described in Section 2 below.

year or as otherwise required by the CAISO Tariff and/or applicable CAISO Business Practice Manuals.

**1.2 Monthly Resource Adequacy Plan:** MVU shall prepare a monthly RA Plan by no later than the last business day of the second month prior to the month covered by the Plan (*e.g.*, by February 28 for the month of April) or such earlier time as may be required by the CAISO Tariff and/or applicable CAISO Business Practice Manuals. The monthly RA Plan shall identify capacity resources owned or contracted for by the City sufficient to meet the following Reserve Margins:

RA Compliance Year	Reserve Margin
2013	23% of forecast monthly peak loads
2014	46% of forecast monthly peak loads
2015	69% of forecast monthly peak loads
2016	92% of forecast monthly peak loads
2017 and subsequent years	115% of forecast monthly peak loads

The monthly RA Plan shall identify all resources, including Local Capacity Area Resources that MVU will rely upon to satisfy the applicable month's peak hour Demand of MVU as determined by the Demand Forecasts developed in accordance with Section 2 below and the applicable Reserve Margin. MVU shall provide each Monthly Resource Adequacy Plan to the CAISO in the format and to the extent required by the CAISO Tariff and/or applicable CAISO Business Practice Manuals.

### 2. DEMAND FORECASTS

MVU shall be responsible for developing and providing to the California Energy Commission or the CAISO, as applicable, information necessary to develop Demand Forecasts, consistent with Good Utility Practice and applicable reliability requirements.

### 3. CRITERIA FOR QUALIFYING CAPACITY

**3.1 Qualifying Capacity Criteria:** MVU shall utilize the criteria established by the California Public Utilities Commission (CPUC) to determine and verify the Qualifying Capacity of all RA Resources. MVU shall apply these criteria to any contract to supply MVU with RA capacity.

**3.2 General Qualifications for Supplying Net Qualifying Capacity:** RA Resources included in MVU's RA Plans must satisfy the general requirements set forth in Section 40.4.3 of the CAISO Tariff, as may be amended from time to time, and/or applicable CAISO Business Practice Manuals.

### 4. AVAILABILITY OF RESOURCE ADEQUACY RESOURCES TO THE CAISO

The RA Capacity identified in MVU's monthly RA Plan shall be made available to the CAISO on a Day-Ahead basis as described in the CAISO Tariff and/or applicable Business Practice Manuals. To the extent that RA Resources have received an Integrated Forward Market Schedule for Energy or Ancillary Services or a Real-Time Unit Commitment Schedule, such scheduled RA Capacity must remain available to the CAISO through Real-Time for Trading Hours for which the schedule was received in accordance with the CAISO Tariff and/or applicable CAISO Business Practice Manuals.

#### 5. ENFORCEMENT

MVU must report promptly to the City Council and the CAISO, to the extent required by the CAISO Tariff, any failure to comply with the requirements of this program. Such report must identify clearly the incident or incidents of non-compliance, describe in detail the actions MVU will take to re-establish full compliance with this program, and set forth a timeline for such actions.

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

#### Report to City Council

- TO: Mayor and City Council acting in their capacity as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley
- **FROM:** Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- TITLE: RESOLUTIONS OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE AMENDED SECOND AND THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULES FOR THE PERIODS OF JULY 1, 2012 TO DECEMBER 31, 2012 AND JANUARY 1, 2013 TO JUNE 30, 2013 RESPECTIVELY

#### RECOMMENDED ACTION

Recommendations: That the City Council as Successor Agency:

- 1. Adopt Resolution No. SA 2012-100 approving an amended Second Recognized Obligation Payment Schedule ("ROPS 2"), for the periods of July 1, 2012 to December 31, 2012.
- 2. Adopt Resolution No. SA 2012-101 approving an amended Third Recognized Obligation Payment Schedule ("ROPS 3"), for the periods of January 1, 2013 to June 30, 2013.
- 3. Authorize the Executive Director or his designee to make modifications to the Schedule.
- 4. Authorize the transmittal of the amended ROPS 2 and ROPS 3 to the Oversight Board for review and approval acknowledging that the Department of Finance has stated they are not accepting amended ROPS 2 and 3.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

#### BACKGROUND

ABX1 26 requires the Successor Agency to approve a Recognized Obligation Payment Schedule ("ROPS") for each six-month period. The required content of the ROPS, set forth in Health and Safety Code Section 34177(I)(1), details all of the Agency's legally binding and enforceable obligations, anticipated payments, and sources of payments. Recognized obligations include bonds, loans, judgments, settlements, any legally binding and enforceable agreements or contracts, and contracts and agreements for agency administration or operation

AB 1484 further clarifies certain matters associated with the dissolution of RDAs and addresses substantive issues related to administrative processes, affordable housing activities, and repayment of loans from communities, use of existing bond proceeds, and the disposition or retention of former RDA assets.

The City of Moreno Valley is the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley (RDA) pursuant to Part 1.85 of Division 24 of the Health and Safety Code. As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets; making payments and performing other obligations due for Enforceable Obligations of the former RDA. In order to facilitate the process, on February 28, 2012, the City Council adopted Resolution No. 2012-13 approving a Recognized Obligation Payment Schedule for the period of January 1, 2012 through June 30, 2012, and on April 10, 2012, adopted Resolution No. 2012-22, approving a Second Recognized Obligation Payment Schedule (Original "ROPS 2') for the period of July 1, 2012 through December 31, 2012. Most recently, on August 28, 2012, the City Council adopted Resolution No. 2012-71 approving a Third Recognized Obligation Payment Schedule (Original "ROPS 3") for the period of January 1, 2013 through June 30, 2013.

#### DISCUSSION

In connection with its activities pursuant to ABx1 26, the Successor Agency staff prepared and is submitting for consideration and approval, the amended ROPS 2 and amended ROPS 3.

Both ABX1 26 and AB 1484 require that all legally binding and enforceable obligations, anticipated payments, sources of payments, and to whom the payments will be made are listed on the ROPS for the stated period. If the obligations are not listed on the ROPS, they do not qualify as enforceable obligations.

In the course of interactions between the Successor Agency and the Department of Finance, there is an ongoing dialog concerning the expenditure of proceeds of tax allocation bonds issued in 2007 by the former Redevelopment Agency (the "Bonds"). In order to facilitate the expenditure of the proceeds of the Bonds, and to recognize legally

binding contracts, the Successor Agency staff has determined that individual contracts for particular contractors, for whom contracts were awarded, should be added to the Original ROPS 2 (as amended, "ROPS 2") and to the Original ROPS 3 (as amended, "ROPS 3"). The individual contracts for particular contractors relate to the provision of public improvements the financing of which was contemplated by and provided for by the Bonds and the instruments approved at the time of issuance of the Bonds, including without limitation the indenture of trust and official statement prepared in connection therewith.

Once approved, both ROPS 2 and ROPS 3 will be submitted to the Oversight Board for review and approval. Upon approval by the Oversight Board, a copy of the approved ROPS will be transmitted to the County-Auditor Controller, the State Controller's Office, the Department of Finance, and posted to the City's website. The Department of Finance has stated they will no longer accept amendments for ROPS 2 and 3. Staff believes there is no other option than amending the ROPS and attempting to submit to the Department of Finance.

### ALTERNATIVES

- 1. Adopt the attached proposed resolutions, which approve amended ROPS 2 and ROPS 3 for the periods of July 1, 2012 to December 31, 2012, and January 1, 2013 to June 30, 2013 respectively, and authorizing the transmittal of said Schedules to the Oversight Board for review and approval. *Staff recommends this alternative because it allows the City serving as the Successor Agency to make required debt service payments in accordance with the State legislation.*
- 2. Decline to adopt the attached proposed resolutions which would not allow the City, serving as the Successor Agency, to maintain the operations, and fulfill debt obligations of the former RDA as required by law. *Staff does not recommend this alternative.*

#### FISCAL IMPACT

The Recognized Obligation Payment Schedules provide the details necessary for the City serving as the Successor Agency to fulfill the former RDA's legally binding and enforceable agreements. The amended ROPS will serve as authorization to pay obligations listed during the noted period. There is no additional fiscal impact to General Fund.

#### <u>SUMMARY</u>

As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets; making payments and performing other obligations due for Enforceable Obligations of the former RDA. The Recognized Obligation Payment Schedules for the stated periods provides the details necessary for the City serving as the Successor Agency to fulfill the former RDA's legally binding and enforceable agreements as required by law.

#### NOTIFICATION

No public notice is required prior to the City Council taking action on this item. However, the agenda for the meeting during which this item may be considered has been posted in the three locations that have been designated for the posting of City Council agendas.

#### **ATTACHMENTS**

Attachment 1 – Proposed Resolution

Exhibit A – Amended Second Recognized Obligation Payment Schedule (amended ROPS 2)

Attachment 2 – Proposed Resolution

Exhibit B – Amended Third Recognized Obligation Payment Schedule (amended ROPS 3)

Prepared By: Anochar Clark Sr. Financial Analyst Department Head Approval: Barry Foster Community & Economic Development Director

Concurred by: Dante Hall Redevelopment & Neighborhood Programs Administrator

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

#### RESOLUTION NO. 2012-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY SERVING AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 2)

WHEREAS, in connection with the implementation of provisions of ABX1 26 which require the adoption of an enforceable obligation schedule, the City of Moreno Valley, serving as the Successor Agency has previously adopted a recognized obligation payment schedule for the period July 1, 2012 through December 31, 2012 (the "Original ROPS 2"); and

WHEREAS, the Oversight Board for Successor Agency to Community Redevelopment Agency of the City of Moreno Valley ("Oversight Board" as applicable) has met and has previously approved, after due consideration, a recognized obligation payment schedule for the period July 1, 2012 through December 31, 2012 in an amended form submitted by the Successor Agency (the "Original ROPS 2"); and

WHEREAS, in the course of interactions between the Successor Agency and the Department of Finance, there is an ongoing dialog concerning the expenditure of proceeds of tax allocation bonds issued in 2007 by the former Redevelopment Agency (the "Bonds"). In order to facilitate the expenditure of the proceeds of the Bonds, and to recognize legally binding contracts, the Successor Agency staff has determined that individual contracts for particular contractors should be added to the Original ROPS 2 (as amended, "ROPS 2"). The individual contracts for particular contractors relate to the provision of public improvements the financing of which was contemplated by and provided for by the Bonds and the instruments approved at the time of issuance of the Bonds, including without limitation the indenture of trust and official statement prepared in connection therewith; and

WHEREAS, the City Council, on behalf of the City acting in its capacity as Successor Agency to the Agency has reviewed ROPS 2 and those instruments referenced therein; and

WHEREAS, given the adoption of ABX1 26, the City Council, on behalf of the City acting in its capacity as Successor Agency to the Agency, has duly considered this Resolution and has determined that the adoption of this Resolution is in the best interests of the City, in its capacity as Successor Agency to the Agency, and the health, safety, and welfare of the residents of the City, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, SERVING AS THE SUCCESSOR AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:

1 Resolution No. 2012-100 Date Adopted: December 11, 2012

SECTION 1. The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part of this resolution.

SECTION 2. The Successor Agency approves for transmittal to the Oversight Board as the Recognized Obligation Payment Schedule for the period July 1, 2012 through December 31, 2012, with such augmentation, modification, additions or revisions as the Executive Director of the Successor Agency or his designee may make before transmittal to the Oversight Board.

SECTION 3. The Successor Agency is authorized and directed to submit ROPS 2 to the California Department of Finance upon approval by the Oversight Board.

SECTION 4. The Successor Agency shall maintain on file as a public record this Resolution and ROPS 2 as approved hereby.

SECTION 5. This Resolution shall be effective immediately upon

adoption.

SECTION 6. The City Clerk shall certify to the adoption of this resolution.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2 Resolution No. 2012-100 Date Adopted: December 11, 2012

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-100 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-100 Date Adopted: December 11, 2012

This page intentionally left blank.

Page A Mong 1         Rub Aged Area AL         Provide Addition of Antibian Department of Section 2010 and Antibian Department of Section 2010 andian Department of S		Name of Redevelopment Agency:	The Community Redevelopme	nt Agency of the City of Moreno Valley										Page 1 of 6 Pag	les	
Listing Production of Logical Production Production Production Of Logical Production Production Production Of Logical Production Production Pr		Project Area(s)		~ · · ·						Funding Sourc	е					
																_
									Lov			Ind	-	EXHIB	IT	Α
Note:         Description         Description         Description         Description         Tell Dubung         Final Dubung		SECOND F							Succ			ance	-		• •	
Project Name / Deal Oblightion         Project			Tel AD 20 - Section 3410	5()												
Impact tanis / Lab Oblight         Project New Display         Project New Displa							Total Due During				om the Redevelo	pment Property		Fund (RPTIF)		
Improvement Area No. 1 Special Tax Method in Long Services (2) CPL No. 3 - Auto Mail Features (2)						Total Outstanding	U	Funding				· · · ·			1	
1)       1)       10 <th< td=""><td></td><td></td><td>Payee</td><td></td><td>Project Area</td><td>Debt or Obligation</td><td>2012-2013**</td><td>Source</td><td>July 2012</td><td>Aug 2012</td><td>Sept 2012</td><td>Oct 2012</td><td>Nov 2012</td><td>Dec 2012</td><td></td><td>Total</td></th<>			Payee		Project Area	Debt or Obligation	2012-2013**	Source	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012		Total
C (TD No. 3 - Auk Mal Refusion         Object service payments for boods issued to range the construction of public healty (a) (201 No. 3 - Auk Mal Refusion         Vest Fago Bank         C (TD No. 3 - Auk Mal Refusion         S (TD No. 3 - Auk Mal Mal Refusion         S (TD No. 3 - Auk Mal Mal Refusion         S (TD No. 3 - Auk Mal Mal Refusion         S (TD No. 3 - Auk Mal	1)		Wolls Farge Bank		Original Area	3 090 142 63	276 026 76	DDTTE	120 012 20						¢	120 012 20
2)       CTO 3 Aux Mult Editaria       Proces The grant and a product builty of produc	- 1)	Tax Refunding Bonds			Oligiliai Alea	3,000,142.03	270,020.70	NETTE	130,013.30						φ	130,013.30
Did         Design Bank         Weith Brance Bank         United Work Pagement In United Restrict         Original Area         13.535.680.41         Sp7.72.00         RPTTF         40.000.00         6.000.00	2)	CFD No. 3 - Auto Mall Refinance	Wells Fargo Bank	finance the construction of public facilities*	Original Area	2,109,335.61	35,137.64	RPTTF	17,568.82						\$	17,568.82
L/2005         Construct Field         Original Area         13355800.41         597.72.00         RPTTF         404,798.75         C         S         404,798.75           00-reging Homolong         Original Area         1305800.41         907.72.00         RPTTF         404,798.75         20.000.00         6.000.00<	3)	2011 Refunding of 97 LRB Bonds	Bank of America		Original Area	1,500,000.00	150,000.00	RPTTF	75,000.00						\$	75,000.00
On-page Housing Methoding         Clore of Memory         Costs to prefers the received advances of previous of moving units of previous of the sector of the	4)	2005 Lease Revenue Bonds	Wells Fargo Bank		Original Area	13.535.660.41	597.372.50	RPTTF	404,798,75						\$	404.798.75
(c)       (	.,		City of Moreno		enginarraea	10,000,000.11	001,012.000		101,100110						Ť	10 1,1 00110
(c)       (	5)	Requirements	Valley/Successor Agency	monitoring of housing units	Original Area	40,000.00	40,000.00	RPTTF						20,000.00	\$	20,000.00
P         Contract for Legal Services         Romon Maskov/E lindeman         Legal services         7,200,00         RPTTF         6,000,00	6)	Contract for Legal Services		Legal services - General		72 000 00	72 000 00	RPTTE	6 000 00	6 000 00	6 000 00	6 000 00	6 000 00	6 000 00	\$	36,000,00
Contract for Abatement of B)Property Service, Inc.         Fire Property Service, Inc.         Original Area         5,000,00         RPTTF         2,500,00         \$,500,00         \$,500,00         RPTTF         2,500,00         \$,500,00         \$,500,00         RPTTF         2,500,00         \$,500,00         \$,500,00         RPTTF         2,500,00         \$,500,00	0)	Contract for Legal Cervices	Kronick Moskovitz Liedemann	Legal services - Oversight Board Legal	Oliginal Alea	72,000.00	12,000.00		0,000.00	0,000.00	0,000.00	0,000.00	0,000.00	0,000.00	Ψ	
B)         Properties         Properties         Original Area         50,000,00         RPTTF         2.500,00          2.500,00         \$         50,000,00         RPTTF         2.500,00         \$         50,000,00         RPTTF         2.500,00         \$         2.500,00         \$         50,000,00         RPTTF         10         Contrast for Special Tax Reports         Watan Stat Art Aministration         Report         Contrast for Special Tax Reports         Report         Contrast for Special Tax Reports         Report         Report         2.500,00         \$         2.500,00 </td <td>7)</td> <td>~</td> <td></td> <td></td> <td>Original Area</td> <td>72,000.00</td> <td>72,000.00</td> <td>RPTTF</td> <td>6,000.00</td> <td>6,000.00</td> <td>6,000.00</td> <td>6,000.00</td> <td>6,000.00</td> <td>6,000.00</td> <td>\$</td> <td>36,000.00</td>	7)	~			Original Area	72,000.00	72,000.00	RPTTF	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	\$	36,000.00
(a)         (c)         (c) <td>0)</td> <td></td> <td></td> <td>• •</td> <td></td> <td>5 000 00</td> <td>5 000 00</td> <td>DDTTE</td> <td>0 500 00</td> <td></td> <td></td> <td></td> <td></td> <td>0 500 00</td> <td>•</td> <td>5 000 00</td>	0)			• •		5 000 00	5 000 00	DDTTE	0 500 00					0 500 00	•	5 000 00
The Collising Public Employees Reterement Liability (0) CalPERS Retirement Liability (1) CalPERS Reterement Liability (2) CalPORES Reterement Conginal Area (2) CalPORES Re				· · · · · ·			,		2,500.00					,	\$	1
Image: Section of the second of the section of the section of the section of the section	9)	Contract for Special Tax Reporting		Report	Oliginal Area	2,500.00	2,500.00	REIT						2,500.00	φ	2,500.00
Ind         CaleFERS Retirement Liability         System (CaPERS)         Composition         State (CaPERS)         CaleForm Employers Retires (Modecal Trust Acct         Original Area         599.992.00         13.855.14         RPTTF         14.461.90         S         4.461.90				Unfunded PERS Retirement Liability Acct												
California Employers' Retriee Medical (11) Retriee Medical Tust (CERBT) (2) Agency Loans #1 &8 2 City of Moreno Valey         Unfunded Retiree Medical Tust Acct         Original Area (12) Agency Loans #1 &8 2 City of Moreno Valey         City of Moreno Valey         Participation Agreement         Original Area         1.40,529,684         48,0000.00         RPTTF         120,000.00         \$ 240,000.00           16) Construction Note         Fund         Driginal Area         2,366,500.42         480,000.00         RPTTF         120,000.00         \$ 240,000.00           16) Construction Agreement         Original Area         2,360,500.00         RPTTF         120,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00         \$ 250,000.00	10)	CalPERS Retirement Liability		Shidhded F Erto Retirement Elability Acct	Original Area	599 992 00	13 855 14	RPTTE	13 855 14						\$	13 855 14
In Retriee Medical Trust (CERBT)         Medical Trust (CERBT)         Unfunded Retiree Medical Trust Acct         Original Area         193,221.00         4,461.90         RPTTF         4,461.90            5         4,461.90           5         4,461.90          5         4,461.90          5         4,461.90          5         4,461.90          5         4,461.90         5         4,461.90         5         4,461.90         5         4,461.90         5         4,461.90         5         5         4,461.90         5         5         4,461.90         7         5         4,461.90         7         5         5         4,461.90         7         7         5         6         5         7         5         7         5         7         5         7         5         7 <td>10)</td> <td></td> <td></td> <td></td> <td>onginarytroa</td> <td>000,002.00</td> <td>10,000.11</td> <td></td> <td>10,000.111</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Ψ</td> <td>10,000.11</td>	10)				onginarytroa	000,002.00	10,000.11		10,000.111						Ψ	10,000.11
12)       Agency Loans #1 &# 2       City of Moreno Valley       City/Agency Loan Agreement       Original Area       2,217,643.00       RPTTF          \$      </td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Contreferee & Receasation Contr.         Ueble Service paymentities/Hurchases and Sale         Agreement         Original Area         -36.664.339.00         RPTTF         Image: Contreferee and Sale         Second         Second</td><td>11)</td><td>Retiree Medical Trust (CERBT)</td><td>Trust(CERBT)/CalPERS</td><td>Unfunded Retiree Medical Trust Acct</td><td>Original Area</td><td>193,221.00</td><td>4,461.90</td><td>RPTTF</td><td>4,461.90</td><td></td><td></td><td></td><td></td><td></td><td>\$</td><td>4,461.90</td></tr><tr><td>Contreferee & Receasation Contr.         Ueble Service paymentities/Hurchases and Sale         Agreement         Original Area         -36.664.339.00         RPTTF         Image: Contreferee and Sale         Second         Second</td><td>12)</td><td>Agency Loans #1 &# 2</td><td>City of Moreno Valley</td><td>City/Agency Loan Agreement</td><td>Original Area</td><td>2.217.643.00</td><td></td><td>RPTTF</td><td></td><td></td><td></td><td></td><td></td><td></td><td>\$</td><td>-</td></tr><tr><td>10         0         10g/monor         0000000         00000000         00000000         00000000         00000000         00000000         00000000         00000000         00000000         00000000         00000000         00000000         000000000000000000000000000000000000</td><td></td><td>Conterence & Recreation Cntr-</td><td></td><td>Debt service payments/Purchase and Sale-</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>14)       Participation Agreement       Original Area       1.410,529,68       480,000.00       RPTTF       120,000.00       120,000.00       \$ 240,000.00         15)       Towngate Acquisition Note       City of Moreno Valley       Participation Agreement       Original Area       15,55,083.42       480,000.00       RPTTF       120,000.00        120,000.00       \$ 240,000.00         16)       Cacture/Day/Old-245-Land       City of Moreno Valley       Land purchased - Account Payable       Original Area       2,366,560.00       RPTTF       120,000.00       RPTTF       120,000.00       \$ 240,000.00       \$ 240,000.00         17)       Participation Agreement       Moss Bros. Autogroup       Participation Agreement       Original Area       2,50,000.00       250,000.00       250,000.00       RPTTF       I<</td><td>13)</td><td>Agreement</td><td>Wells Fargo Bank</td><td>Agreement</td><td>Original Area</td><td></td><td></td><td>RPTTF</td><td></td><td></td><td></td><td></td><td></td><td></td><td>\$</td><td>-</td></tr><tr><td>15)       Towngate Acquisition Note       City of Moreno Valley       Participation Agreement       Original Area       15,655,083.42       480,000.00       RPTTF       120,000.00       \$ 240,000.00       \$ 240,000.00         16)       Cactus/Day/Old-215 Land       City of Moreno Valley       Land purchased - Account Payable       Original Area       -2,360,500.00       RPTTF       120,000.00       \$ 240,000.00       \$ 240,000.00         18)       Cactus/Day/Old-215 Land       City of Moreno Valley       Land purchased - Account Payable       Original Area       -2,360,500.00       RPTTF       Image: Control of Control of</td><td>14)</td><td>Price Club Acquisition Note</td><td>-</td><td>Participation Agreement</td><td>Original Area</td><td>1.410.529.68</td><td>480.000.00</td><td>RPTTF</td><td>120.000.00</td><td></td><td></td><td></td><td>120.000.00</td><td></td><td>\$</td><td>240.000.00</td></tr><tr><td>Moss Bros. Autogroup (17) Participation Agreement         Moss Bros. Autogroup (17) Participation Agreement         Original Area (250,000.00         250,000.00         RPTTF         250,000.00         \$ 250,000.00         <</td><td>15)</td><td>Towngate Acquisition Note</td><td>City of Moreno Valley</td><td></td><td>Original Area</td><td>15,655,083.42</td><td>480,000.00</td><td>RPTTF</td><td>120,000.00</td><td></td><td></td><td></td><td>120,000.00</td><td></td><td>\$</td><td></td></tr><tr><td>Moss Bros. Autogroup (17) Participation Agreement         Moss Bros. Autogroup (17) Participation Agreement         Original Area (250,000.00         250,000.00         RPTTF         250,000.00         \$ 250,000.00         <</td><td>10)</td><td>Contra / Dou/Old 215 Land</td><td></td><td>Land such as all. As sound Daughts</td><td></td><td>0 000 500 00</td><td></td><td>DDTTE</td><td></td><td></td><td></td><td></td><td></td><td></td><td>¢</td><td></td></tr><tr><td>17)       Participation Agreement       Moss Bros. Autogroup       Participation Agreement       Original Area       250,000.00       RPTTF       Image: Construct on the construct on t</td><td>16)</td><td></td><td></td><td>Land purchased - Account Payable</td><td>Original Area</td><td><u>                                     </u></td><td></td><td>RPHF</td><td></td><td></td><td></td><td></td><td></td><td></td><td>\$</td><td>-</td></tr><tr><td>18)       Robertson's Ready Mix, Inc. OPA       Redetson's Ready Mix, Inc. OPA       Reference       Reference</td><td>17)</td><td></td><td>Moss Bros. Autogroup</td><td>Participation Agreement</td><td>Original Area</td><td>250.000.00</td><td>250.000.00</td><td>RPTTF</td><td></td><td></td><td></td><td></td><td>250.000.00</td><td></td><td>\$</td><td>250.000.00</td></tr><tr><td>And the second second</td><td></td><td></td><td></td><td></td><td>Original Area</td><td>4,000,000.00</td><td>,</td><td>RPTTF</td><td></td><td></td><td></td><td></td><td>ĺ ĺ</td><td></td><td>\$</td><td>-</td></tr><tr><td>20)       Authority (MVHA)       Affordable Housing Agreement       Original Area       6,950,000.0       RPTTF       Image: Constraint of the constraint of the</td><td>19)</td><td>Hemlock Family Apartments</td><td></td><td>Affordable Housing Agreement</td><td>Original Area</td><td>1,000,000.00</td><td></td><td>RPTTF</td><td></td><td></td><td></td><td></td><td></td><td></td><td>\$</td><td>-</td></tr><tr><td>Rancho Dorado Apts - South (2)       Stradling, Yocca, Carlson & Rauth       Legal services - Specific to Attordable Housing Agreement w/ Rancho Dorado       Original Area       25,000.0       RPTTF       Image: Carlson & Carlson &</td><td>001</td><td></td><td></td><td></td><td></td><td>0.050.000.00</td><td>0.050.000.00</td><td>DDTTC</td><td></td><td></td><td></td><td></td><td></td><td>000 000 00</td><td>¢</td><td>000 000 00</td></tr><tr><td>Antime Description       Rauth       Housing Agreement w/ Rancho Dorado       Original Area       25,000.0       12,500.00       RPTF       4,200.00       4,200.00       4,200.00       4,100.00       \$ 12,500.00         22)       Strickler Association       Title & Closing Costs       Original Area       5,000.00       2,500.00       RPTF       800.00       800.00       \$ 000.00</td><td>20)</td><td>Rancho Dorado Ante - South</td><td></td><td></td><td>Original Area</td><td>6,950,000.00</td><td>6,950,000.00</td><td>RELLE</td><td></td><td>  </td><td></td><td></td><td>  </td><td>600,000.00</td><td>\$</td><td>600,000.00</td></tr><tr><td>Totals - This Page (RPTIF Funding)       \$ 90,747,946.75       \$ 9,443,353.94       \$ 908,197.99       \$ 17,000.00       \$ 12,000.00       \$ 502,000.00       \$ 642,000.00       \$ 2,098,197.99       Totals - Page 2 (RPTIF Funding)         Totals - Page 2 (RPTIF Funding)       \$ 314,160.12       \$ 314,160.12       \$ 14,692.68       \$ 14,693.68       \$ 14,693.68       \$ 14,693.68       \$ 240,693.68       \$ 314,160.12         Totals - Page 2 (Other Funding)       \$ 314,160.12       \$ 314,160.12       \$ 113,386.14       \$ 30,281.27       \$ 30,281.27       \$ 25,281.27       \$ 25,281.27       \$ 25,281.27       \$ 423,986.36         Totals - Page 3 (Other Funding)       \$ 19,407,567.30       \$ 10,272,745.57       \$ 509,380.50       \$ 470,779.78       \$ 557,897.06       \$ 665,957.67       \$ 725,468.97       \$ 2,352,111.59       \$ 4,181,595.57         Totals - Page 4 (Other Funding)       \$ 93,073,563.59       \$ 5,718,022.61       \$ 3,534,464.50       \$ - \$ \$ - \$ \$ - \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$</td><td>21)</td><td></td><td></td><td></td><td>Original Area</td><td>25,000.00</td><td>12,500.00</td><td>RPTTF</td><td></td><td>4,200.00</td><td></td><td>4,200.00</td><td></td><td>4,100.00</td><td>\$</td><td>12,500.00</td></tr><tr><td>Totals - Page 2 (RPTIF Funding)       \$ 314,160.12       \$ 314,160.12       \$ 14,692.68       \$ 14,693.68       \$ 14,693.68       \$ 14,693.68       \$ 240,693.68       \$ 314,160.12         Totals - Page 2 (Other Funding)       \$ 486,038.45       \$ 456,038.45       \$ 181,475.14       \$ 131,386.14       \$ 30,281.27       \$ 25,281.27       \$ 25,281.27       \$ 25,281.27       \$ 423,986.36         Totals - Page 3 (Other Funding)       \$ 19,407,567.30       \$ 10,272,745.57       \$ 509,380.50       \$ 470,779.78       \$ 557,897.06       \$ 665,957.67       \$ 725,468.97       \$ 2,352,111.59       \$ 4,181,595.57         Totals - Page 4 (Other Funding)       \$ 93,073,563.59       \$ 5,718,022.61       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50</td><td>22)</td><td></td><td>Strickler Association</td><td>Title & Closing Costs</td><td>Original Area</td><td>5,000.00</td><td>2,500.00</td><td>RPTTF</td><td></td><td>800.00</td><td></td><td>800.00</td><td></td><td>900.00</td><td>\$</td><td>2,500.00</td></tr><tr><td>Totals - Page 2 (Other Funding)       \$ 486,038.45       \$ 456,038.45       \$ 181,475.14       \$ 131,386.14       \$ 30,281.27       \$ 25,281.27       \$ 25,281.27       \$ 423,986.36         Totals - Page 3 (Other Funding)       \$ 19,407,567.30       \$ 10,272,745.57       \$ 509,380.50       \$ 470,779.78       \$ 557,897.06       \$ 665,957.67       \$ 725,468.97       \$ 2,352,111.59       \$ 4,181,595.57         Totals - Page 4 (Other Funding)       \$ 93,073,563.59       \$ 5,718,022.61       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50       \$ 3,534,464.50       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50       \$ -</td><td></td><td>•</td><td>1)</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>. ,</td><td></td><td>. ,</td><td>\$</td><td><u>                                     </u></td></tr><tr><td>Totals - Page 3 (Other Funding)       \$ 10,272,745.57       \$ 509,380.50       \$ 470,779.78       \$ 557,897.06       \$ 665,957.67       \$ 725,468.97       \$ 2,352,111.59       \$ 4,181,595.57         Totals - Page 4 (Other Funding)       \$ 3,073,563.59       \$ 5,718,022.61       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50</td><td></td><td><b>a</b> (</td><td></td><td></td><td></td><td>, , ,</td><td></td><td></td><td>, ,</td><td></td><td>. ,</td><td></td><td></td><td></td><td>\$</td><td>. ,</td></tr><tr><td>Totals - Page 4 (Other Funding)       \$ 3,534,464.50       \$ -       \$ -       \$ -       \$ -       \$ -       \$ -       \$ 3,534,464.50</td><td></td><td><b>e</b> (</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>. ,</td><td>. ,</td><td></td><td></td><td>\$</td><td>,</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1 ., . ,</td><td>, , , ,</td><td></td><td>\$ 000,000.00</td><td>\$ 470,779.78</td><td>\$ 557,897.06</td><td>\$ 665,957.67</td><td>\$ 725,468.97</td><td>\$ 2,352,111.59</td><td></td><td>1 - 1</td></tr><tr><td></td><td></td><td><b>U</b></td><td></td><td></td><td></td><td></td><td></td><td></td><td>, .,,</td><td>\$- •</td><td>\$ -</td><td>\$ -</td><td>\$ -</td><td>\$ - •</td><td>\$</td><td></td></tr><tr><td></td><td></td><td></td><td>st Allowance)</td><td></td><td></td><td>\$ 250,000.00 \$ 180,515,00</td><td>\$ 250,000.00 \$ 180,515,00</td><td></td><td>\$ 20,833.33 \$ 10,005,00</td><td>\$ 20,833.33 \$ 10,005,00</td><td>\$ 20,833.33 \$ 10,005,00</td><td>\$ 20,833.33 \$ 10,005,00</td><td>\$ 20,833.33 \$ 10,005,00</td><td>\$ 20,833.35 \$ 10,005,00</td><td><del>ф</del></td><td>125,000.00</td></tr><tr><td>Totals - Page 5 (Other Funding)       \$ 189,515.00       \$ 19,095.00</td><td></td><td><b>U</b></td><td>nte)</td><td></td><td></td><td>φ 169,515.00 ¢</td><td>φ 169,515.00 ¢</td><td></td><td>φ 19,095.00 ¢</td><td>φ 19,095.00 ¢</td><td>∳ ເອ,ບອວ.00 ¢</td><td>ອ ເອ,ບອວ.ບບ ເ</td><td>φ 19,095.00 ¢</td><td>ອ ເອ,ບອວ.ບບ ເ</td><td>¢ ¢</td><td>114,370.00</td></tr><tr><td>Grand total - All Pages       S = 1       S</td><td></td><td></td><td>11(5)</td><td></td><td></td><td>Ψ - \$ 204 468 791 21</td><td>Ψ \$ 26 643 835 69</td><td></td><td>Ψ \$ 5 188 139 18</td><td>Ψ - \$ 673 786 93</td><td>Ψ - \$ 654 800 34</td><td></td><td>\$1 307 372 25</td><td>\$ 3 300 014 89</td><td>φ § 1</td><td>- 0 791 974 54</td></tr><tr><td>****Line 20 - \$600,000 is encumbered to be paid in 2013-2014 per Affordable Housing Agreement (AHA) and to be deposit to Moreno Valley Housing Authority - encumbrance of funds was discussed and approved by the DOF.</td><td></td><td>, , , , , , , , , , , , , , , , , , ,</td><td>red to be naid in 2013-2014 por</td><td>Affordable Housing Agreement (AHA) and to</td><td>he denosit to Moro</td><td></td><td>. , ,</td><td></td><td></td><td></td><td></td><td>÷ . c. ,000.00</td><td>+ 1,001,07 E.E0</td><td>- 0,000,011.00</td><td>U V I</td><td>-,</td></tr></tbody></table>																

\*\*\*\*Line 20 - \$600,000 is encumbered to be paid in 2013-2014 per Affordable Housing Agreement (AHA) and to be deposit to Moreno Valley Housing Authority - encumbrance of funds was discussed and approved by the DOF.

\*\* All totals due during fiscal year and payment amounts are projected.

In response to Department of Finance correspondence dated April 27, 2012, the Successor Agency has removed line items 13 and 16 from the Second Recognized Obligation Payment Schedule covering the period for July to December 2012.

RDA Project Area All

Project Area(s)

# SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34169 (\*)

					Total Outstanding	Total Due During Fiscal Year	Funding			F	om Other Reven Payments by mont	h			
F	Project Name / Debt Obligation	Payee	Description	Project Area	Debt or Obligation	2012-2013**	Source	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	То	otal
1)		Excel*	Capital Project Contract, CIP 79221	Original Area	50,000.00	50,000.00	Reserve						50,000.00	\$ 50	0,000.00
2)		Harris & Assoc.*	Capital Project Contract, CIP 79221	Original Area	176,000.00	176,000.00	Reserve						176,000.00	\$ 176	6,000.00
3)	Sunnymead Blvd.		Project Management CIP 79221	Original Area	12,300.00	12,300.00	Reserve	2,050.00	2,050.00	2,050.00	2,050.00	2,050.00	2,050.00		2,300.00
4)	CIP 79221	City Consultants	Project Management CIP 79221	Original Area	1,960.00	1,960.00	Reserve	326.00	326.00	327.00	327.00	327.00	327.00	\$ ´	1,960.00
5)		Gibbs, Giden, Locher, Turner & Senet LLP*	Additional Legal Fees - CIP 79221	Original Area	66,000.00	66,000.00	Reserve	11,000.00	11,000.00	11,000.00	11,000.00	11,000.00	11,000.00	\$ 66	6,000.00
:	Storm Drain/Day Street to	Gibbs, Giden, Locher, Turner	Contractual Services PO# 42123 CIP												
	Cottonwood	& Senet*	79222	Original Area	6,204.96	6,204.96	Reserve	1,034.16	1,034.16	1,034.16	1,034.16	1,034.16	1,034.16	\$ 6	6,204.96
7) (	CIP 79222	City of Moreno Valley	Project Management CIP 79222	Original Area	1,695.16	1,695.16	Reserve	282.56	282.52	282.52	282.52	282.52	282.52	\$ ´	1,695.16
8)		DMC Design	Contractual Services PO#40920 CIP 79724	Original Area	5,880.84	5,880.84	Bonds	980.14	980.14	980.14	980.14	980.14	980.14	\$ 5	5,880.84
0		AEI-CASC	Contractual Services PO#35423 CIP 79724		8.775.83	8.775.83	Davida	1.462.58	1.462.63	1.462.63	1.462.63	1.462.63	4 400 00	<b>^</b>	8.775.73
9)	Day Street/Alessandro Blvd to	AEI-CASC	Contractual Services PO#39328 CIP	Original Area	8,775.83	8,775.83	Bonds	1,462.58	1,462.63	1,462.63	1,462.63	1,462.63	1,462.63	\$ 0	3,775.73
	Cottonwood	Group Delta	79724	Original Area	7,359.00	7,359.00	Bonds	1,226.50	1,226.50	1,226.50	1,226.50	1,226.50	1,226.50	\$ 7	7,359.00
11)	CIP 79724	KDM Meridian	Contractual Services PO#41865 CIP 79724	Original Area	3,992.50	3,992.50	Bonds	665.45	665.41	665.41	665.41	665.41	665.41	\$ 3	3,992.50
12)		STI Inc.	Contractual Services PO#41859 CIP 79724	Original Area	73,322.22	73,322.22	Bonds	12,220.37	12,220.37	12,220.37	12,220.37	12.220.37	12,220.37	\$ 73	3,322.22
13)		City of Moreno Valley	Project Management CIP 79724	Original Area	20.395.33	20.395.33	Bonds	3.399.23	3.399.22	3.399.22	3.399.22	3.399.22	3.399.22		0.395.33
14)		VA Consulting	Capital Project Contract, CIP 79725	Original Area	2,333.32	2,333.32	Bonds	1,166.66	1,166.66	,	, i i i i i i i i i i i i i i i i i i i	,		\$ 2	2,333.32
15)		City of Moreno Valley	Project Management CIP 79725	Original Area	6,451.00	6,451.00	Bonds	3,225.00	3,226.00					\$ 6	6,451.00
	Auto Mall Street Upgrades CIP 79725	United Inspection (Geotech)	Capital Project Contract, CIP 79725	Original Area	1,575.00	1,575.00	Bonds	787.50	787.50					\$ ´	1,575.00
17)	CIF 79725	VA Consulting Inc. (Survey)	Capital Project Contract, CIP 79725	Original Area	1,650.00	1,650.00	Bonds	825.00	825.00					\$ ´	1,650.00
18)		SME&C (Contractor)	Capital Project Contract, CIP 79725	Original Area	190,379.41	190,379.41	Bonds	95,189.71	95,189.71					\$ 190	0,379.42
	ndian Basin, Appurtenant	Lim & Nascimento Engineering	Contractual Services PO#35828 CIP 79726	Original Area	50.000.00	50.000.00	Bonds	50.000.00						\$ 50	0.000.00
20)	CIP 79726	City of Moreno Valley	Project Management CIP 79726	Original Area	38.000.00	20.000.00	Bonds	5.000.00	5.000.00	5.000.00	5.000.00				0.000.00
- í	ronwood Ave-Day St/Barclay Dr	AEI-CASC Engineering	Capital Project Contract, CIP 79727	Original Area	51,924.00	51,924.00	Bonds	4.327.00	4.237.00	4.327.00	4.327.00	4.327.00	4,327.00		5,872.00
	CIP 79727	City of Moreno Valley	Project Management CIP 79727	Original Area	24,000.00	12,000.00	Bonds	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00		6,000.00
Ť	Totals - RPTIF Funding		÷ · · · · · · · · · · · · · · · · · · ·		\$ 314,160,12	\$ 314,160,12		\$ 14.692.72	\$ 14.692.68	\$ 14.693.68	\$ 14,693,68	14.693.68	\$ 240.693.68	\$ 314	4.160.12
	Totals - Bonds				\$ 486,038.45	\$ 456,038.45		\$ 181,475.14	\$ 131,386.14	\$ 30,281.27	\$ 30,281.27	5 25,281.27	\$ 25,281.27		3,986.36
	Grand total - This Page				\$ 800,198.57	\$ 770,198.57		\$ 196,167.86	\$ 146,078.82	\$ 44,974.95	\$ 44,974.95	39,974.95	\$ 265,974.95	\$ 738	8,146.48

\*Pending Litigation \*\*All total due during fiscal year and payment amounts are projected.

roject Area(s)	RDA Project Area All											Revised 12/4/12	
SECOND F	RECOGNIZED OBLIGATION PA Per AB 26 - Section 3416												
				Total Outstanding	Total Due During Fiscal Year	Funding			•	om Other Reven			
roject Name / Debt Obligation	Payee	Description	Project Area	Debt or Obligation	2012-2013**	Source	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
	Singer & Coffin, APC	Legal Services CIP 79718	Original Area	2,310.00	2,310.00	Bonds	385.00	385.00	385.00	385.00	385.00	385.00	\$ 2,31
	Parsons Transportation	Contractual Services - Design CIP 79718	Original Area	13,818.00	13,818.00	Bonds	13,818.00	000.00	000.00	000.00	000.00	000.00	<u> </u>
	Staff Consultants	Project Management CIP 79718	Original Area	4,800.00	4,800.00	Bonds	800.00	800.00	800.00	800.00	800.00	800.00	\$ 4,8
	City of Moreno Valley	Project Management CIP 79718	Original Area	73,000.00	48,000.00	Bonds	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	\$ 48,0
	Survey Consultant									<del>10,000.00</del>	<del>10,000.00</del>	10,000.00	
	Psomas	Capital Project Contract, CIP 79718	Original Area	159,950.00	85,000.00	Bonds						10,000.00	\$ 10,0
ason/SR-60 Bridge	Contractor			— <u>12,146,233.75</u>	<del>1,070,000.00</del>					20,000.00	50,000.00	1,000,000.00	
IP 79718	Riverside Construction Co.	Capital Project Contract, CIP 79718	Original Area	13,104,132.00	7,000,000.00	Bonds						1,000,000.00	\$ 1,000,0
	Falcon Engineering - CM	Capital Project Contract, CIP 79718	Original Area	1,930,000.00	180,000.00	Bonds			10,000.00	20,000.00	50,000.00	100,000.00	\$ 180,0
	Geotechnical Consultant											Т	
	Leighton Consulting, Inc.	Capital Project Contract, CIP 79718	Original Area	170,000.00	30,000.00	Bonds				10,000.00	10,000.00	10,000.00	30,0
	City of Moreno Valley	Project Management CIP 79718	Original Area	120,700.00	90,000.00	Bonds	10,000.00	10,000.00	15,000.00	15,000.00	20,000.00	20,000.00	\$ 90,0
	Parsons Transportation	Construction Support - CIP 79718	Original Area	100,000.00	100,000.00	Bonds	15,000.00	15,000.00	10,000.00	10,000.00	20,000.00	30,000.00	\$ 100,0
	Gibbs, Giden, Locher, Turner & Senet*	Legal Fees - CIP 79718	Original Area	5,000.00	5,000.00	Bonds		800.00	50.00				\$8
	City of Moreno Valley	Project Management CIP 79729		159,144.64	159,144.64	Bonds	26,524.11	26,524.11	26,524.11	26,524.11	26,524.11	26,524.09	<del>s</del> 159,1
	STK Architecture	Capital Project Contract, CIP 79729	Original Area Original Area	93,811.37	93,811.37	Bonds	18,762.27	18,762.27	18,762.27	18,762.27	18,762.29	20,524.09	<del>\$ 159,1</del> \$ 93,8
	Silver Creek Industries	Capital Project Contract, CIP 79729 Capital Project Contract, CIP 79729	Original Area	1,814,955.60	1,814,955.60	Bonds	362,991.12	362,991.12	362,991.12	362,991.12	362,991.12		<del>\$ 93,0</del> \$ 1,814,9
	Enco Utility	Capital Project Contract, CIP 79729	Original Area	417.28	417.28	Bonds	302,991.12	417.28	302,991.12	302,991.12	302,991.12		<u>\$ 1,014,8</u> \$ 4
	Riverside County IT	Capital Project Contract, CIP 79729	- 0	13,210.00	13,210.00	Bonds		417.20	3,302.50	3,302.50	3,302.50	3,302.50	φ 4 \$ 13,2
	Construction Contract	Construction Costs CIP 79729	Original Area Original Area	276,186.68	13,210.00	Bonds			3,302.50	3,302.50	3,302.50	3,302.50	ຈ Iວ,∠ ¢
	Tuffstuff Fitness Equipment	Furniture, fixtures, & equipment CIP 79729	Original Area	4,811.58	4,811.58	Bonds			4,811.58				<u></u> \$4,8
	La-Z-Boy Furniture Galleries	Furniture, fixtures, & equipment CIP 79729	Original Area	4,142.80	4,811.58	Bonds			4,011.00	4,142.80			<del>\$ 4,0</del> \$ 4,1
	EMWD	Water charges CIP 79729	Original Area	2,793.23	2,793.23	Bonds			170.48	1,018.80	1,603.95		<del>3 4,1</del> \$ 2,7
Iorrison Park Fire Station	Overstock.com	Furniture, fixtures, & equipment CIP 79729	Original Area	215.99	215.99	Bonds			170.40	215.99	1,005.95		<u>\$2,7</u> \$2
CIP 79729	Office Depot	Furniture, fixtures, & equipment CIP 79729	Original Area	2,721.04	2,721.04	Bonds				2,721.04			<del>ş 2</del> \$ 2,7
	The Home Depot	Furniture, fixtures, & equipment CIP 79729	Original Area	947.33	947.33	Bonds				947.33			<u>\$2,7</u> \$9
	The Living Quarters	Furniture, fixtures, & equipment CIP 79729	Original Area	774.97	774.97	Bonds				774.97			<u> </u>
	WW Grainger	Furniture, fixtures, & equipment CIP 79729	Original Area	2,506.54	2,506.54	Bonds				2,506.54			<del>,</del> 7 \$2,5
	Target	Furniture, fixtures, & equipment CIP 79729	Original Area	621.02	621.02	Bonds				621.02			<u>v 2,5</u> \$ 6
	Kohl's	Furniture, fixtures, & equipment CIP 79729	Original Area	1,748.94	1,748.94	Bonds				1,748.94			<u> </u>
	Macy's	Furniture, fixtures, & equipment CIP 79729	Original Area	1,210.85	1,210.85	Bonds				1,210.85			<u> </u>
	Sears Roebuck	Furniture, fixtures, & equipment CIP 79729	Original Area	4,146.02	4,146.02	Bonds				4,146.02			<u> </u>
	Pacific Sales	Furniture, fixtures, & equipment CIP 79729	Original Area	1,947.33	1,947.33	Bonds				1,947.33			\$ 1,9
	Coffee Maker	Furniture, fixtures, & equipment CIP 79729	Original Area	91.04	91.04	Bonds				91.04			<u>\$ 1,5</u>
	City of Moreno Valley	Proj. Mgmt. & Expenses CIP 79731	Original Area	132,567.62	93,200.00	Bonds	12,200.00	12,200.00	17,200.00	17,200.00	22,200.00	12,200.00	<del>v</del> \$93,2
	Staff Consultants	Capital Project Contract CIP 79731	Original Area	5,473.88	5,400.00	Bonds	900.00	900.00	900.00	900.00	900.00	900.00	<u>\$ 5,4</u>
	Survey Consultant		2	0,0.00	5,.00.00			200.00					. 0,1
	Coory Engineering	Capital Project Contract CIP 79731	Original Area	98,000.00	37,000.00	Bonds		2,000.00	5,000.00	10,000.00	10,000.00	10,000.00	37,0
	Falcon Engineering - CM	Capital Project Contract CIP 79731	Original Area	733,411.55	270,000.00		1	,	30,000.00	80,000.00	80,000.00	80,000.00	- 1-
oreno Beach Ramps - Phase 1	Geotechnical Consultant				.,				,		,		
IP 79731	Ninyo & Moore Geotechnical	Capital Project Contract CIP 79731	Original Area	88,000.00	37,000.00	Bonds		2,000.00	5,000.00	10,000.00	10,000.00	10,000.00	37,0
	CHP	Const. zone enforcement CIP 79731	2	30,000.00	30,000.00	Bonds	30,000.00	_,000.00	2,000.00				\$ 30,0
	EMWD	Permits/Fees, CIP 79731	Original Area	31,000.00	31,000.00	Bonds	23,000100		19,000.00				\$ 19,0
	Parsons Transportation	Capital Project Contract - Design CIP 79731	Original Area	75,000.00	50,000.00	Bonds	5,000.00	5,000.00	10,000.00	10,000.00	10,000.00	10,000.00	\$ 50,0
		Capital Project Contract - Construction	e lightar riod	. 0,000.00	23,000.00		3,000.00	2,000.00					
	Parsons Transportation	Support CIP 79731	Original Area	144,000.00	50,000.00	Bonds	5,000.00	5,000.00	10,000.00	10,000.00	10,000.00	10,000.00	\$ 50,0
otals - Bonds				\$ 19,407,567.30	\$ 10,272,745.57		\$ 509,380.50	\$ 470,779.78	\$ 557,897.06	\$ 665,957.67	\$ 725,468.97	\$ 2,352,111.59	\$ 4,181,5
					\$ 10,272,745.57		\$ 509,380.50			\$ 665,957.67		\$ 2,352,111.59	

Item No. A.13 -197-

SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34169 (\*)

					Total Outstanding	Total Due During Fiscal Year	Funding		Payable from Other Revenue Sources Payments by month					
	Project Name / Debt Obligation	Payee	Description	Project Area	Debt or Obligation		Source	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
201	2007 Tax Allocation Bonds****	Wells Fargo Bank	Debt service payments for bonds issued to	Original Area	80,651,663.75	2,254,883.75	Other	1,246,892.00						\$ 1,246,892.0
	2007 Special Tax Refunding		finance various capital projects* Debt service payments for bonds issued to	Oligiliai Alea	00,001,000.70	2,234,003.75	Oulei	1,240,092.00						ψ 1,240,032.0
	Bonds - Towngate 87-1****	Wells Fargo Bank	finance the acquisition of public facilities*	Original Area	10,721,899.84	1,763,138.86	Other	587,572.50						\$ 587,572.5
		Moreno Valley Housing												
0)	Rancho Dorado Apts - South*	Authority (MVHA)	Affordable Housing Agreement	Original Area	1,700,000.00	1,700,000.00	Other	1,700,000.00			-			\$ 1,700,000.0
														-
														-
														-
														-
														-
											-			+
											-			
														-
														-
														_
												ļ		
	Totals - Others				\$ 93,073,563.59	\$ 571802261		\$ 3,534,464.50	\$ -	\$ -	\$-	s -	s -	\$ 3,534,464.
					\$ 55,51 0,000.00	¢ 0,1.10,022.01		\$ 5,55 ., 10 1.00	*	. <del>.</del>	Ť	. <del>.</del>	Ť	÷ 0,001,101.0
	Grand total - This Page				\$ 93.073.563.59	\$ 5,718,022.61		\$ 3,534,464.50	\$-	\$ -	\$ -	\$ -	\$-	\$ 3,534,464.5

\*\*\*\*Lines 46-48 - Encumbered from prior ROPS period to be paid from Reserve \*\* All totals due during fiscal year and payment amounts are projected. \* Line 48 - to be deposit to MVHA to meet enforceable obligation per Affordable Housing Agreement to be paid in 2013-2014 - encumbrance of funds was discussed and approved by the DOF.

Name of Redevelopment Agency: The Community Redevelopment Agency of the City of Moreno Valley RDA Project Area All

Project Area(s)

# SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34169 (\*)

				Total Outstanding	Total Due During Fiscal Year	Funding		Pa		Administrative A Payments by mor	<b>Illowance Alloca</b> hth	tion	
Project Name / Debt Obligation	Payee	Description	Project Area	Debt or Obligation	2012-2013**	Source	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
	City of Moreno												
City/Agency Employee Payroll	Valley/Employees	Payroll Costs	Original Area	103,715.00	103,715.00	Other	10,283.33	10,283.33	10,283.33	10,283.33	10,283.33	10,283.35	\$ 61,700.0
City/Agency - Operating Costs	City of Moreno Valley	Operating Costs	Original Area	85,800.00	85,800.00	Other	8,811.67	8,811.67	8,811.67	8,811.67	8,811.67	8,811.65	
City/Agency Employee Payroll	Valley/Employees	Payroll Costs	Original Area	250,000.00	250,000.00	Admin	20,833.33	20,833.33	20,833.33	20,833.33	20,833.33	20,833.35	\$ 125,000.0
Totals - Administrative Allowan	ce Allocation			\$ 439,515.00	\$ 439,515.00		\$ 39,928.33	\$ 39,928.33	\$ 39,928.33	\$ 39,928.33	\$ 39,928.33	\$ 39,928.35	\$ 239,570.0

Project Area(s)

RDA Project Area All

### SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34169 (\*)

Page 6 of 6 Pages Revised 12/4/12

							Pass Through and Other Payments						
				Total Outstanding	Total Due During Fiscal Year	Funding				Payments by m	nonth		
Project Name / Debt Obligation	Payee	Description	Project Area	Debt or Obligation	2012-2013	Source	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Tot
Section 33676 2% Pass	Moreno Valley & Val Verde												
1) Through***	Unified SDs	Payments per former CRL 33676	Original Area										\$
Section 33676 2% Pass 2) Through***	Riverside City Community College	Payments per former CRL 33676	Original Area										\$
Section 33676 2% Pass 3) Through***		Payments per former CRL 33676	Original Area										\$
Section 33676 2% Pass 4) Through***		Payments per former CRL 33676	Original Area										\$
Tax Sharing Agreement/County			Original Area										
	· · · · ·	Per Pass Through Agreement	Original Area										\$
6) SB 2557 County Admin Fees***	County of Riverside Riverside Flood Control	County Administrative Fees	Original Area										\$
Tax Sharing Agreement/Flood 7) Control Agreement***	and Water Conservation	Per Pass Through Agreement	Original Area										\$
													Ψ
***The Riverside Auditor-Contro	ller will make the required pa	ass-through payments.											
-													
Totals - Pass Through and Otl	hor Obligations			s -	\$ -		\$ -	\$-	\$-	<b>\$</b> -	\$-	\$-	¢

\*\*\*Starting with the July through December 2012 ROPS, per HSC section 34183 (a) (1), the county auditor controller will make the required pass-through payments prior to transferring money into the successor agency's Redevelopment Obligation Retirement Fund for items listed in an oversight board approved ROPS.

#### RESOLUTION NO. 2012-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY SERVING AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 3)

WHEREAS, in connection with the implementation of provisions of ABX1 26 which require the adoption of an enforceable obligation schedule, the City of Moreno Valley, serving as the Successor Agency has previously adopted a recognized obligation payment schedule for the period January 1, 2013 through June 30, 2013 (the "Original ROPS 3"); and

WHEREAS, the Oversight Board for Successor Agency to Community Redevelopment Agency of the City of Moreno Valley ("Oversight Board" as applicable) has met and has previously approved, after due consideration, a recognized obligation payment schedule for the period January 1, 2013 through June 30, 2013, in an original form submitted by the Successor Agency (the "Original ROPS 3"); and

WHEREAS, in the course of interactions between the Successor Agency and the Department of Finance, there is an ongoing dialog concerning the expenditure of proceeds of tax allocation bonds issued in 2007 by the former Redevelopment Agency (the "Bonds"). In order to facilitate the expenditure of the proceeds of the Bonds, and to recognize legally binding contracts, the Successor Agency staff has determined that individual contracts for particular contractors should be added to the Original ROPS 3 (as amended, "ROPS 3"). The individual contracts for particular contractors relate to the provision of public improvements the financing of which was contemplated by and provided for by the Bonds and the instruments approved at the time of issuance of the Bonds, including without limitation the indenture of trust and official statement prepared in connection therewith; and

WHEREAS, the City Council, on behalf of the City acting in its capacity as Successor Agency to the Agency has reviewed ROPS 3 and those instruments referenced therein; and

WHEREAS, given the adoption of ABX1 26, the City Council, on behalf of the City acting in its capacity as Successor Agency to the Agency, has duly considered this Resolution and has determined that the adoption of this Resolution is in the best interests of the City, in its capacity as Successor Agency to the Agency, and the health, safety, and welfare of the residents of the City, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, SERVING AS THE SUCCESSOR AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:

1 Resolution No. 2012-101 Date Adopted: December 11, 2012

SECTION 1. The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part of this resolution.

SECTION 2. The Successor Agency approves for transmittal to the Oversight Board as the Recognized Obligation Payment Schedule for the period January 1, 2013 through June 30, 2013, with such augmentation, modification, additions or revisions as the Executive Director of the Successor Agency or his designee may make before transmittal to the Oversight Board.

SECTION 3. The Successor Agency is authorized and directed to submit ROPS 2 to the California Department of Finance upon approval by the Oversight Board.

SECTION 4. The Successor Agency shall maintain on file as a public record this Resolution and ROPS 3 as approved hereby.

SECTION 5. This Resolution shall be effective immediately upon

adoption.

SECTION 6. The City Clerk shall certify to the adoption of this resolution.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Item No. A.13

-202-

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-101 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-101 Date Adopted: December 11, 2012

This page intentionally left blank.

#### Successor Agency Contact Information

Name of Successor Agency:	The City of Moreno Valley Serving as the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley
County:	Riverside

Primary Contact Name: Primary Contact Title:

Address Contact Phone Number: Contact E-Mail Address:

Secondary Contact Name: Secondary Contact Title: Secondary Contact Phone Number: Secondary Contact E-Mail Address: Annie Clark
Sr. Financial Analyst
14177 Frederick Street, Moreno Valley, CA
92552
951.413.3475
anocharc@moval.org
Richard Teichert
Financial & Administrative Services Director
951.413.3021
richardt@moval.org

## **EXHIBIT B**

#### SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the January 1, 2013 to June 30, 2013 Period

#### Name of Successor Agency: The City of Moreno Valley Serving as the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley

		Total Outstanding Debt or Obligation
Outst	anding Debt or Obligation	\$ 178,272,381
Curre	ent Period Outstanding Debt or Obligation	Six-Month Total
A B C D	Available Revenues Other Than Anticipated RPTTF Funding Anticipated Enforceable Obligations Funded with RPTTF Anticipated Administrative Allowance Funded with RPTTF Total RPTTF Requested (B + C = D)	21,718,799 6,927,230 208,000 7,135,230
	Total Current Period Outstanding Debt or Obligation (A + B + C = E) Should be the same amount as ROPS form six-month total	\$ -
E F	*Enter Total Six-Month Anticipated RPTTF Funding (Obtain from county auditor-controller) Variance (E - D = F) Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding	\$ 6,835,311.86 <b>(299,918</b>
Prior	Period (January 1, 2012 through June 30, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))	
G H J	**Enter Estimated Obligations Funded by RPTTF (Should be the lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed) ***Enter Actual Obligations Paid with RPTTF Enter Actual Administrative Expenses Paid with RPTTF Adjustment to Redevelopment Obligation Retirement Fund (G - (H + I) = J)	\$ 9,241,398 11,966,792 117,648 (2,843,042
к	Adjusted RPTTF (The total RPTTF requested shall be adjusted if actual obligations paid with RPTTF are less than the estimated obligation amount.)	\$ 9,978,272.00

\* We have not receive any confirmation of the anticipated RPTTF funding from the County, and therefore, are using the amount received previously from the County Auditor-Controller for the payment of ROPS I's obligations (property tax payment received in January 2012). We anticipate that the RPTTF for the current period will be more than the January 2012's RPTTF payment.

\*\* Gross Property Tax Amount \$9,241,398 (actual amount received from the County Auditor-Controller was \$6,835,312 - net of the pass throughs and fees of \$2,406,086).

\*\*\*Includes amount encumbered to be paid in 2013-2014 per Affordable Housing Agreement and enforceable obligations paid from former RDA fund balance.

Certification of Oversight Board Chairman:	Glenn Moss	Chairman
Pursuant to Section 34177(m) of the Health and Safety code,	Name	Title
I hereby certify that the above is a true and accurate Recognized		
Obligation Payment Schedule for the above named agency.	Glen Moss	12/12/2012
	Signature	Date

Name of Successor Agency:

The City of Moreno Valley Serving as the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley
Riverside

County:

Oversight Board Approval Date:

#### RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III) January 1, 2013 through June 30, 2013

			Jan	uary 1, 2013 th	rough June 30,	2013									
					Total		Funding Source								
					Outstanding	Total Due During		Bond	Basanya	Admin					
ltem #	Project Name / Debt Obligation	Pavee	Description/Project Scope	Project Area	Debt or Obligation	Fiscal Year 2012-13	LMIHF	Proceeds	Reserve Balance	Admin Allowance	RPTTF	Other	Six-Month Tota		
110111#	Grand Total	Fayee		FIUJECLATER	\$ 178.272.381			\$ 21.410.710					\$ -		
	2007 Tax Allocation Bonds		Debt service payments for bonds issued to finance				- <b>*</b>					- <b>*</b>			
1	2007 Special Tax Refunding Bonds -	Wells Fargo Bank	various capital projects Debt service payments for bonds issued to finance the	Original Area	79,412,021.88	2,263,483.75					2,263,484.00		2,263,484		
2	Towngate 87-1	Wells Fargo Bank	acquisition of public facilities	Original Area	9,546,333.49	1,182,347.05					1,182,347.00		1,182,347		
	Improvement Area No. 1 Special Tax		Debt service payments for bonds issued to finance the										100.10		
3	Refunding Bonds	Wells Fargo Bank	construction of public facilities Debt service payments for bonds issued to finance the	Original Area	2,804,115.88	277,181.39					139,168.00		139,168		
4	CFD No. 3 - Auto Mall Refinance	Wells Fargo Bank	construction of public facilities	Original Area	2,000,060.61	109,450.50					91,882.00		91,882		
-	2011 Refunding of 97 LRB Bonds	Bank of America	Debt service payments for bonds issued to finance the construction of a public facility	Original Area	1,500,000.00	150,000.00					75,000.00		75,000		
5		Barik Of America	Debt service payments for bonds issued to finance	Oliginal Alea	1,500,000.00	150,000.00					75,000.00		75,000		
6	2005 Lease Revenue Bonds	Wells Fargo Bank	Sunnymead Blvd project	Original Area	13,535,660.41	600,147.50					195,349.00		195,349		
7	On-going Housing Monitoring Requirements	City of Moreno Valley/Successor Agency	Costs to perform the recertification and monitoring of housing units	Original Area	40,000.00	40,000.00					20,000.00		20,000		
'		Stradling, Yocca, Carlson &		Unginal Alea	-0,000.00	+0,000.00		1			20,000.00		20,000		
8	Contract for Legal Services	Rauth	Legal services - General	Original Area	72,000.00	72,000.00					36,000.00		36,000		
9	Contract for Legal Services	Kronick Moskovitz Tiedemann & Girard	Legal services - Oversight Board Legal Counsel	Original Area	72,000.00	72,000.00					36,000.00		36,000		
10	Contract for Abatement of Properties	Fire Prevention/Inland Empire Property Service, Inc.	Nuisance/weed abatement of Agency owned properties	Original Area	7,500.00	7,500.00					2,500.00		2,500		
10			Preparation of Required Due Dilligent Reviews and	Original Area	7,500.00	7,500.00					2,500.00		2,500		
11	Contract for Audit Services	Approved Audit Firm	Annual Audit	Original Area	15,000.00	15,000.00					15,000.00		15,000		
12	Contract for Special Tax Reporting	Willdan/Staff Administration	Preparation of Continuing Disclosure Report	Original Area	5,000.00	5,000.00					2,500.00		2,500		
13	CalPERS Retirement Liability	The California Public Employees' Retirement System (CalPERS)	Unfunded PERS Retirement Liability Acct	Original Area	599,992.00	13,855.14					_				
	Retiree Medical Trust (CERBT)	Medical	Unfunded Retiree Medical Trust Acct	Original Area	193,221.00	4,461.90					-		-		
	Agency Loans #1 &# 2</td><td>au 111</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>-</td></tr><tr><td>15</td><td></td><td>City of Moreno Valley The Price Family Charitable</td><td>City/Agency Loan Agreement</td><td>Original Area</td><td>2,217,643.00</td><td>-</td><td></td><td></td><td></td><td></td><td>-</td><td>-</td><td>-</td></tr><tr><td>16</td><td>Price Club Acquisition Note</td><td>Fund</td><td>Participation Agreement</td><td>Original Area</td><td>1,410,529.68</td><td>480,000.00</td><td></td><td></td><td></td><td></td><td>240,000.00</td><td></td><td>240,000</td></tr><tr><td>17</td><td>Towngate Acquisition Note</td><td>City of Moreno Valley</td><td>Participation Agreement</td><td>Original Area</td><td>15,655,083.42</td><td>480,000.00</td><td></td><td></td><td></td><td></td><td>240,000.00</td><td></td><td>240,000</td></tr><tr><td>18</td><td>Moss Bros. Autogroup Participation Agreement</td><td>Moss Bros. Autogroup</td><td>Participation Agreement</td><td>Original Area</td><td>250,000.00</td><td>250,000.00</td><td></td><td></td><td></td><td></td><td></td><td></td><td>_</td></tr><tr><td>-</td><td>Robertson's Ready Mix, Inc. OPA</td><td>Robertson's Ready Mix, Inc.</td><td>Owner Participation Agreement</td><td>Original Area</td><td>4,000,000.00</td><td>-</td><td></td><td></td><td></td><td></td><td>-</td><td></td><td>-</td></tr><tr><td></td><td>· · · ·</td><td></td><td></td><td></td><td>,,</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td>Hemlock Family Apartments</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>20</td><td></td><td>Rancho Belago, Inc.</td><td>Affordable Housing Agreement</td><td>Original Area</td><td>1,000,000.00</td><td>-</td><td></td><td></td><td></td><td></td><td>-</td><td></td><td>-</td></tr><tr><td></td><td></td><td>Moreno Valley Housing</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>21</td><td>Rancho Dorado Apts - South (Second</td><td>Authority/MV Rancho Dorado Limited Partnership</td><td>Affordable Housing Agreement</td><td>Original Area</td><td>6,950,000.00</td><td>2,973,000.00</td><td></td><td></td><td></td><td></td><td>2,373,000.00</td><td></td><td>2,373,000</td></tr><tr><td></td><td>Phase)</td><td>Stradling, Yocca, Carlson &</td><td>Legal services - Specific to Affordable Housing</td><td>Ŭ</td><td></td><td></td><td></td><td>1</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>22</td><td></td><td>Rauth</td><td>Agreement w/ Rancho Dorado Apts.</td><td>Original Area</td><td>25,000.00</td><td>25,000.00</td><td></td><td></td><td></td><td></td><td>12,500.00</td><td></td><td>12,500</td></tr><tr><td>23</td><td></td><td>Strickler Association City of Moreno</td><td>Title & Closing Costs</td><td>Original Area</td><td>5,000.00</td><td>5,000.00</td><td></td><td></td><td></td><td>ļ</td><td>2,500.00</td><td></td><td>2,500</td></tr><tr><td>24</td><td>Payroll Costs/Operating Costs</td><td>Valley/Employees</td><td>Successor Agency's Payroll & Operating Costs</td><td>Original Area</td><td>447,514.00</td><td>447,514.00</td><td></td><td></td><td></td><td>208,000</td><td></td><td></td><td>208,000</td></tr><tr><td>25</td><td></td><td>Excel</td><td>Capital Project Contract, CIP 79221</td><td>Original Area</td><td>50,000.00</td><td>50,000.00</td><td></td><td></td><td>50,000.00</td><td></td><td></td><td></td><td>50,000</td></tr><tr><td>26</td><td></td><td>Harris & Assoc. City of Moreno Valley, cost</td><td>Capital Project Contract, CIP 79221</td><td>Original Area</td><td>176,000.00</td><td>176,000.00</td><td></td><td>-</td><td>176,000.00</td><td></td><td></td><td></td><td>176,000</td></tr><tr><td></td><td>Sunnymead Blvd.</td><td>allocation, and extra admin.</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td>CIP 79221</td><td>costs</td><td>Project Management CIP 79221</td><td>Original Area</td><td>37,300.00</td><td>37,300.00</td><td></td><td></td><td>25,000.00</td><td></td><td></td><td></td><td>25,000</td></tr><tr><td>28</td><td></td><td>City Consultants</td><td>Project Management CIP 79221</td><td>Original Area</td><td>9,960.00</td><td>9,960.00</td><td></td><td></td><td>8,000.00</td><td></td><td></td><td></td><td>8,000</td></tr><tr><td>29</td><td></td><td>Gibbs, Giden, Locher, Turner & Senet LLP</td><td>Additional Legal Fees - CIP 79221</td><td>Original Area</td><td>85,089.15</td><td>85,089.15</td><td></td><td></td><td>49,089.00</td><td></td><td></td><td></td><td>49,089</td></tr><tr><td></td><td>Storm Drain/Day Street to Cottonwood</td><td>Gibbs, Giden, Locher, Turner</td><td></td><td></td><td></td><td></td><td></td><td></td><td>40,000.00</td><td></td><td></td><td></td><td>40,000</td></tr><tr><td>30</td><td>CIP 79222</td><td>& Senet</td><td>Contractual Services PO# 42123 CIP 79222</td><td>Original Area</td><td>5,174.00</td><td>5,174.00</td><td></td><td></td><td></td><td></td><td></td><td></td><td>-</td></tr><tr><td>31</td><td></td><td>City of Moreno Valley</td><td>Project Management CIP 79222</td><td>Original Area</td><td>L</td><td></td><td></td><td></td><td></td><td></td><td>ļ</td><td></td><td>-</td></tr></tbody></table>														

CY: The City of Moreno Valley Serving as the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley
Riverside

County:

Oversight Board Approval Date:

#### RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III) January 1, 2013 through June 30, 2013

<u> </u>			Jani	uary 1, 2013 thi	ough June 30,	2013							1
					Total					Funding Sour	се		
					Outstanding	Total Due During							
					Debt or	Fiscal Year		Bond	Reserve	Admin			
Item #	Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	Obligation	2012-13	LMIHF	Proceeds	Balance	Allowance	RPTTF	Other	Six-Month Total
	Grand Total				\$ 178,272,381	\$ 33,211,237	\$ -	\$ 21,410,710	\$ 308,089	\$ 208,000	\$ 6,927,230	\$-	\$-
32		DMC Design	Contractual Services PO#40920 CIP 79724	Original Area	5,880.84	5,880.84							-
33		AEI-CASC	Contractual Services PO#35423 CIP 79724	Original Area	8,775.83	8,775.83							-
34	Day Street/Alessandro Blvd to Cottonwood	Group Delta	Contractual Services PO#39328 CIP 79724	Original Area	7,359.00	7,359.00							-
35	CIP 79724	KDM Meridian	Contractual Services PO#41865 CIP 79724	Original Area	3,992.50	3,992.50							-
36		STI Inc.	Contractual Services PO#41859 CIP 79724	Original Area	73,322.22	73,322.22							-
37		City of Moreno Valley	Project Management CIP 79724	Original Area	20,395.33	20,395.33							-
38		VA Consulting	Capital Project Contract, CIP 79725	Original Area	11,093.00	11,093.00							-
39	Auto Mall Street Upgrades	City of Moreno Valley	Project Management CIP 79725	Original Area	12,000.00	12,000.00							-
40	CIP 79725	United Inspection (Geotech)	Capital Project Contract, CIP 79725	Original Area	2,294.00	2,294.00							-
41		VA Consulting Inc. (Survey)	Capital Project Contract, CIP 79725	Original Area	782.00	782.00							-
42		SME&C (Contractor)	Capital Project Contract, CIP 79725	Original Area	195,721.00	195,721.00							-
43	Indian Basin, Appurtenant	Engineering	Contractual Services PO#35828 CIP 79726	Original Area	88,528.00	88,528.00		38,528.00					38,528
44	CIP 79726	allocation, and minor	Draiget Management, CID 70700	Original Arrest	20,000,00	20,000,00		10,000,00					40.000
		expenses	Project Management CIP 79726	Original Area	38,000.00	38,000.00		18,000.00					18,000
45		AEI-CASC Engineering	Capital Project Contract, CIP 79727	Original Area	49,532.11	49,532.11		25,000.00					25,000
		allocation, and minor	Draiget Management CID 70707		70 000 00	70 000 00		00.000.00					00.000
46	Ironwood Ave-Day St/Barclay Dr	expenses Contractor	Project Management CIP 79727 Capital Project Contract, CIP 79727	Original Area	73,000.00 500,000.00	73,000.00		63,000.00 500.000.00					63,000
47 48	CIP 79727	Contractor	Project Management CIP 79727	Original Area Original Area	500,000.00	500,000.00 50,000.00		500,000.00					500,000
48		Survey Consultant Geotechnical Consultant	Capital Project Contract, CIP 79727	Original Area Original Area	50,000.00	50,000.00		50,000.00					50,000 50,000
49 50		Southern California Edison	Project Management CIP 79727	Original Area	50,000.00	50,000.00		50,000.00					50,000
51		Singer & Coffin, APC	Legal services CIP 79718	Original Area	2.310.00	2.310.00		50,000.00					50,000
52		City of Moreno Valley	Project Management and associated costs CIP 79718	Original Area	160.000.00	160.000.00		100,000.00					100,000
53	Staff Consultants		Project Management CIP 79718	Original Area	36,000.00	36,000.00		6,000.00					6,000
54		Moreno Valley Utility	Lighting CIP 79718	Original Area	80,000.00	80,000.00		80,000.00					80,000
55		Caltrans	State-furnished materials CIP 79718	Original Area	50,000.00	50,000.00		50,000.00					50,000
56		Caltrans	State source inspection fees CIP 79718	Original Area	50,000.00	50.000.00		50.000.00					50,000
57		CHP	Construction zone enforcement (COZEEP) CIP 79718	Original Area	30.000.00	12.000.00		12.000.00					12,000
58				onginarriroa	222,571.00								12,000
59		Parsons Transportation	Design-related costs CIP 79718	Original Area	70,000.00	70,000.00		56,182.00					56,182
60		Parsons Transportation	Construction Support - CIP 79718	Original Area	169,000.00	70,000.00		70,000.00					70,000
61	Nason/SR-60 Bridge CIP 79718	Parsons Transportation	Landscaping Design - CIP 79718	Original Area	120.000.00	100.000.00		100.000.00					100.000
62	CIP 79718	Falcon Engineering	Construction mgmt and Inspection Services CIP 79718	Original Area	1.947.220.00	950.000.00		894.000.00					894,000
63		Contractor	<b>y</b>			7.000.000.00		-7,000,000.00					
64		Riverside Construction Co.	Capital Project Contract, CIP 79718	Original Area	13,104,132.00	7,000,000.00		6,000,000.00					6,000,000
65		Survey Consultant				60,000.00							
66		Psomas	Capital Project Contract, CIP 79718	Original Area	159,950.00	85,000.00		75,000.00					75,000
67		Geotechnical Consultant			<del></del>	90,000.00							
68		Leighton Consulting, Inc.	Capital Project Contract, CIP 79718	Original Area	197,201.00	90,000.00		80,000.00					80,000
69		SCE	Utility relocation CIP 79718	Original Area	20,000.00	20,000.00		20,000.00					20,000
70		EMWD	Permits/Fees, CIP 79718	Original Area	5,000.00	5,000.00		5,000.00					5,000
71		RCFC&WCD	Permits/Fees, CIP 79718	Original Area	5,000.00	5,000.00		5,000.00					5,000
72		City of Moreno Valley	Project Management and associated costs CIP 79731	Original Area	160,000.00	160,000.00		100,000.00					100,000
73		City of Moreno Valley	City-furnished equipment - CIP 79731	Original Area	10,000.00	10,000.00		10,000.00					10,000
74		City of Moreno Valley	Project Management and associated costs CIP 79731	Original Area	6,000.00	6,000.00		6,000.00					6,000
75					<del></del>	<del></del>							
76		Parsons Transportation	Design-related costs CIP 79731	Original Area	70,000.00	70,000.00		70,000.00					70,000
77		Parsons Transportation	Construction support CIP 79731	Original Area	130,000.00	130,000.00		54,000.00					54,000
78		Falcon Engineering	Constructability review CIP 79731	Original Area	11,885.00	11,885.00							-
79		Falcon Engineering	Construction mgmt and Inspection Services CIP 79731	Original Area	797,821.56	600,000.00		600,000.00					600,000
80		So. Calif. Edison	Utility Relocation CIP 79731	Original Area	10,000.00	10,000.00		10,000.00					10,000
81	Moreno Beach Ramps - Phase 1	Caltrans	State-furnished materials CIP 79731	Original Area	2,000.00	2,000.00		2,000.00					2,000
82	CIP 79731	Caltrans				<b>F</b> A AAA		F0 000 0-					
83		Falcon Engineering	State source inspection fees CIP 79731 CHP - construction zone enforcement (COZEEP) CIP	Original Area	50,000.00	50,000.00		50,000.00					50,000
84		CHP	79731	Original Area	30,000.00	30,000.00		30,000.00					30,000
85		Powell Constructors, Inc.	Construction Contract CIP 79731	Original Area	6.693.170.00	4.500.000.00		4.500.000.00					4.500.000
86		Survey Consultant		ong.nar/rica									.,000,000
00		carrey consultant	4	1	00,000.00	04,000.00	· · · · · · · · · · · · · · · · · · ·	0-1,000.0 <del>0</del>					

	Name of Successor Agency: County:	The City of Moreno Valley Se Riverside	rving as the Successor Agency of the Community Rede	velopment Agend	cy of the City of Mo	reno Valley	l	Oversight Board	d Approval Date:			-	
			RECOGNIZED C Janu		AYMENT SCHE rough June 30,								
					Total Outstanding Debt or	Total Due During Fiscal Year		Bond	Reserve	Funding Sour	rce		
Item #	Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	Obligation	2012-13	LMIHF	Proceeds	Balance	Allowance	RPTTF	Other	Six-Month Total
	Grand Total				\$ 178,272,381	\$ 33,211,237	\$-	\$ 21,410,710	\$ 308,089	\$ 208,000	\$ 6,927,230	\$-	\$-
87		Coory Engineering	Capital Project Contract CIP 79731	Original Area	100,805.00	80,000.00		70,000.00					70,000
88		Geotechnical Consultant											
89		Ninyo & Moore Geotechnical	Capital Project Contract CIP 79731	Original Area	109,110.00	84,000.00		74,000.00					74,000
90		RCFC&WCD	Permits/Fees, CIP 79731	Original Area	5,000.00	5,000.00		5,000.00					5,000
91		EMWD	Permits/Fees, CIP 79731	Original Area	31,000.00	31,000.00		31,000.00					31,000
92		Cal Fire Communications	Comtronix Communications CIP 79729	Original Area	8,000.00	8,000.00		8,000.00					8,000
	Morrison Park Fire Station	RCB & Sons, Inc.	Landscaping and pump enclosure CIP 79729	Original Area	9,000.00	9,000.00		9,000.00					9,000
94	CIP 79729	Staff Consultants	Project Management and associated costs CIP 79729	Original Area	15,000.00	15,000.00		15,000.00					15,000
95		City of Moreno Valley	Project Management CIP 79729	Original Area	15,000.00	15,000.00		15,000.00					15,000
96													

Name of Successor Agency: County: The City of Moreno Valley Serving as the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley Riverside

> RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III) -- Notes (Optional) January 1, 2013 through June 30, 2013

Item #	Notes/Comments				
25		Excel			
26	Sunnymead Blvd. CIP 79221	Harris & Assoc.	Pending Litigation		
29		Gibbs, Giden, Locher, Turner & Senet LLP	-		
10	Storm Drain/Day Street to Cottonwood	Gibbs, Giden, Locher,	Pending Litigation		
15	CIP 79222 ( old 77922)	Turner & Senet LLP	r chung Eugaton		
55					
56	Nason/SR-60 Bridge	Contract/Agreement Termination Date	Note 1: Agreement termin	ates upon completion of work or upon 30 days' notice.	
57					
91					
92	Moreno Beach Ramps - Phase 1	Contract/Agreement Termination Date	Note 2: Contract terminate	es upon completion of obligation or upon amendment to agreement, whichever occurs first.	
93					

#### Pursuant to Health and Safety Code section 34186 (a) PRIOR PERIOD ESTIMATED OBLIGATIONS vs. ACTUAL PAYMENTS RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS I) January 1, 2012 through June 30, 2012

		-				January	, 2012 through J	une 30, 2012								
					1.0	ине	Bond B	roceeds	Posonya	Balance	Admin A	llowance	DD.	TTF	Oth	or
					Ln		Donu F	loceeus	1/636176	Dalarice		liowance	INF		Oll	
Page/Form	Line Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
ROPS I	Grand Total				\$-	\$-	\$ 7,067,970	\$ 3,556,627	\$ 394,296	\$ 115,033	\$ 307,665	\$ 117,648	\$ 12,229,290	11,966,792	\$ 9,026,101	\$ 9,026,101
			Debt service payments for bonds issued to													
Page 1 of 8	1) 2007 Tax Allocation Bonds	Wells Fargo Bank	finance various capital projects	Original Area									2,268,783.76	2,268,783.76		
-	2007 Special Tax Refunding Bonds		Debt service payments for bonds issued to										===	===		
Page 1 of 8	2) Towngate 87-1	Wells Fargo Bank	finance the acquisition of public facilities	Original Area									1,175,145.00	1,175,145.00		
	Improvement Area No. 1 Special Tax	c	Debt service payments for bonds issued to													
Page 1 of 8	3) Refunding Bonds	Wells Fargo Bank	finance the construction of public facilities	Original Area									274.445.00	274.445.00		in the second
r ugo r or o		trono i argo Bank		onginaritada									271,110.00	271,110.00		
			Debt service payments for bonds issued to													
Page 1 of 8	<ol><li>CFD No. 3 - Auto Mall Refinance</li></ol>	Wells Fargo Bank	finance the construction of public facilities	Original Area									29,292.00	29,292.00		(P
			Debt service payments for bonds issued to													
Page 1 of 8	5) 2005 Lease Revenue Bonds	Wells Fargo Bank	finance Sunnymead Blvd project	Original Area		-	-						599,597.50	599,597.50		5
			Debt service payments for bonds issued to													
Page 1 of 8	6) 2011 Refunding of 97 LRB Bonds	Bank of America	finance the construction of a public facility	Original Area									150.000.00	150.000.00		_
ruge roro	On-going Housing Monitoring	City of Moreno	Costs to perform the recertification and	onginarraea									100,000.00	100,000.00		— Z
Page 1 of 8	7) Requirements	Valley/Successor Agency		Original Area									20,000.00	-		
		Stradling, Yocca, Carlson														
Page 1 of 8	<ol><li>Contract for Legal Services</li></ol>	& Rauth	Legal services - General	Original Area									106,678.00	50,648.20		ĭ
		Kronick Moskovitz	Legal services - Oversight Board Legal													-
Page 1 of 8	9) Contract for Legal Services	Tiedemann & Girard Inland Empire Property	Counsel Nuisance/weed abatement of Agency	Original Area									12,500.00	13,063.50		<b>&gt;</b>
Page 1 of 8	10) Contract for Abatement of Properties	Service. Inc.	owned properties	Original Area									7.090.00			<u> </u>
Fage 1010	10)	Lance Soll & lunghard,	Preparation of Financial Statements/RDA	Onginal Area									7,090.00	-		í
Page 1 of 8	11) Contract for Audit Services	LLP	Closing Statement	Original Area									10,000.00	8.000.00		
		Willdan/Staff	Preparation of Continuing Disclosure													
Page 1 of 8	<ol><li>Contract for Special Tax Reporting</li></ol>	Administration	Report	Original Area									2,000.00	2,500.00		(
		The California Public														•
D 4 40		Employees' Retirement	Unfunded PERS Retirement Liability Acct	0									5 074 00	5 074 00		· 1
Page 1 of 8	13) CalPERS Retirement Liability	System (CalPERS) California Employers'		Original Area									5,371.00	5,371.00		—— N
		Retiree Medical														-
Page 1 of 8	14) Retiree Medical Trust (CERBT)	Trust(CERBT)/CalPERS	Unfunded Retiree Medical Trust Acct	Original Area									1.730.00	1.730.00		-
Page 1 of 8		City of Moreno Valley	City/Agency Loan Agreement	Original Area									-	-		ı
		The Price Family		Original Area												
Page 1 of 8	17) Price Club Acquisition Note	Charitable Fund	Participation Agreement	5									240,000.00	265,806.00		
Page 1 of 8		City of Moreno Valley	Participation Agreement	Original Area									550,000.00	552,160.00		
D ( ( )	Moss Bros. Autogroup Participation	Mana Dava Automa		Original Area									000 044 00	000 044 00		
Page 1 of 8	20) Agreement	Moss Bros. Autogroup Robertson's Ready Mix,	Participation Agreement										232,041.00	232,041.00		
Page 1 of 8	21) Robertson's Ready Mix, Inc. OPA	Inc	Owner Participation Agreement	Original Area									_	_		
Page 2 of 8		Rancho Belago, Inc.	Affordable Housing Agreement	Original Area									-	-		
1 ugo 2 01 0	21/ Hornook Farmy / paranone	One Moreno Valley 240,	, moreable riedeling , igreement	onginaritada												
Page 2 of 8	22) Oakwood Apartments	L.P.	Affordable Housing Agreement	Original Area									750,000.00	750,000.00		
			\$2,400,000 is encumbered to be paid in													
		Moreno Valley Housing	2013-2014 per Affordable Housing			1										
Page 2 of 8	23) Rancho Dorado Apts - South	Authority (MVHA)	Agreement.	Original Area									2,500,000.00	2,400,000.00		
		Stradling, Yocca, Carlson														
Page 2 of 8		& Rauth	Legal services - Specific to AHA	Original Area									33,000.00	-		
Page 2 of 8	25)	Strickler Association	Title & Closing Costs	Original Area		<u> </u>							5,000.00	550.00		

#### Pursuant to Health and Safety Code section 34186 (a) PRIOR PERIOD ESTIMATED OBLIGATIONS vs. ACTUAL PAYMENTS RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS I) January 1, 2012 through June 30, 2012

		-			January 1,	2012 through Ju	une 30, 2012								
				LMIHF		Bond P	roceeds	Reserve	Balance	Admin Al	lowance	RP <sup>-</sup>	TTE	Other	
				LI		BUIN FI	loceeus	Reserve	Dalance	Aumin Ai	lowance	KF		Ul	ei
Page/Form Line Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
ROPS I Grand Total				\$-	\$ -	\$ 7,067,970	\$ 3,556,627	\$ 394,296	\$ 115,033	\$ 307,665	\$ 117,648	\$ 12,229,290	11,966,792	\$ 9,026,101	\$ 9,026,101
Page 3 of 8 1) Day St/Eucalyptus	KDM Meridian, Inc.	Capital Project Contract, CIP 79230	Original Area					3,000.00	-						
CIP 79230( old 80030)	Gas Tax Allocation														
Page 3 of 8 2)	(Required)	Capital Project Contract, CIP 79230	Original Area					7,500.00	6,178						
Page 3 of 8 3)	Gibbs, Giden, Locher, Turner & Senet	Capital Project Contract, CIP 79221	Original Area					34.096.19	31,757						
Page 3 of 8 4)	Excel	Capital Project Contract, CIP 79221	Original Area					50.000.00	-						
Page 3 of 8 5) Sunnymead Blvd.	Harris & Assoc.	Capital Project Contract, CIP 79221	Original Area					176,000.00	-						
Page 3 of 8 6) CIP 79221 (old 80221)	City of Moreno Valley	Project Management CIP 79221	Original Area					18,000.00	30.973						
Page 3 of 8 7)	City Consultants	Project Management CIP 79221	Original Area					6.000.00	7,395						
1 490 0 01 0 17	Gibbs, Giden, Locher,		onginarrada					0,000.00	1,000						
Page 3 of 8 8)	Turner & Senet LLP	Additional Legal Fees - CIP 79221	Original Area					74,700.00	10,911						
Page 3 of 8 9)	DMC Design	79724	Original Area			14,790.84	8,910								
Page 3 of 8 10)	AEI-CASC	79724	Original Area			5,006.61	-								
Page 3 of 8 11)	AEI-CASC	79724	Original Area			350.00	-								
Page 3 of 8 12)	Group Delta	79724	Original Area			11,579.00	4,168								
Page 3 of 8 13)	KDM Meridian	79724	Original Area			13,145.00	9,152								
Page 3 of 8 14) Day Street/Alessandro Blvd	STI Inc.	79724	Original Area			240,760.71	169,779								
CIP 79724 (old 91724)	Vali Cooper & Assoc	Contractual Services PO#39743 CIP 79724				10,400.00									
Page 3 of 8 15)	vali Cooper & Assoc	Contractual Services PO#42011 CIP	Original Area			10,400.00	-								
Page 3 of 8 16)	James & Bertha Patterso		Original Area			19,884.00	19.884								
	Gibbs, Giden, Locher,	Contractual Services PO#40924 CIP													
Page 3 of 8 17)	Turner & Senet	79724	Original Area			6,944.20	6,944								
Page 3 of 8 18)	City of Moreno Valley	Project Management CIP 79724	Original Area			35,363.80	48,492								
Storm Drain/Day Street to	Gibbs, Giden, Locher,	Contractual Services PO# 42123 CIP													
Page 3 of 8 19) Cottonwood Page 3 of 8 20) CIP 79222 (old 77922)	Turner & Senet	79222	Original Area					20,000.00	14,826						
	City of Moreno Valley	Project Management CIP 79222	Original Area			10 500 00	7 000	5,000.00	12,993						I
Page 4 of 8 21)	VA Consulting	Capital Project Contract, CIP 79725	Original Area			13,500.00	7,636								—— Ń
Page 4 of 8 22) Page 4 of 8 23)	City of Moreno Valley VA Consulting Inc.	Project Management CIP 79725	Original Area			57,300.00 14,900.00	41,403 3,807								`_`
	United Inspection	Capital Project Contract, CIP 79725	Original Area			14,900.00	3,807								N
Page 4 of 8 24) Auto Mall Street Upgrades	(Geotech)	Capital Project Contract, CIP 79725	Original Area			4,725.00	2.431								
CIP 79725 (old 91725)	VA Consulting Inc.						-1.0.								·
Page 4 of 8 25)	(Survey)	Capital Project Contract, CIP 79725	Original Area			4,950.00	4,168								
Page 4 of 8 26)	SME&C (Contractor)	Capital Project Contract, CIP 79725	Original Area			496,641.72	300,920								
	Gas Tax Allocation (Required)	Capital Project Contract, CIP 79725	0			19.000.00	10.795								
Page 4 of 8 27)	Lim & Nascimento	Capital Project Contract, CIP 79725 Contractual Services PO#35828 CIP	Original Area			19,000.00	10,795								
Page 4 of 8 28)	Engineering	79726	Original Area			62,521.73	38,736								
Page 4 of 8 29)	Ninyo & Moore Geotech	79726	Original Area			3,194.50	-								
		Contractual Services PO#40163 CIP													
Page 4 of 8 30) Indian Basin Appurtment	Guida Surveying	79726	Original Area			906.00	12,926								
Page 4 of 8         30)         Indian Basin, Appurtenant           Page 4 of 8         31)         CIP 79726 (old 91726)           Page 4 of 8         32)         CIP 79726 (old 91726)	City of Moreno Valley	Project Management CIP 79726	Original Area			20,000.00	17,752								
Page 4 of 8 32)	City Consultants	Project Management CIP 79726	Original Area			1,000.00	113								
	Hilleroot Contraction	Contractual Services PO#41587 CIP				45 070 65	15.075								
Page 4 of 8 33)	Hillcrest Contracting, Inc.	79726 tt. Capital Projects Contract-CIP	Original Area			15,078.96	15,079						<u>├</u>		
Page 4 of 8 34)	Agency	Environmental Fees - CIP 79726	Original Area			3,000.00	-								
		Cost-sharing agreement Reconciliation	Signariasa		1	0,000.00	-						<u> </u>		
Page 4 of 8 35)	EMWD	CIP 79727	Original Area			43,720.48	7,630								
Page 4 of 8 36)	AEI-CASC Engineering	Capital Project Contract, CIP 79727	Original Area			62,424.79	12,505								
Page 4 of 8 37) Ironwood Ave-Day St/Barclay Dr	City of Moreno Valley	Project Management CIP 79727	Original Area			30,000.00	14,819								
CIP 79727 (old 91727)		Secure title reports for ROW dedication													
Page 4 of 8 38)	City of Moreno Valley	CIP 79727	Original Area			1,500.00	2,200								
	Construction Contractor, Surveyor, Geo-tech														
Page 4 of 8 39)	Surveyor, Geo-tech Consultant	Capital Project Contract CIP 79727	Original Area			262,700.00	_								
raye 4 01 01 38)	Consultant	Capitar 10/601 COntract OF 19/21	Unginal Area		1	202,700.00	-					1			

#### Pursuant to Health and Safety Code section 34186 (a) PRIOR PERIOD ESTIMATED OBLIGATIONS vs. ACTUAL PAYMENTS RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS I) January 1, 2012 through June 30, 2012

		-				January 1,	2012 through J	une 30, 2012								
															0.1	
					LN	<u>/IHF</u>	Bond P	roceeds	Reserve	Balance	Admin All	owance	RPT	IF	Othe	<u>ir</u>
Page/Form Line	Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
ROPS I	Grand Total	Tuyee		TTOJECT AICA	\$ -	\$ -	\$ 7,067,970			\$ 115,033				11,966,792	\$ 9,026,101	
Page 4 of 8 40)		Singer & Coffin, APC	Legal Services CIP 79728	Original Area	Ŧ	÷	2,000.00	-		+,	· · · · · · · · · · · · · · · · · · ·	¢,2.12	+,,			,
Page 4 of 8 41)		Parsons Transportation	Contractual Services CIP 79728	Original Area			25,000.00	25,000								
Page 4 of 8 42)	)	City Consultants	Project Management CIP 79728	Original Area			2,000.00	263								
Page 4 of 8 43	)	Caltrans	CIP 79728	Original Area			25,000.00	-								
Page 4 of 8 44)	)	City of Moreno Valley	Utility relocation CIP 79728	Original Area			83,642.62	-								
Page 4 of 8 45)	)	City of Moreno Valley	Project Management CIP 79728	Original Area			145,000.00	52,551								
Page 4 of 8 46)	)	Caltrans	Source Inspection CIP 79728	Original Area			50,000.00	-								
Page 4 of 8 47)	)	Caltrans	State-furnished Materials CIP 79728	Original Area			50,000.00	-								🕷
Page 4 of 8 48)		Caltrans	Construction Zone Enfrcemnt CIP 79728	Original Area			50,000.00	-								P
Page 5 of 8 49)	Nason/SR-60 Bridge	Survey Consultant	Capital Project Contract, CIP 79728	Original Area			5,000.00	-								
Page 5 of 8 50)	CIP 79728 (old 91728)	Contractor	Capital Project Contract, CIP 79728	Original Area			-	-								<b>— 3</b>
Page 5 of 8 51)	2	Falcon Engineering	Capital Project Contract, CIP 79728	Original Area			70,000.00	-								
Page 5 of 8 52)	2	Falcon Engineering	Constructability Review CIP 79728	Original Area			32,157.00	27,716								
Page 5 of 8 53)	2	Geotechnical Consultant	Capital Project Contract, CIP 79728	Original Area			5,000.00	-								—— Z
Page 5 of 8 54)	<u>)</u>	City of Moreno Valley	Project Management CIP 79728	Original Area			70,000.00	-								
Page 5 of 8 55) Page 5 of 8 56)	4	Parsons Transportation City of Moreno Valley	Contractual Services CIP 79728	Original Area			350,000.00 10,000.00	426,466								— 0
·		EMWD	Advertising/Bidding Expenses CIP 79728 Meters - CIP 79728	Original Area			15,000.00	-								■
Page 5 of 8 57) Page 5 of 8 58)	<u>,</u>	RCFC&WCD	Fees CIP 79728	Original Area Original Area			5,000.00									<u> </u>
Page 5 01 6 56	1	Gibbs, Giden, Locher,	Advertising/bidding expenses - Spec	Onginal Area			5,000.00	-								— Þ
		Turner & Senet	Revisions CIP 79728	Original Area				7,287								
Page 5 of 8 59)	)	City of Moreno Valley	Project Management CIP 79729	Original Area			108,344.60	103,677								• .
Page 5 of 8 60)	)	STK Architecture	Capital Project Contract, CIP 79729	Original Area			200,000.00	146,784								
Page 5 of 8 61)	)	Silver Creek Industries	Capital Project Contract, CIP 79729	Original Area			3,000,000.00	1,649,492								ట
	Morrison Park Fire Station	Enco Utility	Capital Project Contract, CIP 79729	Original Area			2,100.00	1,260								W
Page 5 of 8 63)	CIP 79729 (old 91729)	Riverside County IT	Capital Project Contract, CIP 79729	Original Area			13,210.00	4,534								
Page 5 of 8 64)		McCain Traffic Supply	Capital Project Contract, CIP 79729	Original Area			5,200.00	-								—— Ń
Page 5 of 8 65)		Southern Ca Gas Co.	Capital Project Contract, CIP 79729	Original Area			5,600.00	11,173								``
Page 5 of 8 66)		Construction Contract	Construction Costs CIP 79729	Original Area			345,579.49	10,343								ယ
Page 5 of 8 67)	)	City of Moreno Valley	Project Management CIP 79731	Original Area			80,000.00	45,566								~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Page 5 of 8 68)	)	Parsons Transportation	Capital Project Contract, CIP 79731	Original Area			27,054.25	27,054								ı
Page 5 of 8 69)	)	Staff Consultants	Capital Project Contract CIP 79731	Original Area			10,873.88	210								
Page 5 of 8 70)	<u>)</u>	So. Calif. Edison	Utility relocation CIP 79731	Original Area			240,472.00	-								
Page 5 of 8 71)	2	Caltrans	State Furnished Materials CIP 79731	Original Area			50,000.00	-								
Page 5 of 8 72 Page 5 of 8 73	2	Caltrans	Source Inspection CIP 79731 Capital Project Contract CIP 79731	Original Area			50,000.00 5,000.00									
Page 5 of 8 73)	1	Survey Consultant City of Moreno Valley -	Capital Project Contract CIP 79731	Original Area			5,000.00	-								
Page 5 of 8 74)		CM/Inspection	Capital Project Contract CIP 79731	Original Area			30,000.00	-								
Page 5 of 8 75)	Moreno Beach Ramps - Phase 1	Geotechnical Consultant	Capital Project Contract CIP 79731	Original Area			5,000.00	-								
Page 5 of 8 76)	CIP 79731 (old 91731)	Falcon Engineering	Constructability Review CIP 79731	Original Area			25,000.00	7,987								
Page 5 of 8 77)		City of Moreno Valley	Project Management CIP 79731	Original Area			74,449.00	-								
Page 5 of 8 78)	)	RCFC&WCD	Inspection fees CIP 79731	Original Area			10,000.00	-								
Page 5 of 8 79)	)	CHP	Const. zone enforcement CIP 79731	Original Area			-	-								
Page 5 of 8 80)	)	City of Moreno Valley	Advertising & bidding CIP 79731	Original Area			10,000.00	-								
Page 5 of 8 81)	2	EMWD	Inspection fees CIP 79731	Original Area		+	-	-								
Page 5 of 8 82)	2	Parsons Transportation Gibbs Gidden Locher	Capital Project Contract CIP 79731 Advertising/bidding expenses - Spec	Original Area			300,000.00	238,718								
		Turner & Senet	Revisions CIP 79731	Original Area				7.287								
	1		Advertising/bidding expenses - Spec	onginar/rea		1	1	7,207	1							
		A&I Reprographics	Revisions CIP 79732	Original Area				3,010								
		Riverside Flood Control														
Dage 6 -f 0	Tax Sharing Agreement/Flood	and Water Conservation	Pass Through for the Construction of	Original Ass											E 620 404 40	E 630 404
Page 6 of 8 83)	Control Agreement	Dist. Moreno Valley Housing	Storm Drain Projects CIP 99524	Original Area											5,639,404.43	5,639,404
Page 6 of 8 84)	Acquisition of Properties/Loan	Authority	Satisfaction of Debt	Original Area											3,386,697.00	3.386.697
		City of Moreno		2		1			İ						2,222,007.00	
Page 7 of 8 1)	City/Agency Employee Payroll	Valley/Employees	Payroll Costs	Original Area							247,665.00	111,553.53				
Page 7 of 8 2)	City/Agency - Operating Costs	City of Moreno Valley	Operating Costs	Original Area							60,000.00	6,094.25				

#### Pursuant to Health and Safety Code section 34186 (a) PRIOR PERIOD ESTIMATED OBLIGATIONS vs. ACTUAL PAYMENTS RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS I) January 1, 2012 through June 30, 2012

LMIHF Bond Proceeds Reserve Balance Admin Allowance RPTTF Other Actual Actual Actual Actual Actual Page/Form Line Project Name / Debt Obligation Pavee Description/Project Scope Project Area Estimate Estimate Estimate Estimate Estimate Actual Estimate ROPS I Grand Total \$ 7,067,970 \$ 3,556,627 \$ 394,296 \$ 115,033 \$ 307,665 \$ 117,648 \$ 12,229,290 11,966,792 \$ 9,026,101 \$ 9,026,101 Payments per former CRL 33676 stimates on ROP I included payments to e made in Jan & June 2012 - Actual Moreno Valley & Val ayment made from Jan 2012 RPTTF 1) Section 33676 2% Pass Through\* Verde Unified SDs 409,807.97 409,807.97 Page 8 of 8 Payments per former CRL 33676 stimates on ROP I included payments to be made in Jan & June 2012 - Actual Riverside City Community payment made from Jan 2012 RPTTF Page 8 of 8 2) Section 33676 2% Pass Through\* College 81,284.27 81,284.27 Payments per former CRL 33676 stimates on ROP I included payments to be made in Jan & June 2012 - Actual payment made from Jan 2012 RPTTF 3) Section 33676 2% Pass Through\* 862.51 Page 8 of 8 School Funds 862.51 Payments per former CRL 33676 -Estimates on ROP I included payments to be made in Jan & June 2012 - Actual payment made from Jan 2012 RPTTF 4) Section 33676 2% Pass Through\* Co Supt of Schools 65.300.32 65.300.32 Page 8 of 8 Per Pass Through Agreement - Estimates on ROP I included payments to be made Tax Sharing Agreement/County Pass n Jan & June 2012 - Actual payment 5) Through Agreement\* County of Riverside de from Jan 2012 RPTTF only. 1.684.143.00 1,615,184.67 Page 8 of 8 6) SB 2557 County Admin Fees County of Riverside County Administrative Fees 233,646.02 233,646.02 Page 8 of 8 Riverside Flood Control Tax Sharing Agreement/Flood and Water Conservation Per Pass Through Agreement Page 8 of 8 7) Control Agreement Dist. 781,573.00 781,573.00

\* Estimates in the original ROPS for January 1, 2012 through June 30, 2012 included pass through payments estimates for January and June Payments. Actual payments for the same period were only for January 2012 payments. The June 2012 actual payments were made from the RPTTF for the period covering July 1, 2012 through December 31, 2012 and will be reported a Pass Through payments to the Taxing Agencies and to the County of Riverside were made by the Riverside County Auditor-Controller.



APPROVALS	
BUDGET OFFICER	caf D
CITY ATTORNEY	<cityattorney></cityattorney>
CITY MANAGER	<citymanager< td=""></citymanager<>

### Report to City Council

- TO: Mayor and City Council acting in their capacity as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley
- **FROM:** Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- TITLE: RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING INDEPENDENT ACCOUNTANT'S REPORT OF THE DUE DILIGENCE REVIEW OF ALL FUNDS AND ACCOUNTS OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND PURSUANT TO SECTIONS 34179.5 AND 34179.6 OF THE DISSOLUTION ACT

#### **RECOMMENDED ACTION**

**Recommendations:** 

- 1. That the City Council as Successor Agency adopt Resolution No. SA 2012-102 approving the Independent Accountant's Report of the Due Diligence Review of the Non-Housing Assets Conducted Pursuant to Section 34179.5 for the Non-Housing Funds.
- 2. Authorize staff to transmit the Report to the Oversight Board and to the County Auditor-Controller (CAC), State Controller's Office (SCO), and Department of Finance (DOF) Pursuant to Section 34179.6 of the Dissolution Act.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

### BACKGROUND

On December 29, 2011, the California Supreme Court delivered a decision requiring all California redevelopment agencies, including the Community Redevelopment Agency of the City of Moreno Valley, to be dissolved as of February 1, 2012. Following the Supreme Court decision, on January 10, 2012, The City Council elected the City of Moreno Valley to become the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley (RDA) pursuant to Part 1.85 of Division 24 of the Health and Safety Code. As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets; making payments and performing other obligations due for Enforceable Obligations of the former RDA. In order to facilitate the process, on February 28, 2012, the City Council adopted Resolution No. 2012-13 approving a Recognized Obligation Payment Schedule (ROPS) for the period of January 1, 2012 through June 30, 2012, Resolution No. 2012-22 on April 10, 2012, approving a Second Recognized Obligation Payment Schedule for the period of July 1, 2012 through December 31, 2012, and Resolution No. 2012-71 on August 28, 2012 for the period of January 1, 2013 through June 30, 2013.

#### DISCUSSION

The Dissolution Act, Parts 1.8 and 1.85 of the California Health and Safety Code, as modified by the Supreme Court's opinion in California Redevelopment Association, et al. v. Ana Matosantos, et al., Case No. S194861 and as amended by Assembly Bill 1484 chaptered and effective June 27, 2012, in particular Section 34719.5, require the Successor Agency to retain a licensed accountant for the purposes of determining the unobligated fund balances available for transfer to the taxing agencies, including the City's General Fund. Two due diligence reviews are required, one related to housing assets and obligations and the other related to non-housing assets and obligations. The first accountant's report, which was previously approved by the Successor Agency by its Resolution No. 2012-81 as adopted on October 9, 2012 pertains to the Low and Moderate Income Housing fund. A second accountant's report (the "Report", as attached) pertains to all funds and accounts other than the Low and Moderate Income Housing Fund ("Non-Housing Funds"). The Successor Agency must review, approve, and submit the report to the Oversight Board and to the CAC, SCO, and DOF by December 15, 2012. Under the Dissolution Act, the Oversight Board is, by January 15, 2013, to complete a public comment session, review public comments and consider the results/opinions offered by the CAC, and then review, approve and transmit the report again to the CAC, SCO, and DOF.

#### Licensed Accountant

As presented at the August meeting, the Successor Agency selected and the CAC approved Lance, Soll & Lunghard, LLP an accounting firm with experience and expertise in local government accounting to conduct the due diligence reviews to determine the unobligated balances available for transfer to taxing entities relating to housing and non-housing assets and obligations in order to ascertain unobligated cash or cash equivalent balances that would be available for transfer to local taxing entities.

Lance, Soll & Lunghard, LLP delayed commencing work on the due diligence review until the review standards were developed and issued by the DOF as below described. In July and August of this year, members of the Governmental Accounting and Auditing Committee of the California Society of Certified Public Accountants ("CalCPA"), along with the SCO and the DOF, developed the review standards/agreed upon procedures. On August 30, 2012, the DOF posted the standards/procedures and Lance, Soll & Lunghard, LLP began work on the housing due diligence review and later commenced work on the Report.

### Legal Requirements and Standards for the Due Diligence Review

Under Section 34179.5, the due diligence review requires the independent accountant to reconcile assets, balances and liabilities with previous reports made to the State. Further, this review includes valuation of cash and cash equivalents with respect to Non-Housing Funds, and obligations. "At a minimum, the [due diligence] review required by this section shall include the following: ... '[a]n itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment.' ..."

The review and report occurs as to housing assets between August and November 2012, and as to non-housing assets between November 2012 and April 2013. The review process entails several steps in order to be completed as required, and the penalty for failure to pay or transfer will result in the DOF causing the equivalent amount(s) to be deducted from sales and use taxes and/or property taxes due to the City, as the sponsoring community.

KEY DATES – DUI	E DILIGENCE REVIEW SCHEDULE	AND DEADLINES
	Housing Review	Non-Housing Review
Due Diligence Review Due from Successor Agency to Oversight Board	October 1, 2012	December 15, 2012
Oversight Board Deadline to Conduct Hearing, Review, Approve and Submit Due Diligence Review	October 15, 2012	January 15, 2013
DOF Deadline to issue "Finding of Completion"	November 9, 2012	April 1, 2013
Successor Agency Deadline to Request Meet and Confer with DOF about Reviews	Five (5) Days of DOF Action, no Later than November 16, 2012	Five (5) Days of DOF Action, no Later than April 6, 2013
Successor Agency Deadline to Make Transfers to County Auditor-Controller based on DOF Findings	November 28, 2012	April 10, 2013

### **FINDINGS**

Attached to this report and Resolution is the Due Diligence Review for Non-Housing Assets transmitted by the Successor Agency to the Oversight Board. Lance, Soll & Lunghard, LLP reviewed cash and non-cash balances, expenditures, revenues and transfers prior to and following dissolution on February 1, 2012. In general, the activities noted in the due diligence review report reflect transactions associated with the former Redevelopment Agency other than the Low and Moderate Income Housing transactions.

### **ALTERNATIVES**

- 1. Adopt the attached resolution, which approves the Due Diligence Review of Non-Housing Funds, and authorizing transmit the Report to the Oversight Board and to the County Auditor-Controller (CAC), State Controller's Office (SCO), and Department of Finance (DOF) Pursuant to Section 34179.6 of the Dissolution Act. Staff recommends this alternative in order for the Successor Agency to comply with the statutory requirements.
- 2. Decline to adopt the attached resolution. *Staff does not recommend this alternative as the City, acting as the Successor Agency, would be subject to civil penalties for noncompliance with the law.*

### FISCAL IMPACT

The fee associated with the services provided by Lance Soll & Lunghard, LLP to perform the Due Diligence Review of the Non-Housing Assets is estimated not to exceed \$10,000.

### **SUMMARY**

As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets; making payments and performing other obligations due for Enforceable Obligations of the former RDA. In addition, the State Legislature passed the Assembly Bill 1484. Section 34179.5 of the AB 1484 provides that the Due Diligence Review of the Non-Housing Funds be performed by a licensed accountant. Pursuant to the Dissolution Act, the resolution directs staff to submit the due diligence review report to the Oversight Board, CAC, the SCO, and DOF. Once approved and submitted by the Successor Agency, the Oversight Board would conduct two meetings on this due diligence review the report from the Successor Agency and direct that the report be available for public review and comment; then, the Oversight Board would convene to receive and review public

### NOTIFICATION

No public notice is required prior to the City Council taking action on this item. However, the agenda for the meeting during which this item may be considered has been posted in the three locations that have been designated for the posting of City Council agendas.

### **ATTACHMENTS**

Attachment 1 – Proposed Resolution Exhibit A - The Non-Housing Funds Due Diligence Review Report

Prepared By: Anochar Clark Sr. Financial Analyst Department Head Approval: Barry Foster Community & Economic Development Director

Concurred by: Dante Hall Redevelopment & Neighborhood Programs Administrator

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

This page intentionally left blank.

### RESOLUTION NO. 2012-102

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE INDEPENDENT ACCOUNTANT'S REPORT RE THE DUE DILIGENCE REVIEW AS TO ALL FUNDS AND ACCOUNTS OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND CONDUCTED PURSUANT TO SECTION 34179.5 AND AUTHORIZING STAFF TO TRANSMIT THE REPORT TO THE OVERSIGHT BOARD AND TO THE COUNTY AUDITOR-CONTROLLER, STATE CONTROLLER'S OFFICE, AND DEPARTMENT OF FINANCE PURSUANT TO SECTION 34179.6 OF THE DISSOLUTION ACT

WHEREAS, the Community Redevelopment Agency of the City of Moreno Valley ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Moreno Valley ("City"); and

WHEREAS, Assembly Bill x1 26 chaptered and effective on June 27, 2011 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 chaptered and effective on June 27, 2012 (together, the "Dissolution Act"); and

WHEREAS, as of February 1, 2012 the Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley ("Successor Agency"); and

WHEREAS, the Successor Agency administers the enforceable obligations of the former Agency and otherwise unwinds the Agency's affairs, all subject to the review and approval by a seven-member oversight board (the "Oversight Board"); and

WHEREAS, Section 34179.5 requires the Successor Agency to employ a licensed accountant approved by the Riverside County Auditor-Controller to perform a due diligence review and report on the amount of funds transferred from the former Community Redevelopment Agency of the City of Moreno Valley with regard to housing funds and accounts ("Housing Funds") and a separate such report with respect to all funds and accounts other than Housing Funds ("Non-Housing Funds"); and

1 Resolution No. 2012-102 Date Adopted: December 11, 2012

# Item No. A.14

WHEREAS, on July 30, 2012, the Riverside County Auditor-Controller provided written approval to Successor Agency staff of their selection of *Lance, Soll & Lunghard, LLP* as the licensed accountant to perform the due diligence reviews as to Housing Funds and as to Non-Housing Funds for the Successor Agency; and

WHEREAS, on August 30, 2012, the Department of Finance posted on its official website the agreed-upon procedures to conduct the due diligence reviews; and

WHEREAS, in accordance with the provisions of the agreed-upon procedures and provisions of Section 34179.5, *Lance, Soll & Lunghard, LLP* has previously completed the due diligence review and report with respect to Housing Funds, a copy of which was submitted with Resolution No. 2012-81 of the Successor Agency, and which was subsequently approved by the Oversight Board on October 15, 2012 by its Resolution No. OB 2012-20, and was thereafter submitted to the Department of Finance; and

WHEREAS, in accordance with the provisions of the agreed-upon procedures and provisions of Section 34179.5, Lance, Soll & Lunghard, LLP has completed the due diligence review and report with respect to Non-Housing Funds (the "Report"), a copy of which is attached hereto and incorporated by this reference; and.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY:

SECTION 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

SECTION 2. Pursuant to the Dissolution Act, the Successor Agency approves the Report as submitted herewith as Exhibit.

SECTION 3. The Successor Agency authorizes transmittal of the Report to the Oversight Board for its review and approval and also directs staff to send such report to the County Auditor-Controller, State Controller's Office and Department of Finance, pursuant to Section 34179.6.

SECTION 4. The Finance Director of the Successor Agency or her authorized is directed to post this Resolution on the Successor Agency website pursuant to the Dissolution Act.

SECTION 5. This Resolution shall be effective immediately upon adoption.

SECTION 6. The City Clerk shall certify to the adoption of this resolution.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

3 Resolution No. 2012-102 Date Adopted: December 11, 2012

# Item No. A.14

### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-102 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

4 Resolution No. 2012-102 Date Adopted: December 11, 2012

Item No. A.14



Successor Agency of the Former Community Redevelopment Agency of the City of Moreno Valley

Due Diligence Review of the Other Redevelopment Agency Funds Pursuant to Sections 34179.5(c)(1) through 34179.5(c)(6) of Assembly Bill No. 1484 of 2012

### Lance Soll & Lunghard, LLP

Orange County Silicon Valley Temecula Valley

www.lslcpas.com

Successor Agency of the Former Community Redevelopment Agency of the City of Moreno Valley

Due Diligence Review of the Other Redevelopment Agency Funds Pursuant to Sections 34179.5(c)(1) through 34179.5(c)(6) of Assembly Bill No. 1484 of 2012



Brandon W. Burrows, CPA
David E. Hale, CPA, CFP

- A Professional Corporation
   Donald G. Slater, CPA
- Donald G. Slater, CPA
   Richard K. Kikuchi, CPA
- Susan F. Matz, CPA
- Shelly K. Jackley, CPA
- Bryan S. Gruber, CPA
- Deborah A. Harper, CPA

### INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

To the Successor Agency of the Former Community Redevelopment Agency of the City of Moreno Valley City of Moreno Valley, California

We have performed the procedures enumerated in Attachment A for the Other Redevelopment Agency Funds, which were agreed to by the California State Controller's Office and the State of California Department of Finance (State Agencies) solely to assist you in ensuring that the dissolved redevelopment agency is complying with Assembly Bill 1484, Chapter 26, Section 17's amendment to health and safety code 34179.5. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Management of the successor agency is responsible for providing all the information obtained in performing these procedures. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

As stated above, the scope of this engagement was limited to performing the procedures identified in Attachment A, which specified the "List of Procedures for the Due Diligence Review" obtained from the California Department of Finance Website.

The results of the procedures performed are identified in Attachment B1 through B11.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of a certified opinion as to the appropriateness of the results of the procedures performed. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to the Successor Agency.

This report is intended solely for the information and use of the Successor Agency Oversight Board, the Successor Agency and the applicable State Agencies, and is not intended to be, and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

Lance, Soll & Lunghard, LLP

Brea, California November 29, 2012

- 1. Obtain from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency to the Successor Agency on February 1, 2012. Agree the amounts on this listing to account balances established in the accounting records of the Successor Agency. Identify in the Agreed-Upon Procedures (AUP) report the amount of the assets transferred to the Successor Agency as of that date.
- 2. If the State Controller's Office has completed its review of transfers required under both sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
  - a. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to the city, county, or city and county that formed the redevelopment agency for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
  - b. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to the city, county, or city and county that formed the redevelopment agency for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
  - c. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.
- 3. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
  - a. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
  - b. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to any other public agency or private parties for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
  - c. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

# Item No. A.14

- 4. Perform the following procedures:
  - a. Obtain from the Successor Agency a summary of the financial transactions of the Redevelopment Agency and the Successor Agency in the format set forth in the attached schedule for the fiscal periods indicated in the schedule. For purposes of this summary, the financial transactions should be presented using the modified accrual basis of accounting. End of year balances for capital assets (in total) and long-term liabilities (in total) should be presented at the bottom of this summary schedule for information purposes.
  - b. Ascertain that for each period presented, the total of revenues, expenditures, and transfers accounts fully for the changes in equity from the previous fiscal period.
  - c. Compare amounts in the schedule relevant to the fiscal year ended June 30, 2010 to the state controller's report filed for the Redevelopment Agency for that period.
  - d. Compare amounts in the schedule for the other fiscal periods presented to account balances in the accounting records or other supporting schedules. Describe in the report the type of support provided for each fiscal period.
- 5. Obtain from the Successor Agency a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012. When this procedure is applied to the Low and Moderate Income Housing Fund, the schedule attached as an exhibit will include only those assets of the Low and Moderate Income Housing Fund Moderate Income Housing Fund, the schedule attached as an exhibit will include only those assets of the Low and Moderate Income Housing Fund that were held by the Successor Agency as of June 30, 2012 and will exclude all assets held by the entity that assumed the housing function previously performed by the former redevelopment agency. Agree the assets so listed to recorded balances reflected in the accounting records of the Successor Agency. The listing should be attached as an exhibit to the appropriate AUP report.
- 6. Obtain from the Successor Agency a listing of asset balances held on June 30, 2012 that are restricted for the following purposes:
  - a. Unspent bond proceeds:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures, amounts set aside for debt service payments, etc.).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
    - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
  - b. Grant proceeds and program income that are restricted by third parties:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).

- iii. Obtain from the Successor Agency a copy of the grant agreement that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
- c. Other assets considered to be legally restricted:
  - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
  - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
  - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by Successor the Agency as restricted.
- d. Attach the above mentioned Successor Agency prepared schedule(s) as an exhibit to the AUP report. For each restriction identified on these schedules, indicate in the report the period of time for which the restrictions are in effect. If the restrictions are in effect until the related assets are expended for their intended purpose, this should be indicated in the report.
- 7. Perform the following:
  - a. Obtain from the Successor Agency a listing of assets as of June 30, 2012 that are **not** liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) and ascertain if the values are listed at either purchase cost (based on book value reflected in the accounting records of the Successor Agency) or market value as recently estimated by the Successor Agency.
  - b. If the assets listed at 7(A) are listed at purchase cost, trace the amounts to a previously audited financial statement (or to the accounting records of the Successor Agency) and note any differences.
  - c. For any differences noted in 7(B), inspect evidence of disposal of the asset and ascertain that the proceeds were deposited into the Successor Agency trust fund. If the differences are due to additions (this generally is not expected to occur), inspect the supporting documentation and note the circumstances.
  - d. If the assets listed at 7(A) are listed at recently estimated market value, inspect the evidence (if any) supporting the value and note the methodology used. If no evidence is available to support the value and\or methodology, note the lack of evidence.
- 8. Perform the following:
  - a. If the Successor Agency believes that asset balances need to be retained to satisfy enforceable obligations, obtain from the Successor Agency an itemized schedule of asset balances (resources) as of June 30, 2012 that are dedicated or restricted for the funding of enforceable obligations and perform the following procedures. The schedule should identify the amount dedicated or restricted, the nature of the dedication or restriction, the specific enforceable obligation to which the dedication or restriction relates, and the language in the legal document that is associated with the enforceable obligation.
    - i. Compare all information on the schedule to the legal documents that form the basis for the dedication or restriction of the resource balance in question.

# Item No. A.14

- ii. Compare all current balances to the amounts reported in the accounting records of the Successor Agency or to an alternative computation.
- iii. Compare the specified enforceable obligations to those that were included in the final Recognized Obligation Payment Schedule approved by the California Department of Finance.
- iv. Attach as an exhibit to the report the listing obtained from the Successor Agency. Identify in the report any listed balances for which the Successor Agency was unable to provide appropriate restricting language in the legal document associated with the enforceable obligation.
- b. If the Successor Agency believes that future revenues together with balances dedicated or restricted to an enforceable obligation are insufficient to fund future obligation payments and thus retention of current balances is required, obtain from the Successor Agency a schedule of approved enforceable obligations that includes a projection of the annual spending requirements to satisfy each obligation and a projection of the annual revenues available to fund those requirements and perform the following procedures:
  - i. Compare the enforceable obligations to those that were approved by the California Department of Finance. Procedures to accomplish this may include reviewing the letter from the California Department of Finance approving the Recognized Enforceable Obligation Payment Schedules for the six month period from January 1, 2012 through June 30, 2012 and for the six month period July 1, 2012 through December 31, 2012.
  - ii. Compare the forecasted annual spending requirements to the legal document supporting each enforceable obligation.
    - a. Obtain from the Successor Agency its assumptions relating to the forecasted annual spending requirements and disclose in the report major assumptions associated with the projections.
  - iii. For the forecasted annual revenues:
    - a. Obtain from the Successor Agency its assumptions for the forecasted annual revenues and disclose in the report major assumptions associated with the projections.
- c. If the Successor Agency believes that projected property tax revenues and other general purpose revenues to be received by the Successor Agency are insufficient to pay bond debt service payments (considering both the timing and amount of the related cash flows), obtain from the Successor Agency a schedule demonstrating this insufficiency and apply the following procedures to the information reflected in that schedule.
  - i. Compare the timing and amounts of bond debt service payments to the related bond debt service schedules in the bond agreement.
  - ii. Obtain the assumptions for the forecasted property tax revenues and disclose major assumptions associated with the projections.
  - iii. Obtain the assumptions for the forecasted other general purpose revenues and disclose major assumptions associated with the projections.
- d. If procedures A, B, or C were performed, calculate the amount of current unrestricted balances necessary for retention in order to meet the enforceable obligations by performing the following procedures.

- i. Combine the amount of identified current dedicated or restricted balances and the amount of forecasted annual revenues to arrive at the amount of total resources available to fund enforceable obligations.
- ii. Reduce the amount of total resources available by the amount forecasted for the annual spending requirements. A negative result indicates the amount of current unrestricted balances that needs to be retained.
- iii. Include the calculation in the AUP report.
- 9. If the Successor Agency believes that cash balances as of June 30, 2012 need to be retained to satisfy obligations on the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2012 through June 30, 2013, obtain a copy of the final ROPS for the period of July 1, 2012 through December 31, 2012 and a copy of the final ROPS for the period January 1, 2013 through June 30, 2013. For each obligation listed on the ROPS, the Successor Agency should add columns identifying (1) any dollar amounts of existing cash that are needed to satisfy that obligation and (2) the Successor Agency's explanation as to why the Successor Agency believes that such balances are needed to satisfy the obligation. Include this schedule as an attachment to the AUP report.
- 10. Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities. Amounts included in the calculation should agree to the results of the procedures performed in each section above. The schedule should also include a deduction to recognize amounts already paid to the County Auditor-Controller on July 12, 2012 as directed by the California Department of Finance. The amount of this deduction presented should be agreed to evidence of payment. The attached example summary schedule may be considered for this purpose. Separate schedules should be completed for the Low and Moderate Income Housing Fund and for all other funds combined (excluding the Low and Moderate Income Housing Fund).
- 11. Obtain a representation letter from Successor Agency management acknowledging their responsibility for the data provided to the practitioner and the data presented in the report or in any attachments to the report. Included in the representations should be an acknowledgment that management is not aware of any transfers (as defined by Section 34179.5) from either the former redevelopment agency or the Successor Agency to other parties for the period from January 1, 2011 through June 30, 2012 that have not been properly identified in the AUP report and its related exhibits. Management's refusal to sign the representation letter should be noted in the AUP report as required by attestation standards.

**ATTACHMENT B1** 

List of Assets Transferred from the Former Redevelopment Agency to the Successor Agency Other Redevelopment Agency Funds As of February 1, 2012 Procedure 1

Total Assets transferred:

<b>LTACHMENT B2</b>
TACHMENT I
TACHMEN1
TACHMEN
TACHME
TACHN
TACHN
TACH
TACH
TAC
Ā
F
<u>ک</u>

Procedure 2
 Isting of Transfers (Excluding Payments for Goods and Services) to the City
 O the Redevelopment Agency Funds
 O or the Period from January 1, 2011 through June 30, 2012

А.	Enforceable		
14	Obligation (EO)/		Legal
•	Other Legal		Documentation
Describe Purpose of Transfer	Requirement (LR)	Amount	Obtained? (Y/N)
From former Redevelopment Agency to City for January 1, 2011 through J	11 through January 31, 2012		

# From Successor Agency to City for February 1, 2012 through June 30, 2012

No transfers were made to the City during this time period or they were diminimus

No transfers were made to the City during this time period or they were diminimus

Procedure 3 Listing of Transfers (Excluding Payments for Goods and Services) to Other Public Agencies or Private Parties Other Redevelopment Agency Funds For the Period from January 1, 2011 through June 30, 2012	Public Agencies or Private Parties		ATTACHMENT B3
Describe Purpose of Transfer	Enforceable Obligation (EO)/ Other Legal Requirement (LR)	Amount	Legal Documentation Obtained? (Y/N)

From former Redevelopment Agency to other public agencies or private parties for January 1, 2011 through January 31, 2012

No transfers were made to the other public agencies or private parties during this time period or they were diminimus

From Successor Agency to other public agencies or private parties for February 1, 2012 through June 30, 2012

No transfers were made to the other public agencies or private parties during this time period or they were diminimus

<ul> <li>Procedure 4</li> <li>Nummary of the Financial Transactions of Redevelopment Agency and Successor Agency all Funds</li> <li>Vall Funds</li> <li>Per schedule attached to List of Procedures for Due Diligence Review</li> <li>Redevelopme</li> </ul>	Success	essor Agency Redevelopment	Red	Redevelopment	Red	Redevelopment	ATT 8	ATTACHMENT B4
	12 N	Agency 12 Months Ended 6/30/2010	12 M 9	Agency 12 Months Ended 6/30/2011	7 Mg	Agency 7 Months Ended 1/31/2012	5 M	Agency 5 Months Ended 6/30/2012
Assets (modified accrual basis) Cash and investments Accounts receivable Notes and loans receivable	\$	81,080,237 22,578 17,567,422	\$	51,063,099 48,685 20,519,937	\$	38,724,650 50,000 25,828,520	\$	31,295,187 - 157,500
Taxes receivable Land held for resale		231,022 73,572 3,916,126		47.1,343 - 3,916,126		3,916,126		
Due from other governments Due from the City of Moreno Valley Advances to other funds		- 4,500 3,564,945		529 - 3,386,697		- 3,386,697		
Advances to the City of Moreno Valley Total Assets	ю	220,500 106,680,902	θ	189,000 79,595,616	<del>с</del> у	189,000 72,685,520	<del>с</del> у	- 31,452,687
23 9 Liabilities (modified accrual basis)					. (			
Accounts payable Accrued liabilities	æ	191,611 77,214 242.022	æ	1,777,712 24,654 400,542	÷	757,384 - 608,110	÷	2,212,237 11,015 7,500
Due to other governments Due to the City of Moreno Valley		243,023 4,846,739 1,932,005 3 564 045		400,043 5,639,404 9,378 3 386 607		000,110 -  3 386 607		
		0,904,949 10,855,537		11,318,388		4,752,191		2,230,752
Equity		95,825,365		68,277,228		67,933,329		29,221,935
Total Liabilities + Equity	θ	106,680,902	θ	79,595,616	φ	72,685,520	φ	31,452,687
Total Revenues:	မ	24,406,105	θ	23,606,240	မ	11,310,889	φ	31,986,208
Total Expenditures: Total Transfers:		25,923,147		51,154,377		11,654,788		5,771,652 3 007 370
Net change in equity		(1,517,042)		(27,548,137)		(343,899)		29,221,935
Beginning Equity:		97,342,407		95,825,365		68,277,228		
Ending Equity:	မ	95,825,365	Υ	68,277,228	မ	67,933,329	θ	29,221,935
Other Information (show year end balances for all four periods presented): Capital assets as of end of year Long-term debt as of end of year	d): \$	23,258,824 102,481,639	⇔	28,054,392 78,432,152	θ	30,503,500 60,355,032	θ	34,637,459 59,948,686

Procedure 5 Listing of All Assets Other Redevelopment Agency Funds As of June 30, 2012	cy Funds				ATTACHMENT B5	NT B5
Assets					Amount	
Cash	4800-100100 4800-100110 4820-100110 4820-100110 4821-100110 4851-100110 4851-100110 4851-100110 4851-100110	Cash in Bank Cash inter-company Cash in Bank Cash in ter-company Cash in ter-company Cash in ter-company Cash in ter-company	↔ CASH:	(6,871,564) 2,490,162 (2,964,749) 2,386,321 2,569,197 4,073,921 6,082,180 (938,185) 2,268,784 (1,019,639)	\$ 8,076	8,076,428
Investments	4800-100130 4820-100130 4821-100130	Investments Investments Investments TOTAL INVESTEMENTS:	IENTS:	742,408 18,759 19,920,231	20,681,398	,398
Cash with fiscal agent	4851-101100	Cash with fiscal agent TOTAL CASH WITH FISCAL AGENT:	GENT:	N		М
Notes and loans receivable	4820-104100	Notes and loans receivable TOTAL NOTES AND LOANS RECEIVABLE:	/ABLE:	157,500	157	157,500
			TOTAL AS	TOTAL ASSETS AT 6/30/2012:	\$ 28,915,328	5,328

# Item No. A.14

-237-

Procedure 6 Incedure 6 Isting of As Ither Redev	Isting of Assets that are Restricted Other Redevelopment Agency Funds				ATTACHMENT B6
# # • • • •	Description	Documentation Referenced	Amount	Purpose	Legal Documentation Obtained? (Y/N)
<b>~</b>	Cash with fiscal Agent a) 2007 Tax Allocation Bonds, Series A	4851-101100	\$	Cash held with trustee	~
7	Unspent bond proceeds a) 2007 Tax Allocation Bonds, Series A b) 2007 Tax Allocation Bonds, Series A c) 2007 Tax Allocation Bonds, Series A	4821-100100 4821-100130 4851-100130	6,643,118 19,920,231 1,249,145	Proceeds for capital projects Proceeds for capital projects Proceeds for capital projects	$\succ$ $\succ$ $\succ$

TOTAL: \$ 27,812,496

Procedure 7 Listing of Assets That Are Not Liquid or Otherwise Available for Distribution Other Redevelopment Agency Funds As of June 30, 2012

Variance Noted? (N/X) z Value Method Cost Method 157,500 157,500 Amount မ ф 4850-104100 Reference TOTAL RESTRICTIONS OF NON-CASH ITEMS Notes and loans receivable a) Notes and loans receivable Description Item # <u>\_</u>

A ther Redevelopment Agency Funds Vither Redevelopment Agency Funds (s of June 30, 2012 A A Approved F Item # Project Name Reference Obligation Amount v	s of June 30, 2012 Item # Project Name	Reference	Approved Obligation Amount	Amount Paid in Period Ending June 30, 2012	Amount Restricted for Obligation for June 30, 2012 Balance	Legal Documentation Obtained? (Y/N)
		ROPS I, Page 7				
~	Administrative - payroll costs	of 8, line 1 ROPS I, Page 7	\$ 247,665	\$ 120,450	\$ 127,215	≻
Ν	Administrative - operating costs	of 8,line 2 ROPS I, Page 1	60,000	7,651	52,349	≻
ю	Housing Monitoring Requirements	of 8, line 7 ROPS I, Page 1	20,000	•	20,000	۶
4	Legal Service - General	of 8, line 8 ROPS I, Page 1	106,678	63,712	42,966	≻
ى -24	weed abatement of Agency properties	of 8, line 10 ROPS I, Page 1	7,090	•	7,090	≻
ى 40-	Audit Service	of 8, line 11 ROPS I, Page 2	10,000	10,500	(200)	۶
7	Legal Service - Specific to AHA	of 8, line 24 ROPS I, Page 2	33,000	•	33,000	۶
80	Affordable Housing Agreement - LMIHF	of 8, line 23 ROPS I, Page 2	1,817,577	1,817,577	·	≻
J	Affordable Housing Agreement - RPTTF	of 8, line 23 ROPS I, Page 2	682,423		682,423	≻
10	Title and closing costs	of 8, line 25	5,000	550	4,450	≻
			\$ 2,989,433	\$ 2,020,440	\$ 968,993	

Listing of Assets (resources) that need to be retained due to insufficient funding for the funding of enforceable obligations Other Redevelopment Agency Funds As of June 30, 2012 Procedure 8b

There are no assets (resources) that need to be retained due to insufficient funding for the funding of enforceable obligations

Procedure 8c

isting of Assets (resources) that need to be retained due to projected insufficient property tax revenues for bond debt payments )ther Redevelopment Agency Funds is of June 30, 2012

There are no assets (resources) that need to be retained due to project insufficient property tax revenues for bond debt payments

# ATTACHMENT B9

Listing of Assets (resources) that need to be retained due to projected insufficient property tax revenues for future ROPS Other Redevelopment Agency Funds As of June 30, 2012 Procedure 9

Item #	Project Name	Reference	Ap Obligat	Approved Obligation Amount	Estimated Future Revenues	Revenue Source	Amoun be Ret June Ba	Amount Needed to be Retained from June 30, 2012 Balance	Identified on the ROPS 2 or 3?
_	Excel - CIP 79221	ROPS III, Item 25	ŝ	50,000	' ډ	Reserve	Ь	50,000	≻
	Harris & Assoc CIP 79221	ROPS III, Item 26		176,000		Reserve		176,000	≻
~	Admin Cost - CIP 79221	ROPS III, Item 27		37,300		Reserve		37,300	≻
_	City Consultant - COP 79221	ROPS III, Item 28		9,960		Reserve		9,960	≻
	Gibbs, Gilden, Locher, Turner & Senet LLP - CIP 79221	ROPS III, Item 29		85,089		Reserve		85,089	≻
			÷	358,349	۰ \$		÷	358,349	

otal amount of assets held by the successor agency as of June 30, 2012 (procedure 5)	\$ 28,915,328	28,915,328
<ul> <li>A dd the amount of any assets transferred to the city or other parties for which an enforceable</li> <li>b obligation with a third party requiring such transfer and obligating the use</li> <li>c of the transferred assets did not exist (procedures 2 and 3)</li> </ul>	To City To other parties	
Less assets legally restricted for uses specified by debt covenants, grant restrictions, or restrictions imposed by other governments (procedure 6)		(27,812,496)
Less assets that are not cash or cash equivalents (e.g., physical assets) - (procedure 7)		(157,500)
Less balances that are legally restricted for the funding of an enforceable obligation (net of projected annual revenues available to fund those obligations) - (procedure 8)		(968,993)
Less balances needed to satisfy ROPS for the 2012-13 fiscal year (procedure 9)		(358,349)
Less the amount of payments made on July 12, 2012 to the County Auditor-Controller as directed by the California Department of Finance		'
Amount to be remitted to county for disbursement to taxing entities	\$	(382,010)

Tel: 951.413.3021 Fax: 951.413.3096 www.moval.org



14177 Frederick Street P. O. Box 88005 Moreno Valley, CA 92552-0805

November 29, 2012

Lance, Soll & Lunghard, LLP Certified Public Accountants 203 North Brea Boulevard, Suite 203 Brea, CA 92821-4056

We are providing this letter in connection with your performance of the Due Diligence Review of the Other Redevelopment Agency Funds in accordance with Assembly Bill 1484 for the Successor Agency of the former Community Redevelopment Agency of the City of Moreno Valley. We confirm that we are responsible for the complete and fair presentation of the previously mentioned review in conformity with the listed procedures of the Assembly Bill 1484 Due Diligence Review as published by the State Department of Finance on August 27, 2012. We are also responsible for adopting sound accounting policies, establishing and maintaining effective internal control over financial reporting, and preventing and detecting fraud.

We confirm, to the best of our knowledge and belief, as of the date of this letter, the following representations made to you during your review:

- 1. We have made available to you:
  - a. In accordance with 34179.5(c)(1), the dollar value of all assets transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.
  - b. In accordance with 34179.5(c)(2), the dollar value of all assets and cash and cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to the city, county, or city and county that formed the redevelopment agency and the purpose of each transfer. We have also provided the documentation of any enforceable obligation that required the transfer.
  - c. In accordance with 34179.5(c)(3), the dollar value of any cash or cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to any other public agency or private party and the purpose of each transfer. We have also provided documentation of any enforceable obligation that required the transfer.
  - d. In accordance with 34179.5(c)(4), the expenditure and revenue accounting information and have identified transfers and funding sources for the 2010–11 and 2011–12 fiscal years that reconciles balances, assets, and liabilities of the successor agency on June 30, 2012 to those reported to the Controller for the 2009–10 fiscal year.
  - e. In accordance with 34179.5(c)(5), a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012.

- f. In accordance with 34179.5(c)(5)(B), an itemized statement listing any amounts that are legally restricted as to purpose and cannot be provided to taxing entities. This could include the proceeds of any bonds, grant funds, or funds provided by other governmental entities that place conditions on their use.
- g. In accordance with 34179.5(c)(5)(C), an itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment. For the purpose of this accounting, physical assets may be valued at purchase cost or at any recently estimated market value.
- h. In accordance with 34179.5(c)(5)(D), an itemized listing of any current balances that are legally or contractually dedicated or restricted for the funding of an enforceable obligation that identifies the nature of the dedication or restriction and the specific enforceable obligation. In addition, we have provided a listing of all approved enforceable obligations that includes a projection of annual spending requirements to satisfy each obligation and a projection of annual revenues available to fund those requirements.
- i. In accordance with 34179.5(c)(5)(E), an itemized list and analysis of any amounts of current balances that are needed to satisfy obligations that will be placed on the Recognized Obligation Payment Schedules for the current fiscal year.
- 2. There are no material transactions that have not been properly recorded in the accounting records underlying this Due Diligence Review.
- Management is not aware of any transfers (as defined by Section 34179.5) from either the former Redevelopment Agency or the Successor Agency to the City, other agencies or private parties for the period January 1, 2011 through June 30, 2012 that have not been identified in this report and related exhibits.
- 4. We acknowledge our responsibility for the design and implementation of programs and controls to prevent and detect fraud.
- 5. We have no knowledge of any fraud or suspected fraud affecting this Due Diligence Review involving:
  - a. Management,
  - b. Employees who have significant roles in internal control, or
  - c. Others where the fraud could have a material effect on this Due Diligence Review.
- 6. We have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, or others.
- 7. When applicable, we have taken timely and appropriate steps to remedy fraud, illegal acts, violations of provisions of contracts or grant agreements, or abuse that you have reported to us.
- 8. We have identified to you any previous audits, attestation engagements, performance audits, state controller reports or other studies related to the objectives of this Due Diligence Review and whether related recommendations have been implemented.
- 9. The Successor Agency of the former Community Redevelopment Agency of the City of Moreno Valley has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or fund equity.

- 10. We are responsible for compliance with the laws, regulations, provisions of contracts and grant agreements applicable to us, and all provisions related to the dissolution of the Redevelopment Agency in accordance with AB 1X 26 and AB 1484.
- 11. There are no known violations of:
  - a. Laws and regulations,
  - b. Provisions of contracts and grant agreements,
  - c. Provisions related to the dissolution of the Redevelopment Agency in AB 1X 26 and AB 1484 whose effects should be considered for disclosure in this Due Diligence Review.
- 12. All bank accounts and investments associated with this review have been properly reflected in the general ledger accounting records.
- 13. No events, including instances of noncompliance, have occurred subsequent to the performance of this Due Diligence Review and through the date of this letter that would require adjustment to or disclosure in the aforementioned Due Diligence Review.

Signed:

Signed: FINANCIA OPERATIONS DIVISION

FINANCIAL + ADMINISTRATIVE SERVICES DIFECTOR TITLE: Title:

This page intentionally left blank.



APPROVALS		
BUDGET OFFICER	Caf	
CITY ATTORNEY	Rest	
CITY MANAGER	-mos	

### Report to City Council

- TO: Mayor and City Council
- **FROM:** Richard Teichert, Financial & Administrative Services Director
- AGENDA DATE: December 11, 2012
- TITLE:SUPPLEMENTALLAWENFORCEMENTSERVICESFUND(SLESF)EXPENDITUREPLANFORFY 2012-13

### RECOMMENDED ACTION

Recommendations:

- 1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13.
- 2. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 revenue budget (account 2410-60-69-76012-486000) to reflect the total FY 2012-13 allocation of \$315,970.
- 3. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 expenditure budget (account 2410-60-69-76012-620320) to reflect the FY 2012-13 planned expenditure of \$315,970.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

### BACKGROUND

The Supplemental Law Enforcement Services Fund (SLESF) provides funds to support frontline law enforcement services. Senate Bill 823 amended the Government Code Sections 30061 and 30063 to require that "The city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in

accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city." City Council's approval of the attached Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13 will meet this requirement.

### DISCUSSION

The City of Moreno Valley utilizes the SLESF grant to fund up to one (1) Career Criminal Apprehension Team (CCAT) Officer and one (1) Sheriff Service Officer (SSO). The City's FY 2011-12 SLESF allocation with beginning fund balance is \$315,970. This year's allocation will fund approximately .90 CCAT Officer and one (1) SSO. The General Fund will fund the remaining .10 CCAT Officer in its Special Enforcement Team (SET) budget.

Funding for the above positions was included in the FY 2012-13 budget using estimates based on the prior year SLESF allocation. Now that the actual allocation is known, staff is requesting City Council to approve the expenditure plan and to adjust the FY 2012-13 SLESF budget.

### ALTERNATIVES

- 1. Approve the attached Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13 and related budgetary adjustments. *Staff recommends this alternative.*
- Do not approve the attached Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13 and related budgetary adjustments. Staff does not recommend this alternative as it would jeopardize SLESF funding and impact law enforcement services.

### FISCAL IMPACT

The recommended adjustments will increase the SLESF budgeted revenues and expenditures by \$115,970 as identified in the following table.

	FY 2012-13		FY 2012-13
	Adopted	Proposed	Adjusted
SLESF Grant Fund	Budget	Increase	Budget
Grant Revenue (2410-60-69-76012-			
486000)	\$200,000	\$115,970	\$315,970
Expenditures (2410-60-69-76012-			
620320)	\$200,000	\$115,970	\$315,970

Proposed Appropriation

# Item No. A.15

### **CITY COUNCIL GOALS**

<u>Public Safety.</u> 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.

### **SUMMARY**

The California Government Code requires City Council's appropriation of Supplemental Law Enforcement Services Fund (SLESF) moneys for frontline municipal police services. Council's approval of the attached Supplemental Law Enforcement Services Fund Expenditure Plan for FY 2012-13 will meet this requirement. The budgetary adjustments being requested will increase to the current FY 2012-13 appropriations for both SLESF revenues and expenditures by \$115,970.

### **ATTACHMENTS**

Attachment 1: Supplemental Law Enforcement Services Fund Expenditure Plan FY 2012-13

Prepared By: Cynthia A. Fortune Financial Operations Division Manager Department Head Approval: Richard Teichert Financial & Administrative Services Director

Concurred By: Joel Ontiveros Chief of Police

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

This page intentionally left blank.

# Supplemental Law Enforcement Services Account Expenditure Plan FY 2012-2013

City: **City of Moreno Valley Beginning Fund Balance** \_ **Prior Year Allocation Received in Current Year Current Year Allocation** 315,970.00 **Expenditure Planned** Salaries and Benefits 315,970.00 Services and Supplies Equipment Administrative Overhead **Total Planned Expenditures** 315,970.00

Date approved by the City Council :

The City Manager hereby certifies that the Supplemental Law Enforcement Services Plan was submitted to the City Council and approved as listed.

City Manager

Date

Please provide the name of a contact person if there are any questions:

Cynthia Fortune, Fin. Ops. Div. Mgr. Name 951-413-3062 Contact Number

Riverside County SLESA Oversight Committee 2012-13 City Expenditure Plan Form

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

## Report to City Council

- TO: Mayor and City Council
- FROM: Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012

TITLE: RESOLUTION ADJUSTING DEVELOPMENT IMPACT FEES TO ADD A CATEGORY FOR HIGH CUBE INDUSTRIAL DEVELOPMENT

### RECOMMENDED ACTION

Recommendation:

1. Approve Resolution No. 2012-103 authorizing the adjustment of the City of Moreno Valley Development Impact Fees to add a category Commercial & Industrial High Cube Development.

### BACKGROUND

Moreno Valley adopted its Development Impact Fee (DIF) program in 2000 in full compliance with AB 1600. For the DIF, Moreno Valley adopted two Ordinances codifying Chapter 3.38 Residential Development Impact Fees and Chapter 3.42 Commercial and Industrial Development Impact Fees. The two chapters of the City's government code permit Moreno Valley to collect Development Impact Fees based on the impacts of future development on capital facilities and infrastructure in the community. An original DIF Nexus Study was done in 2000. The last DIF Nexus Study was adopted in October 2005 and then amended in March 2006 for a CPI adjustment. A Nexus Study is used to determine the fair distribution of DIF costs based on 1) identified future infrastructure needs of the community, 2) the cost of the future infrastructure (i.e. cost factors go up or down over time) and 3) to account for that infrastructure that has been constructed by development activity that has occurred since the date of the last DIF Nexus Study.

On October 9, 2012, the City Council held a public meeting and adopted the CEQA findings and the proposed DIF Nexus Study update prepared by Colgan Consulting Corporation.

#### DISCUSSION

Generally, it is prudent to undertake a Development Impact Fee (DIF) Nexus Study every few years so the DIF program reflects updated construction costs, and adjustments to land uses, along with current direction on the build out of the community and needed future public facilities and infrastructure. The DIF Nexus Study serves to provide the most equitable distribution of future facilities costs attributable to new development—including residential, commercial-retail, office and industrial projects. A DIF Nexus Study provides a credible and legitimate methodology for identifying the development demand to illustrate through a series of models and calculations to determine what the impact of future development projects will have on City facilities and infrastructure.

The updated DIF Nexus Study includes the addition of two new categories a High Cube Industrial and Mobile Home/Senior Residential category. High Cube Industrial is defined as industrial buildings with a minimum gross floor area of more than 200,000 square feet, a minimum ceiling height of 24 feet, and a minimum dock-high door loading ratio of 1 door per 10,000 square feet. The use of this definition and development category is consistent with WRCOG's Transportation Uniform Mitigation Fee (TUMF) program. The use of Mobile Home/Senior Residential provides for another type of residential development.

During the October 9, 2012 Council meeting, there were some concerns expressed regarding the Mobile Home/Senior category and the need for the proposed High Cube Industrial category. The Mobile Home/Senior category was removed from the program until a future date, and the High Cube category was voted on under a separate resolution, passing on a 3-1-1 vote. The attached resolution provides for the follow-up to complete that action.

#### FISCAL IMPACT

The updated DIF Nexus Study supports a future revenue stream of nearly \$378 million through build out of Moreno Valley. Please note that the impact fees as calculated in the DIF Nexus Study will require residential and non-residential developers to pay their fair share of the cost of future public facilities and infrastructure improvements resulting from the demands resulting from new development. The updated DIF Nexus Study and proposed DIF rates shall not continue a past practice of discounting any development type except for affordable housing—which is a requirement of the Moreno Valley's State certified Housing Element.

#### **NOTIFICATION**

Publication of agenda

# **ATTACHMENTS**

#### Attachment 1 - Proposed Resolution

Prepared By: Mark W. Sambito, P.E. Engineering Division Manager Approved 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:

This page intentionally left blank.

#### RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE DEVELOPMENT IMPACT FEE (DIF) UPDATE STUDY 2012 AND ADDING A NEW CATEGORY - INDUSTRIAL HIGH CUBE – TO THE TABLE OF DEVELOPMENTS IN THE CITY OF MORENO VALLEY SUBJECT TO DIF

WHEREAS, the City of Moreno Valley ("City") previously recognized that there was insufficient funding to address the impacts of new development on certain capital facilities in the City (the "City System"); and

WHEREAS, in order to address this shortfall, the City formulated a plan whereby a development impact fee would be assessed on new development and would be used to fund the necessary improvements for the City System; and

WHEREAS, in furtherance of this plan, the City Council adopted the "Development Impact Fee Update Study", dated October 11, 2005, (the "2005 DIF Nexus Study"); and

WHEREAS, based on the 2005 DIF Nexus Study, the City amended Chapter 3.38 and 3.42 of the Moreno Valley Municipal Code as adopted by Ordinance No. 695 on October 11, 2005, pursuant to California Government Code sections 66000 et seq. authorizing the City to impose the Development Impact Fee ("DIF") upon new development; and

WHEREAS, Section 3.38.160 of Chapter 3.38 and Section 3.42.130 of Chapter 3.42 authorizes periodic review and adjustment to the applicable DIF in accordance with any adjustments made by the City Council; and

WHEREAS, the fees collected pursuant to this Resolution shall be used to finance the certain capital facilities described or identified in the DIF Nexus Study; and

WHEREAS, the 2012 Development Impact Fee Nexus Study updates the 2005 Development Impact Fee Nexus Study and validates and supports the adoption of updated development impact fees; and

> 1 Resolution No. 2012-XX Date Adopted: December 11, 2012

WHEREAS, this levying of development impact fees has been reviewed by the City Council and staff in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines and it has been determined that the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

**Section 1.** The City Council hereby finds that in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines the adoption of this Resolution is exempt from CEQA pursuant to Section 15061(b)(3).

**Section 2.** The recitals set forth above are hereby adopted as findings in support of this Resolution. In addition, the City Council re-adopts the findings contained in Sections 3.38 and 3.42 of the Moreno Valley Municipal Code in support of the adjusted DIF contained herein.

**Section 3.** The terms of this Resolution shall have the same meaning ascribed to them in Sections 3.38 and 3.42 of the Moreno Valley Municipal Code.

**Section 4.** The terms of this Resolution shall include the addition of High Cube Warehouse and Distribution Centers if the building meets specific criteria, including a minimum gross floor area of more than 200,000 square feet, a minimum ceiling height of 24 feet, and a minimum dock-high door loading ratio of 1 door per 10,000 square feet.

**Section 5.** In accordance with Chapter 3.38 and 3.42 of the Moreno Valley Municipal Code, the 2012 Development Impact Fee Nexus Study attached as Exhibit A is hereby adopted in its entirety.

**Section 6.** In accordance with Section 3.38.160 of Chapter 3.38 and Section 3.42.130 of Chapter 3.42 of the Moreno Valley Municipal Code, there is hereby adopted the revised DIF Fee Table, attached hereto as Exhibit A, which replaces Section 11 of the fee schedule set forth in Resolution No. 2012-85, summarized below as the total DIF Impact based on revised Section 11:

2 Resolution No. 2012-XX Date Adopted: December 11, 2012 (1) \$8,888.72 per DU for Residential Single-Family
(2) \$4,444.36 per DU for Affordable Residential Single-Family
(3) \$5,874.77 per DU for Residential Multi-Family
(4) \$2,937.39 per DU for Affordable Residential Multi-Family
(5) \$4,735.45 per 1,000 square foot of a General Commercial project
(6) \$4,223.37 per 1,000 square foot of a Regional Commercial project
(7) \$2,282.95 per 1,000 square foot of a General Industrial project
(8) \$995.51 per 1,000 square foot of a High Cube Commercial project
(9) \$3,170.23 per 1,000 square foot of an Office project
(10) 2.0% for Future Updates to the DIF Nexus Study (See note below)

Note: A 2.0% charge will be added to the total DIF Fee for each project to be set aside for reimbursement of the 2012 update to the DIF Nexus Study to account for changes in land values, equipment cost and construction costs of those certain capital improvements.

The fees will be adjusted annually to reflect any changes in costs for those certain capital improvements using the Council approved figures published in the Engineering News Record's Building Cost Index –20 Cities Annual Average.

**Section 7.** This resolution shall become effective on December 13, 2012.

APPROVED AND ADOPTED this 11th day of December, 2012.

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

3 Resolution No. 2012-XX Date Adopted: December 11, 2012

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

4 Resolution No. 2012-XX Date Adopted: December 11, 2012

Item No. A.16

-262-

### EXHIBIT "A"

		Residential						Commercial			Industrial				Office																																																																									
	Si	ngle Family		Affordable Single Family		Multi-Family		Affordable Multi-Family		General		Regional		General	Н	High-Cube		High-Cube		High-Cube																																																																				
		Current		Current		Current		Current		Current		Current	Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		Current		(	Current		Current		Current
Unit		DU		DU		DU		DU		KSF		KSF	KSF		KSF		SF KSF			KSF																																																																				
Transportation Uniform Mitigation Fees (TUMF)	\$	8,873.00	\$	-	\$	6,231.00	\$	-	\$	10,490.00	\$	10,490.00	\$	1,730.00	\$	1,730.00	\$	4,190.00																																																																						
Arterial Streets	\$	1,125.17	\$	562.59	\$	787.62	\$	393.81	\$	1,479.77	\$	1,297.79	\$	729.66	\$	170.48	\$	1,022.89																																																																						
Traffic Signals	\$	764.56	\$	382.28	\$	535.19	\$	267.60	\$	1,005.51	\$	881.85	\$	495.80	\$	115.84	\$	695.05																																																																						
Interchange Improvements	\$	700.84	\$	350.42	\$	490.59	\$	245.30	\$	921.71	\$	808.36	\$	454.48	\$	106.19	\$	637.13																																																																						
Fire Facilities	\$	980.93	\$	490.47	\$	261.58	\$	130.79	\$	360.31	\$	360.31	\$	257.36	\$	257.36	\$	300.25																																																																						
Police Facilities	\$	493.63	\$	246.82	\$	191.73	\$	95.87	\$	646.34	\$	553.26	\$	115.77	\$	115.77	\$	246.73																																																																						
Park Improvements	\$	2,728.51	\$	1,364.26	\$	2,332.44	\$	1,166.22	\$	-	\$	-	\$	-	\$	-	\$	-																																																																						
Recreation Centers	\$	694.29	\$	347.15	\$	593.50	\$	296.75	\$	-	\$	-	\$	-	\$	-	\$	-																																																																						
Libraries and Materials	\$	327.90	\$	163.95	\$	280.31	\$	140.16	\$	-	\$	-	\$	-	\$	-	\$	-																																																																						
Animal Shelter	\$	196.74	\$	98.37	\$	168.18	\$	84.09	\$	-	\$	-	\$	-	\$	-	\$	-																																																																						
Maintenance Equipment	\$	152.41	\$	76.21	\$	40.64	\$	20.32	\$	55.98	\$	55.98	\$	39.99	\$	39.99	\$	46.65																																																																						
City Hall	\$	180.49	\$	90.25	\$	48.13	\$	24.07	\$	66.30	\$	66.30	\$	47.35	\$	47.35	\$	55.25																																																																						
Corporate Yard	\$	543.24	\$	271.62	\$	144.86	\$	72.43	\$	199.54	\$	199.54	\$	142.53	\$	142.53	\$	166.28																																																																						
Total	\$	17,761.71	\$	4,444.36	\$	12,105.77	\$	2,937.39	\$	15,225.46	\$	14,713.39	\$	4,012.94	\$	2,725.51	\$	7,360.23																																																																						

#### Section 11 - Development Impact Fees

NOTES:

1. The general policy is that all impact fees will be adjusted annually.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

4. High Cube Warehouse and Distribution Centers are defined as those with a minimum gross floor area of more than 20,000 square feet, a minimum ceiling height of 24 feet, and a minimum dock-high door loading ratio of 1 door per 10,000 square feet.

UNITS LEGEND

DU = Dwelling Unit for residential development types KSF = 1,000 gross square feet of building area for commercial, industrial and office development types

IMPLEMENTATION NOTES: With respect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

All development impact fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 09, 2012, and shall take effect on

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be collected at the Council-approved reduced amount. These fees do not increase the impacts on other

5 Resolution No. 2012-XX Date Adopted: December 11, 2012

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

### Report to City Council

- TO: Mayor and City Council; City Council Serving as the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley; President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD); and Chairperson and Members of the Moreno Valley Housing Authority
- **FROM:** Jane Halstead, City Clerk, CMC
- AGENDA DATE: December 11, 2012

TITLE: READOPTING CONFLICT OF INTEREST CODE

#### RECOMMENDED ACTION

Recommendations:

- 1. The City Council adopt Resolution No. 2012-104, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.
- 2. City Council serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. SA 2012-105, adopting a Conflict of Interest Code.
- 3. The City Council, as the code reviewing body for the Oversight Board of Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley approve the Conflict of Interest Code adopted by Resolution No. OB 2012-03 (Attachment 5 to the staff report).

### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

#### <u>SUMMARY</u>

On June 12, 2012, pursuant to §87306.5 of the California Government Code, the City Council directed its agencies to review their Conflict of Interest Codes and determine whether changes were necessary. Such review and determination have been made, and the results are now presented to the City Council for its approval.

#### BACKGROUND

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine whether it is accurate, or alternatively, whether the code must be amended. If a change is necessitated, an amended code must be submitted to the City Council, as code reviewing body, for review and adoption.

The proposed amendments to the code are reflected only in certain designated employees, which have either been added, deleted or have had title changes. These changes are being proposed on the recommendation of the respective department heads.

On January 10, 2012, following the dissolution of the Community Redevelopment Agency, the City Council elected to have the City of Moreno Valley serve as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley pursuant to Health & Safety Code Section 34173(d)(1). The Agency is responsible for winding down the affairs of the Redevelopment Agency.

On March 28, 2012, the Oversight Board of Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopted its Conflict of Interest Code, as approved by Resolution No. 2008-111 of the City Council, as that Resolution may be amended from time to time by the City Council. Members of the Oversight Board shall report under the Conflict of Interest Code Disclosure Category "2."

The Moreno Valley Housing Authority was created by the City Council on March 28, 2011 to carry out responsibilities as delineated under the Housing Authority Law. On January 24, 2012, per Resolution No. HA 2012-02 and pursuant to Section 34278 of the Health & Safety Code, the Commissioners of the Housing Authority adopted by reference the Conflict of Interest Code set forth in City Council Resolution 2010-87, as may be amended or replaced, as the procedures affecting conflict of interest involving the Housing Authority.

The members of the City Council are the Commissioners for the Housing Authority. The proposed Code is substantially the same as the City Code heretofore adopted, except the list of persons who would be subject to the Code.

Adoption of the proposed resolution and the amended Conflict of Interest Code will ensure compliance with State law provisions.

The recommended revisions of designated positions are as follows:

### 1. FOR THE CITY CODE:

City Attorney

None

City Clerk's Department

None

City Manager's Office

None

Community and Economic Development Department

(Community Economic Department and Economic Development Department were consolidated; Land Development Division and Storm Water Management Division were moved under CEDD)

Engineering Division Manager (added)

Senior Engineer (added) Associate Engineer (added) Construction Inspector (added) Management Analyst, LD (added) Business Support & Neighborhood Programs Administrator (added) Redevelopment & Neighborhood Programs Administrator (deleted)

Development Services Coordinator (deleted)

Storm Water Program Manager (added) Associate Environmental Engineer (added) Associate Engineer (added) Environmental Analyst

<u>Financial & Administrative Services Department</u> (Special District Division was moved under F&ASD)

Special Districts Division Manager (added) Special Districts Program Manager (added) Landscape Districts Program Manager (added) Senior Management Analyst (added) Management Analyst (added) Landscape Development Coordinator (added) Senior Landscape Services Inspector (added) Special Districts Budget and Accounting Supervisor (added) Purchasing & Facilities Division Manager (deleted) Animal Services Division Manager (deleted)

#### Fire Department

Fire Prevention Technician (added)

Human Resources Department Risk Division Manager (deleted) Human Resourced Analyst (added) Purchasing & Facilities Division Manager (added) Animal Services Division Manager (added) Library Services Division Manager (added) Principal Librarian (added) Librarian (added) Library Circulation Supervisor (added)

<u>Library Department</u> (deleted) (Library Department was moved under Human Resources Department) Library Director (deleted)

#### Parks and Community Services Department

Parks & Community Services Division Manager (added)

#### Public Works Department

Engineering Division Manager (deleted) Associate Environmental Manager (deleted) Environmental Analyst (deleted)

Special Districts Division Manager (deleted) Special Districts Program Manager (deleted) Landscape Districts Program Manager (deleted) Landscape Development Coordinator (deleted) Senior Landscape Services Inspector (deleted) Special Districts Budget and Accounting Supervisor (deleted) Storm Water Program Manager (deleted) Financial Analyst (added)

2. FOR THE CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY CODE:

Members of City Council as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley City Manager

City Attorney Deputy City Attorney City Clerk Economic & Community Development Director Business Support & Neighborhood Programs Administrator Housing Program Coordinator

Consultant (Person or entity under contract to the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley who provides information, advice, recommendations or counsel to the Agency or who is subject to control or direction of the Agency)

Each position listed in the City as Successor Agency Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the City as Successor Agency Code. Positions are included only for the disqualification aspects arising out of City as Successor Agency business, when applicable.

### 3. FOR THE COMMUNITY SERVICES DISTRICT CODE:

Parks & Community Services Division Manager (added) Management Analyst (Special District) (added) Senior Management Analyst (Special District) (added)

Each position listed in the Community Services Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the CSD Code. Positions are included only for the disqualification aspects arising out of CSD business, when applicable.

### 4. FOR THE MORENO VALLEY HOUSING AUTHORITY CODE

Members of the City Council, ex officio, as Directors of the Housing Authority Executive Director (City Manager) Assistant Executive Director Deputy Executive Director (Community & Economic Development Director) Housing Authority Counsel Housing Authority Special Counsel Housing Authority Secretary Finance Officer (F&AS Director) Housing Authority Human Resources Director Housing Program Specialist Housing Program Coordinator

Consultant (Person or entity under contract to the Moreno Valley Housing Authority who provides information, advice, recommendations or counsel to the Authority or who is subject to control or direction of the Authority)

Each position listed in the Moreno Valley Housing Authority Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the HA Code. Positions are included only for the disqualification aspects arising out of HA business, when applicable.

#### ALTERNATIVES

Not applicable. In order to comply with the California Government Code, such review and determination are required.

#### FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

#### **NOTIFICATION**

Publication of the agenda

### **ATTACHMENTS**

- 1. Proposed City Council Resolution
- 2. Proposed City as Successor Agency Resolution
- 3. Proposed CSD Resolution
- 4. Proposed Housing Authority (HA) Resolution
- 5. Resolution No. OB 2012-03, a Resolution of the Oversight Board of Successor

Agency Adopting a Conflict of Interest Code

Prepared By:	Department Head Approval:
Name	Jane Halstead
Title	City Clerk, CMC

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

Attachment 1

#### RESOLUTION NO. 2012-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, READOPTING A CONFLICT OF INTEREST CODE BY REFERENCE TO THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, AND REPEALING ALL PRIOR ENACTMENTS ON THE SAME SUBJECT

WHEREAS, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations, §18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, the City Council has previously duly approved and adopted a Conflict of Interest Code by reference to the standard model Conflict of Interest Code; and

WHEREAS, said previously adopted Code should now be amended in respect to the designation of employees who are subject to the Code;

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

1. All prior enactments of the City Council of the City of Moreno Valley in respect to adoption of a Conflict of Interest Code are hereby repealed, effective on the operative date of this Resolution.

2. The terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Moreno Valley.

3. Members of the City Council, the City Manager, the City Attorney, the City Treasurer, members of the Planning Commission, and pursuant to §4(C) of the Model Conflict of Interest Code, other designated employees, including members of other boards/committees and commissions holding designated positions, (listed on Appendix A attached hereto and incorporated herein by this reference) and having a disclosure

Resolution No. 2012-104 Date Adopted: December 11, 2012

category which requires the filing of a Statement of Economic Interest (described on Appendix B attached hereto and incorporated herein by this reference), shall file their Statement of Economic Interest with the City Clerk, to whom the City Council hereby delegates the authority to carry out the duties of Filing Officer who will make the statements available for public inspection and reproduction. (Gov. Code §81008) The City Clerk will retain statements for all designated employees. The City Clerk shall forward to the Fair Political Practices Commission a copy of each Statement of Economic Interest filed by a member of the City Council, by the City Manager, by the City Attorney, by the City Treasurer, or by a member of the Planning Commission.

4. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

5. Adoption of this Resolution shall not invalidate any action taken or proceedings undertaken pursuant to any prior enactments on the same subject.

6. This Resolution shall be operative as of the date of adoption.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012.

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

#### **RESOLUTION JURAT**

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-104 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012 the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-104 Date Adopted: December 11, 2012

### APPENDIX A

#### OFFICERS, EMPLOYEES AND OTHER PERSONS TO BE COVERED BY THE CITY OF MORENO VALLEY CONFLICT OF INTEREST CODE

DESIGNATED OFFICERS AND EMPLOYEES	DISCLOSURE CATEGORY
<u>City Council</u> :	
Council Member	2
City Boards and Commissions:	
Member of the Planning Commission	2
City Attorney's Office:	
City Attorney Assistant City Attorney Deputy City Attorney	2 1 1
City Clerk's Office:	
City Clerk Executive Assistant to Mayor and City Council	1 1
City Manager's Office:	
City Manager Assistant City Manager Assistant to the City Manager	2 1 1

### **Community and Economic Development Department:**

Director Building Division Manager/Building Official	1
Building Division Manager/Building Official	1
Building Inspector II	1
Code & Neighborhood Services Official	1
Senior Code Compliance Officer	1
Code Compliance Officer II	1
Senior Parking Control Officer	1
Parking Control Officer	1
Planning Division Manager/Planning Official	1
Senior Planner	1
Associate Planner	1
Business Support & Neighborhood Programs Administrator	1
Senior Financial Analyst	1
Management Analyst	1
Housing Program Specialist	1
Housing Program Coordinator	1
Engineering Division Manager	1
Senior Engineer	1
Associate Engineer	1
Construction Inspector	1
Management Analyst (LD)	1
Storm Water Program Manager	1
Associate Environmental Engineer	1
Environmental Analyst	1
Financial & Administrative Services:	
Director/City Treasurer	2
Financial Operations Division Manager	1
Treasury Operations Division Manager	1
Technology Services Division Manager	1
Budget Officer	1
Special Districts Division Manager	1
Special Districts Program Manager	1
Landscape Districts Program Manager	1
Landscape Development Coordinator	1
Senior Management Analyst	1
Management Analyst	1

5 Resolution No. 2012-104 Date Adopted: December 11, 2012

Senior Landscape Services Inspector	1
Special Districts Budget and Accounting Supervisor	1

### Fire Department:

Fire Marshall	1
Fire Safety Specialist	1
Fire Inspector I	1
Fire Inspector II	1
Fire Prevention Technician	1
Office of Emergency Management & Volunteer Services Program	1
Manager	

#### Human Resources Department:

Director Senior Human Resources Analyst Human Resourced Analyst Purchasing & Facilities Division Manager Animal Services Division Manager	1 1 1 1
Library Services Division Manager	1
Principal Librarian	1
Librarian	1
Library Circulation Supervisor	1

# Parks & Community Services:

Director	1
Parks Maintenance Division Manager	1
Parks Project Coordinator	1
Parks Maintenance Supervisor	1
Recreation Supervisor	1
Community Services Supervisor	1
Recreation Services Division Manager	1
Children Services Supervisor	1
Parks & Community Services Division Manager	1

## Public Works Department:

Director/City Engineer	
Deputy Public Works Director/Assistant City Engineer	
Senior Engineer, P.E.	

1 1 1

### Consultant:

(Person or entity under contract to the City who provides information, advice, recommendations or counsel to the City or who is subject to control or direction of the City)

> Resolution No. 2012-104 Date Adopted: December 11, 2012

### APPENDIX B

### DISCLOSURE CATEGORIES

#### **General Provisions:**

Designated officers and employees, including board and commission members, who are required to disclose financial interests pursuant to conflict of interest codes approved by the City Council, need not disclose any financial interest to which all of the following conditions attach at the time of filing a required financial disclosure statement and which were true during all of any period of time covered by such statement:

- (a) The interest is in the form of ownership of a security, which is registered with the Securities and Exchange Commission of the United States Government.
- (b) The interest constitutes one-half (1/2) of one percent (1%) or less of the total ownership interest in the business entity represented by the security.
- (c) There is no executory contract with a value greater than one thousand dollars (\$1,000) and which is within the purview of designated employee's board, commission, department or office, between the City and the business entity represented by the security.
- (d) The headquarters and the principal place of doing business of the business entity represented by the security are outside of the jurisdiction of the City.

#### **Disclosure Categories:**

- 1. Must report financial interests in all categories of the Statement of Economic Interest subject to the limitations listed above.
- 2. Persons in this category are already required to disclose and report investments, income, and interests in real property under §87200 and following of the Government Code or pursuant to requirements of another conflict of interest code requiring the same or more extensive reportable interests. Therefore, no other or additional disclosure requirements are imposed by this Code and such persons are included herein only for disqualification purposes.
- 3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

Attachment 2

### RESOLUTION NO. SA 2012-105

A RESOLUTION OF THE CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE BY REFERENCE TO THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, AND REPEALING ALL PRIOR ENACTMENTS ON THE SAME SUBJECT

WHEREAS, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations, §18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, On January 10, 2012, following the dissolution of the Community Redevelopment Agency, the City Council elected to have the City of Moreno Valley serve as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley pursuant to Health & Safety Code Section 34173(d)(1). The Agency is responsible for winding down the affairs of the Redevelopment Agency; and

WHEREAS, the Community Redevelopment Agency of the City of Moreno Valley, has previously duly approved and adopted a Conflict of Interest Code by reference to the standard model Conflict of Interest Code; and

WHEREAS, said previously adopted Code should now be amended in respect to the designation of employees who are subject to the Code;

NOW, THEREFORE, THE CITY COUNCIL AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for all designated employees of the Agency.

1 Resolution No. SA 2012-105 Date Adopted: December 11, 2012

2. Members of the City Council, the City Manager, the City Attorney, the City Treasurer, members of the Planning Commission and, pursuant to §4(C) of the Model Conflict of Interest Code, other designated employees, including members of other boards/committees and commissions holding designated positions, (listed on Appendix A attached hereto and incorporated herein by this reference) and having a disclosure category which requires the filing of a Statement of Economic Interest (described on Appendix B attached hereto and incorporated herein by this reference), shall file their Statement of Economic Interest with the City Clerk, to whom the City Council hereby delegates the authority to carry out the duties of Filing Officer who will make the statements available for public inspection and reproduction. (Gov. Code §81008) The City Clerk will retain statements for all designated employees. The City Clerk shall forward to the Fair Political Practices Commission a copy of each Statement of Economic Interest filed by a member of the City Council, by the City Manager, by the City Attorney, by the City Treasurer, or by a member of the Planning Commission.

3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

4. Adoption of this Resolution shall not invalidate any action taken or proceedings undertaken pursuant to any prior enactments on the same subject.

5. This Resolution shall be operative as of the date of adoption.

APPROVED AND ADOPTED this 11th day of December, 2012.

ATTEST:

Mayor

Secretary

APPROVED AS TO FORM:

City Attorney

### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. SA 2012-105 was duly and regularly adopted by the City Council at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Agency Members, Mayor, Mayor Pro Tem)

SECRETARY

(SEAL)

3 Resolution No. SA 2012-105 Date Adopted: December 11, 2012

### APPENDIX A

### <u>CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT</u> <u>AGENCY OF THE CITY OF MORENO VALLEY</u>

# DESIGNATED OFFICERS AND EMPLOYEES DISCLOSURE CATEGORY

#### CITY AS SUCCESSOR AGENCY:

Members of the City Council	2
City Manager	2
City Attorney	2
Deputy City Attorney	1
City Clerk	1
Economic & Community Development Director	1
Business Support & Neighborhood Programs Administrator	1
Housing Program Coordinator	1

(Person or entity under contract to the City as Successor Agency who provides information, advice, recommendations or counsel to the Agency or who is subject to control or direction of the Agency)

> 4 Resolution No. SA 2012-105 Date Adopted: December 11, 2012

1

# APPENDIX B

#### DISCLOSURE CATEGORIES

#### General Provisions:

Designated officers and employees, including board and commission members, who are required to disclose financial interests pursuant to conflict of interest codes approved by the City Council, need not disclose any financial interest to which all of the following conditions attach at the time of filing a required financial disclosure statement and which were true during all of any period of time covered by such statement:

- (a) The interest is in the form of ownership of a security, which is registered with the Securities and Exchange Commission of the United States Government.
- (b) The interest constitutes one-half (1/2) of one percent (1%) or less of the total ownership interest in the business entity represented by the security.
- (c) There is no executory contract with a value greater than one thousand dollars (\$1,000) and which is within the purview of designated employee's board, commission, department or office, between the City and the business entity represented by the security.
- (d) The headquarters and the principal place of doing business of the business entity represented by the security are outside of the jurisdiction of the City.

#### **Disclosure Categories:**

- 1. Must report financial interests in all categories of the Statement of Economic Interest subject to the limitations listed above.
- 2. Persons in this category are already required to disclose and report investments, income, and interests in real property under §87200 and following of the Government Code or pursuant to requirements of another conflict of interest code requiring the same or more extensive reportable interests. Therefore, no other or additional disclosure requirements are imposed by this Code and such persons are included herein only for disgualification purposes.
- 3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

5 Resolution No. SA 2012-105 Date Adopted: December 11, 2012 This page intentionally left blank.

### RESOLUTION NO. CSD 2012-22

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, READOPTING A CONFLICT OF INTEREST CODE BY REFERENCE TO THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, AND REPEALING ALL PRIOR ENACTMENTS ON THE SAME SUBJECT

WHEREAS, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations, §18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, the City Council acting in their respective capacity as President and Members of the Board of Directors of the District ("Board"), has previously duly approved and adopted a Conflict of Interest Code by reference to the standard model Conflict of Interest Code; and

WHEREAS, said previously adopted Code should now be amended in respect to the designation of employees who are subject to the Code;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. All prior enactments of the City Council acting in their respective capacity as President and Members of the Board of Directors of the District ("Board") in respect to adoption of a Conflict of Interest Code are hereby repealed, effective on the operative date of this Resolution.

2. The terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for all designated employees of the District-

3. Members of the City Council, the City Manager, the City Attorney, the City Treasurer, members of the Planning Commission, and pursuant to §4(C) of the Model Conflict of Interest Code, other designated employees, including members of other boards/committees and commissions holding designated positions, (listed on Appendix A attached hereto and incorporated herein by this reference) and having a disclosure category which requires the filing of a Statement of Economic Interest (described on Appendix B attached hereto and incorporated herein by this reference), shall file their Statement of Economic Interest with the City Clerk, to whom the City Council hereby delegates the authority to carry out the duties of Filing Officer who will make the statements available for public inspection and reproduction. (Gov. Code §81008) The City Clerk will retain statements for all designated employees. The City Clerk shall forward to the Fair Political Practices Commission a copy of each Statement of Economic Interest filed by a member of the City Council, by the City Manager, by the City Attorney, by the City Treasurer, or by a member of the Planning Commission.

4. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

5. Adoption of this Resolution shall not invalidate any action taken or proceedings undertaken pursuant to any prior enactments on the same subject.

6. This Resolution shall be operative as of the date of adoption.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012.

ATTEST:

President

Secretary

APPROVED AS TO FORM:

City Attorney

#### **RESOLUTION JURAT**

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

I, Jane Halstead, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution CSD No. 2012-22 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 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Board Members, Vice President and President)

CITY CLERK

(SEAL)

3 Resolution No. CSD 2012-22 Date Adopted: December 11, 2012

### APPENDIX A

### DESIGNATED OFFICERS AND EMPLOYEES DISCLOSURE CATEGORY

Members of the City Council, ex officio, as Directors of the District	2
General Manager	2
District Legal Counsel	2
Assistant District Legal Counsel	1
Deputy District Legal Counsel	1
City Clerk	1
Public Works Director	1
Deputy Public Works Director/Assistant City Engineer	1
Parks and Community Services Director	1
Parks & Community Services Division Manager	1
Special Districts Division Manager	1
Special Districts Program Manager	1
Landscape Development Coordinator	1
Senior Landscape Services Inspector	1
Special Districts Budget and Accounting Supervisor	1
Management Analyst (Special Districts)	1
Senior Management Analyst (Special Districts)	1

## Consultant:

(Person or entity under contract to the Community Services District

#### who provides information, advice, recommendations or counsel to the District or who is subject to control or direction of the District)

1

\\Tok\shared\InterDept\Council-Clerk\City Clerk Files\Files\2010 Resolutions\Appendix A to Conflict of Interest Resolution.doc

5 Resolution No. CSD 2012-22 Date Adopted: December 11, 2012

#### APPENDIX B

#### DISCLOSURE CATEGORIES

#### **General Provisions:**

Designated officers and employees, including board and commission members, who are required to disclose financial interests pursuant to conflict of interest codes approved by the City Council, need not disclose any financial interest to which all of the following conditions attach at the time of filing a required financial disclosure statement and which were true during all of any period of time covered by such statement:

- (a) The interest is in the form of ownership of a security, which is registered with the Securities and Exchange Commission of the United States Government.
- (b) The interest constitutes one-half (1/2) of one percent (1%) or less of the total ownership interest in the business entity represented by the security.
- (c) There is no executory contract with a value greater than one thousand dollars (\$1,000) and which is within the purview of designated employee's board, commission, department or office, between the City and the business entity represented by the security.
- (d) The headquarters and the principal place of doing business of the business entity represented by the security are outside of the jurisdiction of the City.

#### **Disclosure Categories:**

- 1. Must report financial interests in all categories of the Statement of Economic Interest subject to the limitations listed above.
- 2. Persons in this category are already required to disclose and report investments, income, and interests in real property under §87200 and following of the Government Code or pursuant to requirements of another conflict of interest code requiring the same or more extensive reportable interests. Therefore, no other or additional disclosure requirements are imposed by this Code and such persons are included herein only for disqualification purposes.
- 3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

#### RESOLUTION NO. HA 2012-07

A RESOLUTION OF THE MORENO VALLEY HOUSING AUTHORITY OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE BY REFERENCE TO THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, AND REPEALING ALL PRIOR ENACTMENTS ON THE SAME SUBJECT

WHEREAS, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations, §18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, The Moreno Valley Housing Authority was created by the City Council on March 28, 2011 to carry out responsibilities as delineated under the Housing Authority Law. The members of the City Council are the Commissioners for the Housing Authority; and

WHEREAS, the Housing Authority acting in their respective capacity as Chairman and Commissioners of the Housing Authority, has previously duly approved and adopted a Conflict of Interest Code by reference to the standard model Conflict of Interest Code; and

WHEREAS, said previously adopted Code should now be amended in respect to the designation of employees who are subject to the Code;

NOW, THEREFORE, THE COMMISSIONERS OF THE MORENO VALLEY HOUSING AUTHORITY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for all designated employees of the Authority.

2. Members of the City Council, the City Manager, the City Attorney, the City

1

Resolution No. HA 2012-07 Date Adopted: December 11, 2012

Treasurer, members of the Planning Commission and, pursuant to §4(C) of the Model Conflict of Interest Code, other designated employees, including members of other boards/committees and commissions holding designated positions, (listed on Appendix A attached hereto and incorporated herein by this reference) and having a disclosure category which requires the filing of a Statement of Economic Interest (described on Appendix B attached hereto and incorporated herein by this reference), shall file their Statement of Economic Interest with the City Clerk, to whom the City Council hereby delegates the authority to carry out the duties of Filing Officer who will make the statements available for public inspection and reproduction. (Gov. Code §81008) The City Clerk will retain statements for all designated employees. The City Clerk shall forward to the Fair Political Practices Commission a copy of each Statement of Economic Interest filed by a member of the City Council, by the City Manager, by the City Attorney, by the City Treasurer, or by a member of the Planning Commission.

3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

4. Adoption of this Resolution shall not invalidate any action taken or proceedings undertaken pursuant to any prior enactments on the same subject.

5. This Resolution shall be operative as of the date of adoption.

APPROVED AND ADOPTED this 11th day of December, 2012.

ATTEST:

Chairperson

Secretary

APPROVED AS TO FORM:

City Attorney

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, Secretary of the Moreno Valley Housing Authority of the City of Moreno Valley, California, do hereby certify that Resolution No. HA 2012-07 was duly and regularly adopted by the Commissioners of the Moreno Valley Housing Authority at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Commissioners, Vice Chairperson, Chairperson)

SECRETARY

(SEAL)

3 Resolution No. HA 2012-07 Date Adopted: December 11, 2012

#### APPENDIX A

#### MORENO VALLEY HOUSING AUTHORITY

#### DESIGNATED OFFICERS AND EMPLOYEES DISCLOSURE CATEGORY

#### MORENO VALLEY HOUSING AUTHORITY:

Members of the City Council, ex officio, as Directors of the HA	2
Executive Director	2
Assistant Executive Director	1
Deputy Executive Director	1
Housing Authority Counsel	2
Housing Authority Special Counsel	1
Housing Authority Secretary	1
Community and Economic Development Director	1
Finance Officer	2
Housing Authority Human Resources Director	1

#### Consultant:

(Person or entity under contract to the Housing Authority who provides information, advice, recommendations or counsel to the Authority or who is subject to control or direction of the Authority)

1

#### APPENDIX B

#### DISCLOSURE CATEGORIES

#### **General Provisions:**

Designated officers and employees, including board and commission members, who are required to disclose financial interests pursuant to conflict of interest codes approved by the City Council, need not disclose any financial interest to which all of the following conditions attach at the time of filing a required financial disclosure statement and which were true during all of any period of time covered by such statement:

- (a) The interest is in the form of ownership of a security, which is registered with the Securities and Exchange Commission of the United States Government.
- (b) The interest constitutes one-half (1/2) of one percent (1%) or less of the total ownership interest in the business entity represented by the security.
- (c) There is no executory contract with a value greater than one thousand dollars (\$1,000) and which is within the purview of designated employee's board, commission, department or office, between the City and the business entity represented by the security.
- (d) The headquarters and the principal place of doing business of the business entity represented by the security are outside of the jurisdiction of the City.

#### **Disclosure Categories:**

- 1. Must report financial interests in all categories of the Statement of Economic Interest subject to the limitations listed above.
- 2. Persons in this category are already required to disclose and report investments, income, and interests in real property under §87200 and following of the Government Code or pursuant to requirements of another conflict of interest code requiring the same or more extensive reportable interests. Therefore, no other or additional disclosure requirements are imposed by this Code and such persons are included herein only for disqualification purposes.
- 3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

5 Resolution No. HA 2012-07 Date Adopted: December 11, 2012

This page intentionally left blank.

#### **RESOLUTION NO. OB 2012-03**

#### A RESOLUTION OF THE OVERSIGHT BOARD OF SUCCESSOR AGENCY TO THE MORENO VALLEY REDEVELOPMENT AGENCY ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Oversight Board of Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley ("Oversight Board", as applicable) has been established to direct the Successor Agency to take certain actions to wind down the affairs of the Redevelopment Agency in Accordance with the California Health and Safety Code; and

WHEREAS, the Oversight Board desires to adopt a conflict of interest code; and

WHEREAS, a copy of the City's Conflict of Interest Code has been made available for review by the members of the Oversight Board prior to the meeting at which this matter is being considered;

NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1.** The Oversight Board adopts as its Conflict of Interest Code that certain Conflict of Interest Code as approved by Resolution No. 2008-111 of the City Council of the City of Moreno Valley, as that Resolution may be amended from time to time by the City Council. Members of the Oversight Board will report under the Conflict of Interest Code in the manner required for Planning Commissioners of the City of Moreno Valley.

**SECTION 2.** The Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 28th day of March, 2012.

-297-

Chairperson Oversight Board of Successor Agency to Community Redevelopment Agency of the City of Moreno Valley

ATTEST:

Oversight Board Secretary

Resolution No. OB 2012-03 Date Adopted: March 28, 2012

#### **RESOLUTION JURAT**

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

I, Kandace Baptiste, Secretary of the Oversight Board of the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that Resolution No. OB 2012-03 was duly and regularly adopted by the Board Members of the Successor Agency Oversight Board at a regular meeting thereof held on the 28<sup>th</sup> day of March, 2012 by the following vote:

AYES: Board Members, Slawson, Carlson, Kakish, Dada, Strickler, Garcia, and Chairman Moss
NOES: None
ABSENT: None
ABSTAIN: None

-298-

Kardace,

Resolution No. OB 2012-03 Date Adopted: March 28, 2012

### MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk Department)

**Recommendation: Approve as submitted.** 

# SEE AGENDA ITEM A.2

This page intentionally left blank.



APPROVALS		
BUDGET OFFICER	<budgetofficer></budgetofficer>	caf
CITY ATTORNEY	<cityattorney></cityattorney>	Rit
CITY MANAGER	<citymanager></citymanager>	()ere
		- MIR

#### Report to City Council

- TO: Mayor and City Council; City Council Serving as the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley; President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD); and Chairperson and Members of the Moreno Valley Housing Authority
- **FROM:** Jane Halstead, City Clerk, CMC
- AGENDA DATE: December 11, 2012
- TITLE: READOPTING CONFLICT OF INTEREST CODE

#### **RECOMMENDED ACTION**

Recommendations:

 The City Council, acting in its capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD), adopt Resolution No. CSD 2012-22, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repeal all prior enactments on the same subject.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

#### <u>SUMMARY</u>

On June 12, 2012, pursuant to §87306.5 of the California Government Code, the City Council directed its agencies to review their Conflict of Interest Codes and determine whether changes were necessary. Such review and determination have been made, and the results are now presented to the City Council for its approval.

#### BACKGROUND

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine whether it is accurate, or alternatively, whether the code must be amended. If a change is necessitated, an amended code must be submitted to the City Council, as code reviewing body, for review and adoption.

The proposed amendments to the code are reflected only in certain designated employees, which have either been added, deleted or have had title changes. These changes are being proposed on the recommendation of the respective department heads.

On January 10, 2012, following the dissolution of the Community Redevelopment Agency, the City Council elected to have the City of Moreno Valley serve as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley pursuant to Health & Safety Code Section 34173(d)(1). The Agency is responsible for winding down the affairs of the Redevelopment Agency.

On March 28, 2012, the Oversight Board of Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopted its Conflict of Interest Code, as approved by Resolution No. 2008-111 of the City Council, as that Resolution may be amended from time to time by the City Council. Members of the Oversight Board shall report under the Conflict of Interest Code Disclosure Category "2."

The Moreno Valley Housing Authority was created by the City Council on March 28, 2011 to carry out responsibilities as delineated under the Housing Authority Law. On January 24, 2012, per Resolution No. HA 2012-02 and pursuant to Section 34278 of the Health & Safety Code, the Commissioners of the Housing Authority adopted by reference the Conflict of Interest Code set forth in City Council Resolution 2010-87, as may be amended or replaced, as the procedures affecting conflict of interest involving the Housing Authority.

The members of the City Council are the Commissioners for the Housing Authority. The proposed Code is substantially the same as the City Code heretofore adopted, except the list of persons who would be subject to the Code.

Adoption of the proposed resolution and the amended Conflict of Interest Code will ensure compliance with State law provisions.

The recommended revisions of designated positions are as follows:

1. FOR THE CITY CODE:

City Attorney

None

#### City Clerk's Department

None

City Manager's Office

None

#### Community and Economic Development Department

(Community Economic Department and Economic Development Department were consolidated; Land Development Division and Storm Water Management Division were moved under CEDD)

Engineering Division Manager (added)

Senior Engineer (added) Associate Engineer (added) Construction Inspector (added) Management Analyst, LD (added) Business Support & Neighborhood Programs Administrator (added) Redevelopment & Neighborhood Programs Administrator (deleted)

Development Services Coordinator (deleted)

Storm Water Program Manager (added) Associate Environmental Engineer (added) Associate Engineer (added) Environmental Analyst

<u>Financial & Administrative Services Department</u> (Special District Division was moved under F&ASD)

Special Districts Division Manager (added) Special Districts Program Manager (added) Landscape Districts Program Manager (added) Senior Management Analyst (added) Management Analyst (added) Landscape Development Coordinator (added) Senior Landscape Services Inspector (added) Special Districts Budget and Accounting Supervisor (added)

Purchasing & Facilities Division Manager (deleted) Animal Services Division Manager (deleted)

Fire Department

Fire Prevention Technician (added)

<u>Human Resources Department</u> Risk Division Manager (deleted) Human Resourced Analyst (added) Purchasing & Facilities Division Manager (added) Animal Services Division Manager (added) Library Services Division Manager (added) Principal Librarian (added) Librarian (added) Library Circulation Supervisor (added)

<u>Library Department</u> (deleted) (Library Department was moved under Human Resources Department) Library Director (deleted)

Parks and Community Services Department

Parks & Community Services Division Manager (added)

Public Works Department

Engineering Division Manager (deleted) Associate Environmental Manager (deleted) Environmental Analyst (deleted)

Special Districts Division Manager (deleted) Special Districts Program Manager (deleted) Landscape Districts Program Manager (deleted) Landscape Development Coordinator (deleted) Senior Landscape Services Inspector (deleted) Special Districts Budget and Accounting Supervisor (deleted) Storm Water Program Manager (deleted) Financial Analyst (added)

2. FOR THE CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY CODE:

Members of City Council as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley City Manager City Attorney Deputy City Attorney City Clerk Economic & Community Development Director Business Support & Neighborhood Programs Administrator Housing Program Coordinator

Consultant (Person or entity under contract to the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley who provides information, advice, recommendations or counsel to the Agency or who is subject to control or direction of the Agency)

Each position listed in the City as Successor Agency Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the City as Successor Agency Code. Positions are included only for the disqualification aspects arising out of City as Successor Agency business, when applicable.

#### 3. FOR THE COMMUNITY SERVICES DISTRICT CODE:

Parks & Community Services Division Manager (added) Management Analyst (Special District) (added) Senior Management Analyst (Special District) (added)

Each position listed in the Community Services Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the CSD Code. Positions are included only for the disqualification aspects arising out of CSD business, when applicable.

#### 4. FOR THE MORENO VALLEY HOUSING AUTHORITY CODE

Members of the City Council, ex officio, as Directors of the Housing Authority Executive Director (City Manager) Assistant Executive Director Deputy Executive Director (Community & Economic Development Director) Housing Authority Counsel Housing Authority Special Counsel Housing Authority Secretary Finance Officer (F&AS Director) Housing Authority Human Resources Director Housing Program Specialist Housing Program Coordinator

Consultant (Person or entity under contract to the Moreno Valley Housing Authority who provides information, advice, recommendations or counsel to the Authority or who is subject to control or direction of the Authority)

Each position listed in the Moreno Valley Housing Authority Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the HA Code. Positions are included only for the disqualification aspects arising out of HA business, when applicable.

#### ALTERNATIVES

Not applicable. In order to comply with the California Government Code, such review and determination are required.

#### FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

#### **NOTIFICATION**

Publication of the agenda

#### ATTACHMENTS

- 1. Proposed City Council Resolution
- 2. Proposed City as Successor Agency Resolution
- 3. Proposed CSD Resolution
- 4. Proposed Housing Authority (HA) Resolution
- 5. Resolution No. OB 2012-03, a Resolution of the Oversight Board of Successor Agency Adopting a Conflict of Interest Code

Prepared By:	Department Head Approval:
Name	Jane Halstead
Title	City Clerk, CMC

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

#### RESOLUTION NO. CSD 2012-22

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, READOPTING A CONFLICT OF INTEREST CODE BY REFERENCE TO THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, AND REPEALING ALL PRIOR ENACTMENTS ON THE SAME SUBJECT

WHEREAS, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations, §18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, the City Council acting in their respective capacity as President and Members of the Board of Directors of the District ("Board"), has previously duly approved and adopted a Conflict of Interest Code by reference to the standard model Conflict of Interest Code; and

WHEREAS, said previously adopted Code should now be amended in respect to the designation of employees who are subject to the Code;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. All prior enactments of the City Council acting in their respective capacity as President and Members of the Board of Directors of the District ("Board") in respect to adoption of a Conflict of Interest Code are hereby repealed, effective on the operative date of this Resolution.

2. The terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for all designated employees of the District-

3. Members of the City Council, the City Manager, the City Attorney, the City Treasurer, members of the Planning Commission, and pursuant to §4(C) of the Model Conflict of Interest Code, other designated employees, including members of other boards/committees and commissions holding designated positions, (listed on Appendix A attached hereto and incorporated herein by this reference) and having a disclosure category which requires the filing of a Statement of Economic Interest (described on Appendix B attached hereto and incorporated herein by this reference), shall file their Statement of Economic Interest with the City Clerk, to whom the City Council hereby delegates the authority to carry out the duties of Filing Officer who will make the statements available for public inspection and reproduction. (Gov. Code §81008) The City Clerk will retain statements for all designated employees. The City Clerk shall forward to the Fair Political Practices Commission a copy of each Statement of Economic Interest filed by a member of the City Council, by the City Manager, by the City Attorney, by the City Treasurer, or by a member of the Planning Commission.

4. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

5. Adoption of this Resolution shall not invalidate any action taken or proceedings undertaken pursuant to any prior enactments on the same subject.

6. This Resolution shall be operative as of the date of adoption.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012.

ATTEST:

President

Secretary

APPROVED AS TO FORM:

City Attorney

#### **RESOLUTION JURAT**

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

I, Jane Halstead, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution CSD No. 2012-22 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 11th day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Board Members, Vice President and President)

CITY CLERK

(SEAL)

3 Resolution No. CSD 2012-22 Date Adopted: December 11, 2012

#### APPENDIX A

#### DESIGNATED OFFICERS AND EMPLOYEES DISCLOSURE CATEGORY

Members of the City Council, ex officio, as Directors of the District	2
General Manager	2
District Legal Counsel	2
Assistant District Legal Counsel	1
Deputy District Legal Counsel	1
City Clerk	1
Public Works Director	1
Deputy Public Works Director/Assistant City Engineer	1
Parks and Community Services Director	1
Parks & Community Services Division Manager	1
Special Districts Division Manager	1
Special Districts Program Manager	1
Landscape Development Coordinator	1
Senior Landscape Services Inspector	1
Special Districts Budget and Accounting Supervisor	1
Management Analyst (Special Districts)	1
Senior Management Analyst (Special Districts)	1

#### Consultant:

(Person or entity under contract to the Community Services District

#### who provides information, advice, recommendations or counsel to the District or who is subject to control or direction of the District)

1

\\Tok\shared\InterDept\Council-Clerk\City Clerk Files\Files\2010 Resolutions\Appendix A to Conflict of Interest Resolution.doc

5 Resolution No. CSD 2012-22 Date Adopted: December 11, 2012

#### APPENDIX B

#### DISCLOSURE CATEGORIES

#### **General Provisions:**

Designated officers and employees, including board and commission members, who are required to disclose financial interests pursuant to conflict of interest codes approved by the City Council, need not disclose any financial interest to which all of the following conditions attach at the time of filing a required financial disclosure statement and which were true during all of any period of time covered by such statement:

- (a) The interest is in the form of ownership of a security, which is registered with the Securities and Exchange Commission of the United States Government.
- (b) The interest constitutes one-half (1/2) of one percent (1%) or less of the total ownership interest in the business entity represented by the security.
- (c) There is no executory contract with a value greater than one thousand dollars (\$1,000) and which is within the purview of designated employee's board, commission, department or office, between the City and the business entity represented by the security.
- (d) The headquarters and the principal place of doing business of the business entity represented by the security are outside of the jurisdiction of the City.

#### **Disclosure Categories:**

- 1. Must report financial interests in all categories of the Statement of Economic Interest subject to the limitations listed above.
- 2. Persons in this category are already required to disclose and report investments, income, and interests in real property under §87200 and following of the Government Code or pursuant to requirements of another conflict of interest code requiring the same or more extensive reportable interests. Therefore, no other or additional disclosure requirements are imposed by this Code and such persons are included herein only for disqualification purposes.
- 3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

### MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk Department)

**Recommendation: Approve as submitted.** 

# SEE AGENDA ITEM A.2

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	MAD

#### Report to City Council

- TO: Mayor and City Council; City Council Serving as the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley; President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD); and Chairperson and Members of the Moreno Valley Housing Authority
- **FROM:** Jane Halstead, City Clerk, CMC
- AGENDA DATE: December 11, 2012

#### TITLE: READOPTING CONFLICT OF INTEREST CODE

#### **RECOMMENDED ACTION**

Recommendations:

1. Adopt Resolution No. HA 2012-07, readopting a Conflict of Interest Code to amend the list of designated employees having filing requirements, and repealing all prior enactments on the same subject.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

#### **SUMMARY**

On June 12, 2012, pursuant to §87306.5 of the California Government Code, the City Council directed its agencies to review their Conflict of Interest Codes and determine whether changes were necessary. Such review and determination have been made, and the results are now presented to the City Council for its approval.

#### BACKGROUND

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine whether it is accurate, or alternatively, whether

the code must be amended. If a change is necessitated, an amended code must be submitted to the City Council, as code reviewing body, for review and adoption.

The proposed amendments to the code are reflected only in certain designated employees, which have either been added, deleted or have had title changes. These changes are being proposed on the recommendation of the respective department heads.

On January 10, 2012, following the dissolution of the Community Redevelopment Agency, the City Council elected to have the City of Moreno Valley serve as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley pursuant to Health & Safety Code Section 34173(d)(1). The Agency is responsible for winding down the affairs of the Redevelopment Agency.

On March 28, 2012, the Oversight Board of Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopted its Conflict of Interest Code, as approved by Resolution No. 2008-111 of the City Council, as that Resolution may be amended from time to time by the City Council. Members of the Oversight Board shall report under the Conflict of Interest Code Disclosure Category "2."

The Moreno Valley Housing Authority was created by the City Council on March 28, 2011 to carry out responsibilities as delineated under the Housing Authority Law. On January 24, 2012, per Resolution No. HA 2012-02 and pursuant to Section 34278 of the Health & Safety Code, the Commissioners of the Housing Authority adopted by reference the Conflict of Interest Code set forth in City Council Resolution 2010-87, as may be amended or replaced, as the procedures affecting conflict of interest involving the Housing Authority.

The members of the City Council are the Commissioners for the Housing Authority. The proposed Code is substantially the same as the City Code heretofore adopted, except the list of persons who would be subject to the Code.

Adoption of the proposed resolution and the amended Conflict of Interest Code will ensure compliance with State law provisions.

The recommended revisions of designated positions are as follows:

1. FOR THE CITY CODE:

City Attorney

None

City Clerk's Department

None

#### City Manager's Office

#### None

Community and Economic Development Department

(Community Economic Department and Economic Development Department were consolidated; Land Development Division and Storm Water Management Division were moved under CEDD)

Engineering Division Manager (added)

Senior Engineer (added) Associate Engineer (added) Construction Inspector (added) Management Analyst, LD (added) Business Support & Neighborhood Programs Administrator (added) Redevelopment & Neighborhood Programs Administrator (deleted)

Development Services Coordinator (deleted)

Storm Water Program Manager (added) Associate Environmental Engineer (added) Associate Engineer (added) Environmental Analyst

<u>Financial & Administrative Services Department</u> (Special District Division was moved under F&ASD)

Special Districts Division Manager (added) Special Districts Program Manager (added) Landscape Districts Program Manager (added) Senior Management Analyst (added) Management Analyst (added) Landscape Development Coordinator (added) Senior Landscape Services Inspector (added) Special Districts Budget and Accounting Supervisor (added)

Purchasing & Facilities Division Manager (deleted) Animal Services Division Manager (deleted)

Fire Department

Fire Prevention Technician (added)

<u>Human Resources Department</u> Risk Division Manager (deleted) Human Resourced Analyst (added) Purchasing & Facilities Division Manager (added) Animal Services Division Manager (added) Library Services Division Manager (added) Principal Librarian (added) Librarian (added) Library Circulation Supervisor (added)

<u>Library Department</u> (deleted) (Library Department was moved under Human Resources Department) Library Director (deleted)

Parks and Community Services Department

Parks & Community Services Division Manager (added)

Public Works Department

Engineering Division Manager (deleted) Associate Environmental Manager (deleted) Environmental Analyst (deleted)

Special Districts Division Manager (deleted) Special Districts Program Manager (deleted) Landscape Districts Program Manager (deleted) Landscape Development Coordinator (deleted) Senior Landscape Services Inspector (deleted) Special Districts Budget and Accounting Supervisor (deleted) Storm Water Program Manager (deleted) Financial Analyst (added)

2. FOR THE CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY CODE:

Members of City Council as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley City Manager City Attorney Deputy City Attorney City Clerk Economic & Community Development Director Business Support & Neighborhood Programs Administrator Housing Program Coordinator

Consultant (Person or entity under contract to the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley who provides

information, advice, recommendations or counsel to the Agency or who is subject to control or direction of the Agency)

Each position listed in the City as Successor Agency Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the City as Successor Agency Code. Positions are included only for the disqualification aspects arising out of City as Successor Agency business, when applicable.

#### 3. FOR THE COMMUNITY SERVICES DISTRICT CODE:

Parks & Community Services Division Manager (added) Management Analyst (Special District) (added) Senior Management Analyst (Special District) (added)

Each position listed in the Community Services Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the CSD Code. Positions are included only for the disqualification aspects arising out of CSD business, when applicable.

#### 4. FOR THE MORENO VALLEY HOUSING AUTHORITY CODE

Members of the City Council, ex officio, as Directors of the Housing Authority Executive Director (City Manager) Assistant Executive Director Deputy Executive Director (Community & Economic Development Director) Housing Authority Counsel Housing Authority Special Counsel Housing Authority Secretary Finance Officer (F&AS Director) Housing Authority Human Resources Director Housing Program Specialist Housing Program Coordinator

Consultant (Person or entity under contract to the Moreno Valley Housing Authority who provides information, advice, recommendations or counsel to the Authority or who is subject to control or direction of the Authority)

Each position listed in the Moreno Valley Housing Authority Code is already included in the City Code, therefore, no additional reporting requirements will ensue from inclusion in the HA Code. Positions are included only for the disqualification aspects arising out of HA business, when applicable.

#### **ALTERNATIVES**

Not applicable. In order to comply with the California Government Code, such review and determination are required.

#### FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

#### **NOTIFICATION**

Publication of the agenda

#### **ATTACHMENTS**

- 1. Proposed City Council Resolution
- 2. Proposed City as Successor Agency Resolution
- 3. Proposed CSD Resolution
- 4. Proposed Housing Authority (HA) Resolution
- 5. Resolution No. OB 2012-03, a Resolution of the Oversight Board of Successor

Agency Adopting a Conflict of Interest Code

Prepared By:		
Name		
Title		

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

Department Head Approval:

Jane Halstead City Clerk, CMC

#### RESOLUTION NO. HA 2012-07

A RESOLUTION OF THE MORENO VALLEY HOUSING AUTHORITY OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE BY REFERENCE TO THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, AND REPEALING ALL PRIOR ENACTMENTS ON THE SAME SUBJECT

WHEREAS, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations, §18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, The Moreno Valley Housing Authority was created by the City Council on March 28, 2011 to carry out responsibilities as delineated under the Housing Authority Law. The members of the City Council are the Commissioners for the Housing Authority; and

WHEREAS, the Housing Authority acting in their respective capacity as Chairman and Commissioners of the Housing Authority, has previously duly approved and adopted a Conflict of Interest Code by reference to the standard model Conflict of Interest Code; and

WHEREAS, said previously adopted Code should now be amended in respect to the designation of employees who are subject to the Code;

NOW, THEREFORE, THE COMMISSIONERS OF THE MORENO VALLEY HOUSING AUTHORITY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for all designated employees of the Authority.

2. Members of the City Council, the City Manager, the City Attorney, the City

1 Resolution No. HA 2012-07 Date Adopted: December 11, 2012

Treasurer, members of the Planning Commission and, pursuant to §4(C) of the Model Conflict of Interest Code, other designated employees, including members of other boards/committees and commissions holding designated positions, (listed on Appendix A attached hereto and incorporated herein by this reference) and having a disclosure category which requires the filing of a Statement of Economic Interest (described on Appendix B attached hereto and incorporated herein by this reference), shall file their Statement of Economic Interest with the City Clerk, to whom the City Council hereby delegates the authority to carry out the duties of Filing Officer who will make the statements available for public inspection and reproduction. (Gov. Code §81008) The City Clerk will retain statements for all designated employees. The City Clerk shall forward to the Fair Political Practices Commission a copy of each Statement of Economic Interest filed by a member of the City Council, by the City Manager, by the City Attorney, by the City Treasurer, or by a member of the Planning Commission.

3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

4. Adoption of this Resolution shall not invalidate any action taken or proceedings undertaken pursuant to any prior enactments on the same subject.

5. This Resolution shall be operative as of the date of adoption.

APPROVED AND ADOPTED this 11th day of December, 2012.

ATTEST:

Chairperson

Secretary

APPROVED AS TO FORM:

City Attorney

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, Secretary of the Moreno Valley Housing Authority of the City of Moreno Valley, California, do hereby certify that Resolution No. HA 2012-07 was duly and regularly adopted by the Commissioners of the Moreno Valley Housing Authority at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Commissioners, Vice Chairperson, Chairperson)

SECRETARY

(SEAL)

3 Resolution No. HA 2012-07 Date Adopted: December 11, 2012

#### APPENDIX A

#### MORENO VALLEY HOUSING AUTHORITY

#### DESIGNATED OFFICERS AND EMPLOYEES DISCLOSURE CATEGORY

#### MORENO VALLEY HOUSING AUTHORITY:

Members of the City Council, ex officio, as Directors of the HA	2
Executive Director	2
Assistant Executive Director	1
Deputy Executive Director	1
Housing Authority Counsel	2
Housing Authority Special Counsel	1
Housing Authority Secretary	1
Community and Economic Development Director	1
Finance Officer	2
Housing Authority Human Resources Director	1

#### Consultant:

(Person or entity under contract to the Housing Authority who provides information, advice, recommendations or counsel to the Authority or who is subject to control or direction of the Authority)

1

#### APPENDIX B

#### DISCLOSURE CATEGORIES

#### **General Provisions:**

Designated officers and employees, including board and commission members, who are required to disclose financial interests pursuant to conflict of interest codes approved by the City Council, need not disclose any financial interest to which all of the following conditions attach at the time of filing a required financial disclosure statement and which were true during all of any period of time covered by such statement:

- (a) The interest is in the form of ownership of a security, which is registered with the Securities and Exchange Commission of the United States Government.
- (b) The interest constitutes one-half (1/2) of one percent (1%) or less of the total ownership interest in the business entity represented by the security.
- (c) There is no executory contract with a value greater than one thousand dollars (\$1,000) and which is within the purview of designated employee's board, commission, department or office, between the City and the business entity represented by the security.
- (d) The headquarters and the principal place of doing business of the business entity represented by the security are outside of the jurisdiction of the City.

#### **Disclosure Categories:**

- 1. Must report financial interests in all categories of the Statement of Economic Interest subject to the limitations listed above.
- 2. Persons in this category are already required to disclose and report investments, income, and interests in real property under §87200 and following of the Government Code or pursuant to requirements of another conflict of interest code requiring the same or more extensive reportable interests. Therefore, no other or additional disclosure requirements are imposed by this Code and such persons are included herein only for disqualification purposes.
- 3. All employees not specifically designated as category 1 or 2 are hereby deemed to be exempt from the requirement to file a statement of economic interest.

5 Resolution No. HA 2012-07 Date Adopted: December 11, 2012

### Item No. C.3

This page intentionally left blank.

### MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk Department)

**Recommendation: Approve as submitted.** 

### SEE AGENDA ITEM A.2

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

#### Report to City Council

- TO: Mayor and City Council
- FROM: Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- TITLE:ADOPTION OF FY 2013-2014 CDBG AND HOME PROGRAM<br/>OBJECTIVES AND POLICIES

#### RECOMMENDED ACTION

Recommendations: That the City Council:

- 1. Conduct a Public Hearing to allow for the community to comment on the needs of low-and-moderate income residents in Moreno Valley, including the CDBG Target Areas.
- 2. Approve the proposed CDBG and HOME Program Objectives and Policies for the 2013-2014 Program Year.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

#### BACKGROUND

Every year, the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley known as the Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME). These grants are used to provide services to benefit low-and-moderate income persons (see Attachment 1 for the 2012 Income Levels). Eligible CDBG grant activities range from social services to capital improvements to business and employment development. HOME funds must be used toward the development of affordable housing programs. Attachment 2 details eligible and ineligible activities for both programs. HUD requires that cities concentrate their programs in areas determined to contain residents of which at least 51% earn low-to-moderate incomes, these areas

are referred to as 'CDBG Target Areas'. For a map of Moreno Valley's CDBG Target Areas see Attachment 3.

Each entitlement city must also prepare a Consolidated Plan that establishes CDBG activities for a five year period. Moreno Valley's last Consolidated Plan was adopted in FY 2008-09 and will remain in effect through the end of FY 2012-13 or June 30, 2013. For each individual Consolidated Plan year, entitlement cities must adopt a separate planning document called the Annual Action Plan. The Annual Action Plan identifies how the City will allocate both CDBG and HOME funds for the upcoming year while meeting the goals established in the Consolidated Plan. Each Annual Action Plan must include up-to-date Objectives and Policies for both CDBG and HOME Programs.

#### **DISCUSSION**

The CDBG and HOME program year activities are structured so that HUD will receive the 2013-14 Annual Action Plan by the mandatory federal deadline of May 9, 2013. Prior to submittal, the City is required to complete a series of sequential activities including three Public Hearings to:

- 1. Adopt current Objectives and Policies (tonight),
- 2. Recommend CDBG and HOME Project Selections to Council (March 2013), and
- 3. Adopt the program year Annual Action Plan (end of April 2013).

These activities must be completed on schedule for the FY 2013-14 Annual Action Plan to be submitted on time.

Before a City can begin the project selection process for CDBG and HOME, HUD requires a jurisdiction to complete a mandatory 'Citizen Participation Process' and adopt objectives and policies that reflect the current needs of the community.

#### Moreno Valley's 'Citizen Participation Process'

The 'Citizen Participation Process' is intended to encourage active and informed participation in the CDBG and HOME Programs by the community. Each year as part of this process, Moreno Valley holds community-based meetings and Public Hearings to receive input on the current 'needs' of its low-to-moderate income residents. Attendees are asked to comment on issues and problems affecting low-to-moderate income persons so that the City make informed funding decisions.

Comments received at these meetings are taken into consideration when forming the Objectives and Policies for the program year. The City held two public meetings during the month of October 2012. The first Community Meeting was held the morning of Monday, October 29, 2012 at the Moreno Valley Council Chambers and the second meeting was held the evening of Tuesday, October 30, 2012 at the Moreno Valley Conference and Recreation Center. Attachment 4 provides comments that were received from residents and service providers who attended the meetings.

#### **Purpose of Objectives and Policies**

In accordance with HUD's requirements, Moreno Valley's Objectives and Policies must be re-evaluated each year to ensure they adequately reflect the current needs of the community. The updated Objectives and Policies must then be adopted by the City Council for the upcoming CDBG and HOME program year. Objectives and Policies primarily focus on: (1) defining the City's funding priorities, (2) offering project selection criteria, and (3) providing guidance for staff when reviewing and recommending programs and projects for funding. Both are distributed to non-profit agencies who are interested in applying for funding to develop a local social service program in Moreno Valley and convey important information about the eligible categories of programs and the City's priorities for local organizations.

For the last 5 years, the City has worked with the same eight objectives and four policies but this year would like to introduce one new policy. Over the past few years, staff has observed an influx of providers submitting grant applications that propose similar services and programs. Staff feels that if the non-profits were open to combining their limited resources and staff, their programs could be significantly stronger and would like to encourage the collaborations by creating a policy that rewards the collaborating group with additional points on their application during the evaluation process. Please see Attachment 5 for the description of this and other policies and objectives.

## *This Year's (2013-14) Recommendation of Priority Ranking under the 'Public Services' Objective*

An eligible use of CDBG monies is 'Public Services.' Public Services can include but not limited to food banks, homeless shelters, specialized counseling, foster youth services, etc. that benefit the City's low income households. HUD limits the monies that can be used toward Public Services to 15% of the overall annual CDBG allocation, which for Moreno Valley averages approximately \$280,000 per year. Because these particular monies are very limited and the demand is so high, staff has established a priority ranking within this objective category that assists in reaching decisions on which programs are best suited for the community within a given year.

After comprehensive research, including consideration of public input and review of various program reports, including those provided by the City's local non-profits currently serving the City's low-and-moderate income population, staff recommends the following priority ranking under the Public Service Objective:

- (1) 'Basic Needs' Related Social Services Programs (such as rental assistance, utility assistance, and emergency food programs)
- (2) Employment Services/Programs and Job (Skills) Training
- (3) Homeless and Homeless Prevention Services and Programs

- (4) Budget/Financial Management, and Credit Repair Classes and Counseling
- (5) Crime Prevention/Public Safety Services

The City seeks to address the most urgent 'needs' of its residents first. Because of the documented public demand for 'basic needs' related programs, and the City's continuing issues with local unemployment, staff recommends that the top two priorities remain unchanged from last year.

Based on feedback from the City's primary provider of Fair Housing services, market conditions have changed and reports show less demand for foreclosure prevention programs. Consequently, staff has removed that issue from the 'Priority Ranking' and instead at the urging of community service providers have added 'Homeless and Homeless Prevention Services and Programs' to the priority list. With limited occupancy at the local shelters and growing waiting lists, coupled with this year's end to the Homelessness Prevention and Rapid Recovery Grant (HPRP) Program, local community providers are experiencing a spike in the needs associated with the local homeless.

For months, the City has engaged in ongoing discussions with subgrantees about the ability of program participants to manage their individual finances. Several City subgrantees had voiced that some households had a difficult time budgeting their income appropriately (for a variety of reasons whether sudden unemployment, increased costs of living, personal spending habits, etc.) which in many cases lead to mismanagement and/or need for not just one time assistance but continued subsidy assistance. For the second year in a row, the issues of finances/budget/credit repair were discussed during the community meetings, securing a place for Budget/Financial Management, and Credit Repair Classes and Counseling in the 'priority ranking.'

#### **ALTERNATIVES**

1. Staff recommends that the City Council conduct a Public Hearing, receive comments, and adopt the proposed CDBG and HOME Objectives and Policies as listed on Attachment 5. Doing so will meet HUD's requirements, as well as provide the public and staff with direction regarding funding proposals for FY 2013-14.

2. The City Council may amend or reprioritize any of the proposed Objectives and Policies.

#### FISCAL IMPACT

The approval of Objectives and Policies for the Fiscal Year 2013-14 Annual Action Plan will not impact other City funding, including the General Fund. CDBG and HOME funds are restricted funding sources to be used exclusively for projects and programs allowed by HUD regulations and may not be used to fund other general government programs and services. It is important to note that, the CDBG and HOME funds are HUD grants and do not require matching funds.

#### Item No. E.1

Objectives and Policies are needed for staff to begin the budget process for FY 2013-14 CDBG and HOME Programs. To ensure the timely receipt of the 2013-14 CDBG and HOME entitlement allocations, the entire process (including project selection and submittal of the Annual Action Plan to HUD) must be completed by May 9, 2013.

At the time of this staff report submittal, the federal government has not yet approved the grant allocations. However, based on last fiscal year's entitlement allocations, staff estimates the 2013-14 CDBG grant to be approximately \$1.8 million and HOME grant to be approximately \$460,000.

#### CITY COUNCIL GOALS

	1 -	
1.	Revenue	By utilizing CDBG and HOME funds the City will enhance its ability
	Diversification &	to create a stable revenue base and fiscal policies that will support
	Preservation	essential City services.
2.	Public Safety	Many of the proposed CDBG and HOME programs will directly or
		indirectly help to provide a secure environment for people and
		property in the community.
3.	Positive Environment	
		develop and/or contribute to a positive environment in the
		community.
4.	Community Image,	CDBG and HOME programs such as Code Enforcement and
	Neighborhood Pride	Housing Rehabilitation will help to preserve, rehabilitate, and
	& Cleanliness	improve Moreno Valley's neighborhoods.
		······

Approval of this proposed action would support the following Council goals:

#### <u>SUMMARY</u>

Objectives and Policies must be included in the Annual Action Plan update to HUD in order to receive Fiscal Year 2013-14 CDBG and HOME entitlement grant allocations. Staff feels the previous eight objectives and four policies continue to work well; however one new policy that encourages non-profit collaboration for groups providing similar programs is being proposed. See Attachment 5. As far as priority ranking within the 'Public Service' Objective -research and community input show that demand for basic needs services such as rental assistance, utility assistance, and food continues; as does unemployment. This has prompted staff to recommend to keep 'basic needs' programs and employment services/job skills training as top "Public Service' priorities. Additionally, staff recommends adding homeless/homeless prevention programs and budget/financial management (credit repair) classes and counseling as priority rankings. It is recommended the Council adopt the revised objectives and priorities established for FY 2013-14. Once adopted, HUD will also review the Objectives and Policies for compliance with CDBG and HOME regulations.

#### **NOTIFICATION**

Notice of this meeting was published in the local section of *The Press-Enterprise* newspaper on November 25, 2012.

#### **ATTACHMENTS**

Attachment 1:	2012 Income Limits Table
Attachment 2:	Eligible & Ineligible Grant Activities
Attachment 3:	CDBG Target Areas Map
Attachment 4:	Minutes from Community Meetings
Attachment 5:	Proposed CDBG and HOME Objectives and Policies 2013-2014
Attachment 6:	PowerPoint, Objectives and Policies
Attachment 5:	Minutes from Community Meetings Proposed CDBG and HOME Objectives and Policies 2013-2014

Prepared By: Isa Rojas Management Analyst Department Head Approval: Barry Foster Community & Economic Development Director

Concurred By: Dante G. Hall Business Support & Neighborhood Programs Administrator

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

### 2012 INCOME LIMITS

Effective February 9, 2012 - Revised Annually Neighborhood Preservation Division

Annual Income Level	% of	Number of Persons In Household							
	Area Median	1	2	3	4	5	6	7	8
Extremely Low Income	30%	\$14,100	\$16,100	\$18,100	\$20,100	\$21,750	\$23,350	\$24,950	\$26,550
Very Low Income	50%	\$23,450	\$26,800	\$30,150	\$33,500	\$36,200	\$38,900	\$41,550	\$44,250
60% Limits (HOME)	60%	\$28,140	\$32,160	\$36,180	\$40,200	\$43,440	\$46,680	\$49,860	\$53,100
Low Income	80%	\$37,550	\$42,900	\$48,250	\$53,600	\$57,900	\$62,200	\$66,500	\$70,800
Median Income	100%	\$44,300	\$50,650	\$56,950	\$63,300	\$68,350	\$73,450	\$78,500	\$83,550
Moderate Income	120%	\$53,150	\$60,750	\$68,350	\$75,950	\$82,050	\$88,100	\$94,200	\$100,250

This page intentionally left blank.

### **Eligible CDBG Activities**

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:
  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.
- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

### **Ineligible CDBG Activities**

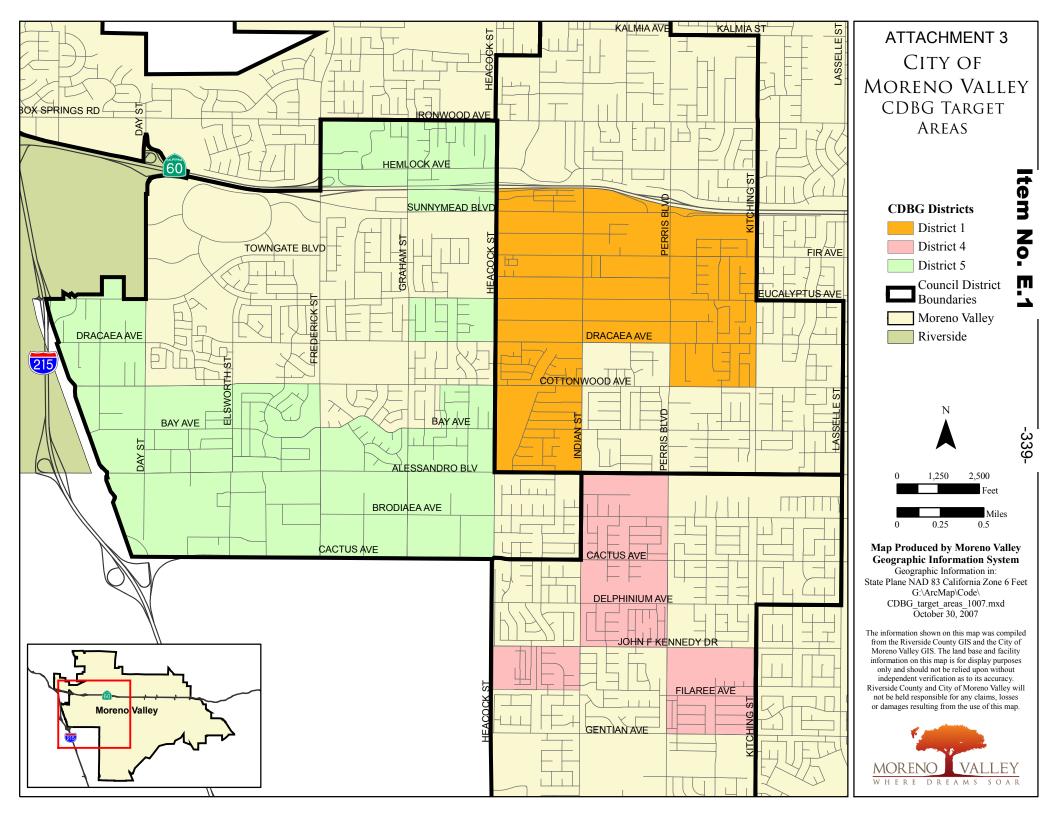
- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- ✤ Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.
- Direct income payments to residents.

### **Eligible HOME Activities**

- Loans and grants provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

### **Ineligible HOME Activities**

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.



This page intentionally left blank.

#### MINUTES FROM COMMUNITY MEETINGS

#### **COMMUNITY NEEDS ASSESSMENT MEETING 1**

Moreno Valley City Hall – Council Chambers October 29, 2012 10:00 a.m. – 11:30 a.m.

<u>Staff members present at the meeting:</u> Donna Moeller, Housing Program Specialist Dante Hall, Business Support and Neighborhood Programs Administrator Isa Rojas, Management Analyst Diana Vasquez, Housing Program Specialist Ralph Casteneda, Staff (Analysis of Impediments/Fair Housing Plan) Consultant

Persons present at the meeting:

- Resident requesting to remain anonymous
- Celina Miller & Joe Mota, Coachella Valley Housing Coalition
- Betty Vaughn, Assistance League of Riverside
- Karin Roberts & Christine Morgando, Habitat for Humanity
- Dorothy Grzeskowiak, Friends of the Senior Center and CAP Food Pantry
- Christy Rodriguez & Jeanne Joyce, Family Services Association
- Craig Redelsperger, Community Connect, Inc.

- > Norberto Perez, Resident
- Debra Harger, Community Investment Corp. (CIC)
- Romer San Miguel, Riverside Area Rape Crisis Center
- Karen Young-Lowe, Lighthouse Treatment Center
- Rose Mayes & Harold Jones, Fair Housing Council of Riverside County
- > Toneya McGinnis, Riverside Faith Temple
- Steve Taylor, Setting the Path

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding level, and current policies and objectives. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from the community. Attendees were asked to discuss issues they considered as "needed" in the Moreno Valley community as well as trends that they are experiencing and/or hearing about while working with Moreno Valley residents.

The following is a summary of comments made by the attendees:

- It was shared that there continues to be a high public interest for affordable housing. Habitat for Humanity stated that the number of families applying for Habitat for Humanity homes has significantly increased however due to credit issues less and less families are able to qualify for a mortgage. This is presenting a challenge and perhaps a need for credit repair services.
- Outreach for Moreno Valley's youth is a continued necessity. Education programs such as abuse prevention and job training were highlighted as needs.
- Housing and services for homeless veterans was described as limited. Lighthouse Treatment Center has a long waiting list of persons seeking services and to participate in their transitional living program.
- A local affordable rental housing complex shared that they also have a waiting list and that even at the affordable rents tenants are having difficulty making their monthly payments.
- The County's telephone referral service program reported having calls from members of the MV community increase by 23% over the last couple of years with the City's residents primarily requesting referrals for: (1) rental assistance, (2) utility assistance, and (3) emergency food and/or food stamps.

#### COMMUNITY NEEDS ASSESSMENT COMMENTS (CONTINUED)

- One local agency noted that there is an increase in public requests for electricity and gas utility bill payment assistance as well as for water bills, but that water bill payment assistance is not available in the area.
- The Riverside County Fair Housing Agency noted a decrease in need for foreclosure prevention programs but an increase in need for budget counseling, credit repair, and education on how residents can protect themselves from various housing related frauds and scams.
- A resident indicated that her Central Sunnymead neighborhood is currently plagued with drug and gang activity. She attributed part of the problem to absentee landlords and recommended the City consider applying consequences to landlords who constantly have crime occur on their properties. She felt landlords could be educated on how to better screen their tenants. She also commended the City's Problem Oriented Policing Team for their involvement.
- It was shared by the Director of Habitat for Humanity that another community has taken a holistic approach to solving its neighborhood issues. The City or township, assigned a lead (one project manager) to work on one street at a time to address the various issues that residents were experiencing. The program manager worked to connect the residents with appropriate service provider or coordinate with other City Departments in efforts to resolve the issues. Because the project manager serves as the single point of contact an element of trust is developed between the residents and the project manager. It was noted that this method takes time and for the neighborhoods there would be no overnight fix.
- The Family Services Association indicated that issues in the senior community were important. FSA runs a meal program for the Senior Center and indicated that they felt there was a need for supplemental services such as assisting low (limited) income seniors with dentures, glasses, or other general services.
- A local resident felt that the 'Edgemont' area is in need of capital improvements. He stated that due to issues with the water pressure, developers are unable to build in this area, causing it to be overlooked (while the rest of the City progresses). He pointed out that his neighborhood contains unpaved streets, lacks street lighting, and where there were street improvements made, there was no coordination with the water company to build with future development in mind.
- An attendee commented that he felt there was a need for at risk youth programs. He felt the youth community would benefit from job training and other such programs aimed at keeping them out of trouble.

The City's staff consultant announced the City's intent to update its' Analysis of Impediments and Five Year Fair Housing Plan. The group was briefed on what the documents are and the requirements by the Office of Housing and Urban Development (HUD) and was informed on some of the upcoming surveys and workshops.

#### COMMUNITY NEEDS ASSESSMENT MEETING 2

Conference & Recreation Center – Alessandro Room October 30, 2012 6:00 p.m. – 7:30 p.m.

<u>Staff members present at the meeting:</u> Donna Moeller, Housing Program Specialist Isa Rojas, Management Analyst

Community members present at the meeting:

- > Elizabeth Adkins, Resident
- Max M. Aruz, Resident and member of St. Christopher Church
- Norberto Perez, Resident
- Robyn Phillips, Resident

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, and current policies and objectives. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from the community. Attendees were asked to discuss issues they considered as "needed" in the Moreno Valley community as well as trends that they are experiencing and/or hearing about in working with Moreno Valley residents.

The following is a summary of comments made by the attendees:

- Attendees asked staff to provide more details on the City's project selection process. They
  inquired about how applications were evaluated and who made the final decisions. Staff
  explained the application intake process and the evaluation conducted by the Technical Review
  Committee, followed by Department Head and City Manager review, and ultimately final approval
  by the City Council during a Public Hearing.
- Attendees asked staff to explain what Fair Housing meant. Staff provided an overview and explained that a new Analysis of Impediments is currently being prepared.
- The group engaged in a detailed discussion about the 'Edgemont' area and its various needs including and most notably its inadequate water system and need for upgraded pipes. A resident expressed concerns about the quality of the water and effects on people who have been drinking it for decades.
- Attendees agreed the area was in need of general upkeep and clean-up. Several felt that the lack
  of maintenance was attracting a bad element. This concern was re-emphasized several times
  during the meeting. Attendees continued to state that they felt there is a need to conduct
  neighborhood clean-ups more frequently than what is currently offered. It was suggested that
  perhaps the City could create a program where residents could borrow tools or coordinate with
  volunteers to conduct simple maintenance on their properties.
- A resident urged the City to continue to install street improvements and sidewalks where necessary, especially on streets such as Bay Ave., Brill Road, and those frequented by pedestrians such as streets near Edgemont Elementary. He also suggested the City evaluate the streets surrounding Sunnymead Elementary.
- It was suggested that the area by Old Hwy 215 be improved as it is a main 'gateway' into the City. Staff was asked to assist small businesses on Alessandro (visible storefronts) with counseling as to avoid frequent closures.
- The residents stressed the need for more homeless shelters, and motel vouchers especially since the number of shelter beds is so limited.

• One resident shared that not only was there a limited number of beds in the shelters but there are personality conflicts among the homeless that leads to fighting and persons not wanting to use the shelters.

#### COMMUNITY NEEDS ASSESSMENT COMMENTS (CONTINUED)

- It was pointed out that a new homeless encampment had been established along the Old 215. The City was asked to consider cutting down trees that seem to attract these encampments.
- It was also pointed out that homeless seem to congregate near Parole Offices and that it would make sense to have homeless shelters and services available near the Parole Offices.
- The group engaged in a discussion regarding mentally ill homeless and homeless veterans. It was commented that the need for services, particularly for these groups was on the rise. One community member felt that homeless veterans could benefit more from independent living programs and training rather than direct monetary assistance.
- A resident suggested that the City consider installing a citywide camera system. It was explained that one is currently underway.
- City staff was asked to be more pro-active in making the public aware of available services and was encouraged to mail lists of available programs to local churches so they may share them with their members.
- City staff was also asked to consider distributing information on programs and scholarship opportunities at community events such as local soccer games and other youth sporting events. They felt that making the information available at these events would remove the intimidation factor that some people may experience when considering contacting government offices.

#### COMMUNITY NEEDS ASSESSMENT COMMENTS (CONTINUED)

### THE FOLLOWING IS A SUMMARY OF NEEDS ASSESSMENT COMMENTS MADE BY WALK-INS, BY PHONE OR BY E-MAIL:

#### Burt Ashen, Resident at Perris Isle Affordable Senior Complex and Concerned Citizen

Mr. Ashens visited and wrote the City asking staff to consider mandating access to basic television as developer requirement in affordable senior housing complexes. He argued that:

- basic television is a conduit for emergency broadcast system, and necessary (like other utilities) in today's times,
- complexes are already pre-wired to support this service at no cost to the tenant,
- other affordable housing complexes in other cities are currently offering free basic cable,
- cities have the ability to and so should mandate such a service as part of their affordable housing agreements,
- seniors in these affordable complexes have very limited income,
- current television service (because of complex rules for no satellite/dishes) is limited to Time Warner or Verizon. Seniors are at the mercy of the cost of their 'packages' and associated fees,
- access of basic channels to seniors at no or discounted costs would be of no consequence to Time Warner or Verizon.

Mr. Ashens also commented:

- A new advocacy group for seniors has formed. They meet at the senior center several times a week. City staff can reach out to them for more input on senior needs.
- There have been tenant meeting(s) recently at Perris Isle to discuss concerns at the complex. These meetings have become overwhelmingly large with participation and offer another opportunity for City staff to hear about current issues at the local affordable housing complexes.

#### Norberto Perez, Community member/Concerned Citizen

Mr. Perez attended both Community Meetings but also e-mailed follow-up concerns to the Business Support and Neighborhood Programs Division regarding the City Library. He strongly feels that until the City is able to build a new, larger library it should consider adding more computers (up to 40) at the current site. He indicates that there are always members of the public waiting to use one of the existing 25 computers (10 of which are reserved for children), and he feels that the community demand could be better addressed if the library shelves were slightly reorganized to make space and more computers were added. He also suggested the City consider allowing the public to utilize computers for 2 hour blocks to allow them to complete their business and/or assignments.

This page intentionally left blank.

### FY 2013-14 Proposed CDBG & HOME Objectives and Policies

The City of Moreno Valley has established the following Community Development Objectives and Policies in order to give maximum priority to projects and activities that will benefit low-and-moderate income residents. Proposed programs for the upcoming year should fit into one of the categories of Objectives. Staff will abide to the given Policies when reviewing proposed programs for potential funding.

#### **OBJECTIVES** (listed alphabetically)

#### Capital Improvement Activities

Acquisition, design, construction, and installation of needed public facilities and improvements located in CDBG income eligible Target Areas where infrastructure is missing or substandard. Public facilities and improvements may include street improvements, storm drains, and water and sewer lines. Improvements shall facilitate pedestrian activity, eliminate flooding, and provide for safer streets within the Target Areas.

#### **Economic Development Activities\***

Expanded economic opportunities through micro-enterprise loan programs and counseling as well as employment and job skills programs to create and retain jobs for low-and-moderate persons.

#### Fair Housing Activities \*

The promotion of housing choice and support of state and federal fair housing laws to ensure that all residents have access to a decent home in a suitable living environment in the City. Fair Housing activities are met by promoting and affirmatively furthering equitable housing opportunities through education, counseling, enforcement, and training.

This objective also includes the prevention of foreclosure through counseling, mediation, and case management for homeowners facing mortgage delinquency, default, or any stage of foreclosure, thereby maintaining safe, stable neighborhoods and community.

#### Health, Safety, and Public Welfare

Eliminating conditions which are detrimental to health, safety, and public welfare through interim rehabilitation, code enforcement, etc.

#### **Historic Preservation\***

Restoring and preserving properties formally designated as historic structures.

#### Housing Activities

Conserving and improving housing stock through rehabilitation of units occupied by low-and-moderate income households. Activities are designed to: (1) improve existing substandard or deteriorated housing stock that does not meet building, safety, or fire code and (2) achieve the goals identified in the City's Consolidated Plan.

#### Public Service Activities\*

Improving the quantity and quality of public services, principally for low-andmoderate income persons, including the homeless, elderly, and disabled. The following services are identified by order of priority:

- (1) 'Basic Needs' Related Social Services Programs (such as rental assistance, utility assistance, and emergency food programs)
- (2) Employment Services/Programs and Job (Skills) Training
- (3) Homeless and Homeless Prevention Services and Programs
- (4) Budget/Financial Management, and Credit Repair Classes and Counseling
- (5) Crime Prevention/Public Safety Services

#### Slum or Blight Activities

Elimination of slums and blight in order to prevent the deterioration of City neighborhoods, principally in the CDBG Target Areas.

\* These activities pertain to the CDBG Program only.

#### **POLICIES** (listed alphabetically)

In order to meet the objectives and ensure efficient use of CDBG and HOME funds, the following policies have been established:

#### City Projects and Programs

Certain public improvements, such as storm drains, curb, gutter, and sidewalks may at the Council's discretion be given priority and that provide long term benefits to improve low-and-moderate income CDBG Target Areas. Examples of these City sponsored programs include Code Enforcement activities, Community Policing, and Neighborhood Clean-ups.

#### Provider Collaboration (NEW)

Providers (local non-profits) that intend to provide similar services and programs to Moreno Valley's low-and-moderate residents shall be given funding priority for combining resources and efforts into a single program. Providers complete and submit a single CDBG or HOME application on behalf of the collaborating group. Funding priority would be given at the time of application review in the form of extra points on their overall application.

#### Local Services

Providers that are located in the City will be given funding priority when they are providing services equivalent to those offered by providers located outside the City.

The ultimate goal is to have services available and accessible within the City limits to serve all residents, especially those of low-and-moderate income. Prior to final selection of projects, other factors such as track record and experience will need to be considered.

#### Minimum Grant Level

A minimum grant level of \$5,000 for CDBG and \$25,000 for HOME has been established for the purpose of ensuring the most efficient use of these funds. Priority shall be given to grant requests that exceed \$5,000, subject to staffing and administrative capabilities. Grant requests less than \$5,000 will be considered at the discretion of the City Council.

#### Project and Program Funding \*

Projects and Programs having other funding sources, in addition to funds requested through CDBG will be given priority. CDBG funding is intended to supplement a project or a program and not be its full funding source. Federal

#### Objectives and Policies CDBG & HOME Programs (Continued)

funding varies from year to year as do the needs of the community. It is therefore important for a project or proposal to sustain itself should CDBG funding not be available. Such an approach will also provide for the maximum leveraging and impact of CDBG monies.

\* These activities pertain to the CDBG Program only.

# MORENO VALLEY WHERE DREAMS SOAR



# Community Development Block Grant (CDBG)

2

**Presented By: Barry Foster Community & Economic Development Director** 

# Moreno Valley has worked with HUD for 24 years through CDBG, HOME, and ADDI

Item No.

Π

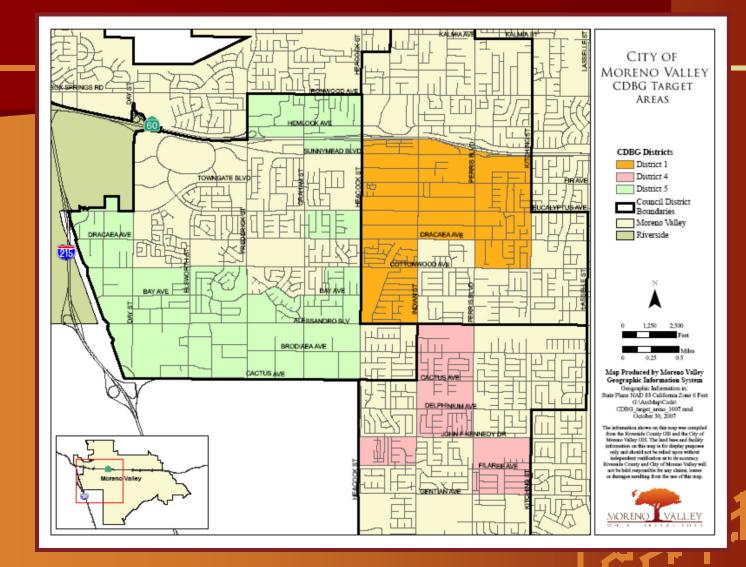
-353



# In 24 years, HUD has invested \$36 million in Moreno Valley to enrich lives through .....



# **CDBG Target Areas**



# **Senior Services**







# **Elderly Transportation**



# Social Service Objective Priority Ranking:

- 'Basic Needs' Related Social Services Programs (such as rental assistance, utility assistance, and emergency food programs)
- 2. Employment Services/Programs and Job (Skills) Training
- 3. Homeless and Homeless Prevention Services and Programs
- 4. Budget/Financial Management, and Credit Repair Classes and Counseling
- 5. Crime Prevention/Public Safety Services



# **Homeless Shelters and Transitional Living Shelters**



# **Social Services**

# Affordable Childcare



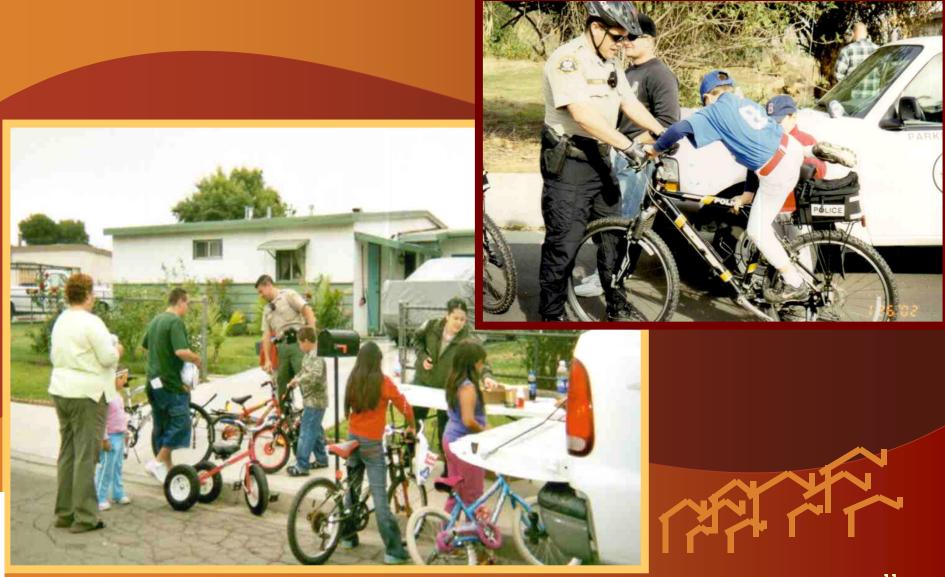




# **Career Development Programs**



# **Community Policing**



### **Small Business Assistance**

Counseling, Workshops, and Support







# **Neighborhood Clean-ups**







# **Code Enforcement Services**



# **Capital Projects**

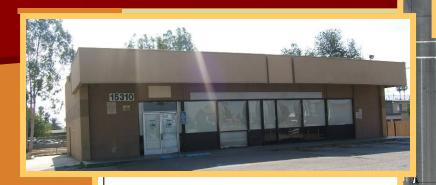
### **Street Improvements**



### **Capital Projects**

### Neighborhood Parks

11.





TCB AECOM

#### SHEILA PARK

### **Housing Rehabilitation**



# **Affordable Housing**

### New Construction







### **Affordable Homeownership**



### Youthbuild, Homeownership Assistance Program

### Habitat for Humanity Homes



### **Affordable Housing**

### Multi-Family Rehabilitations







# MORENO VALLEY WHERE DREAMS SOAR

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-1100

#### Report to City Council

- TO: Mayor and City Council
- FROM: Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- A PUBLIC HEARING FOR THE RPT CENTERPOINTE WEST PROJECT TITLE: AND RELATED ENVIRONMENTAL IMPACT REPORT. PA12-0019 PROPOSES EITHER A 164,720 SQUARE FOOT (SF) WAREHOUSE BUILDING OR AN ENCLOSED TRUCK STORAGE YARD ON 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVE. AND FREDERICK ST. PA12-0020 PROPOSES ADDING 507,720 SF TO AN EXISTING 779.016 SF WAREHOUSE BUILDING ON 18.6 ACRE AT THE NORTHWEST CORNER OF CACTUS AVE. AND GRAHAM ST. PA12-0021 PROPOSES A 607,920 SF WAREHOUSE BUILDING ON 30 ACRES AT THE NORTHWEST CORNER OF GRAHAM ST. AND BRODIAEA AVE. THE PROJECT WILL REQUIRE THE VACATION OF EXISTING JOY STREET. PA12-0022 PROPOSES A ZONE CHANGE FROM BUSINESS PARK - MIXED USE (BPX) TO LIGHT INDUSTRIAL (LI) FOR 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVENUE AND FREDERICK STREET. THE APPLICANT IS RIDGE MORENO VALLEY, LLC.

#### **RECOMMENDED ACTION**

Recommendations: That the City Council:

- 1. Conduct a public hearing for Environmental Impact Report (P12-057), Zone Change application PA12-0022, Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021, and subsequent to the public hearing:
- 2. **APPROVE** Resolution No. 2012-106 **CERTIFYING** that the Environmental Impact Report (EIR) for the RPT Centerpointe West Project has been completed in compliance with the California Environmental Quality Act, **ADOPTING** Findings and Statement of Overriding Considerations, and **APPROVING** a Mitigation Monitoring Program.

- 3. **INTRODUCE** Ordinance No. 857 **APPROVING** Zone Change application PA12-0022 for 7.6 acres from Business Park Mixed-Use (BPX) to Light Industrial (LI) as shown on Exhibit A.
- 4. **APPROVE** Resolution No. 2012-107 **APPROVING** Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021), subject to the attached conditions of approval included as Exhibits A, B and C.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission at its November 29, 2012, meeting approved Planning Commission Resolution No. 2012-29 by a of 5-0 vote, recommending that the City Council certify the Environmental Impact Report for the RPT Centerpointe West project and approved Planning Commission Resolution No. 2012-30 by a of 5-0 vote, recommending approval of Zone Change application PA12-0022, Plot Plan PA12-0019, Plot Plan PA12-0020 and Plot Plan PA129-0021.

#### BACKGROUND

#### RPT Centerpointe West Project

The applicant, Ridge Moreno Valley, LLC, has submitted five applications for development of the RPT Centerpointe West Project, which include which includes three plot applications, a zone change application and an EIR, in order to develop 1,280,360 square foot of warehouse distribution buildings in addition to an existing 779,016 square foot warehouse on approximately 56.2 acres located near the northeast corner of Frederick Street and Cactus Avenue (Assessor's Parcel Numbers 297-170-027, -064, - 065, -067, -075, -076, & -082). Parcel maps or lot line adjustments/parcels mergers will be required prior to building permit issuance for each of the proposed warehouse facilities.

#### PA12-0019 – Plot Plan for Building 11

This application proposes two alternatives for the 7.6 acre parcel located at the northeast corner of Frederick Street and Cactus Avenue (APN 297-170-027).

#### Alternative 1

This alternative proposes to develop a 294 space truck storage facility for use by the adjacent warehouse distribution facility. The truck yard would be screened from view by 14 foot tall perimeter walls of concrete tilt-up construction on all property lines.

#### Alternative 2

This alternative proposes a 164,720 square foot warehouse distribution building. The warehouse building includes loading docks on the north elevation of the building. The truck court will be screened by 14 foot tall perimeter screen walls of concrete tilt up construction.

#### Item No. E.2

#### PA12-0020 – Plot Plan for Building 4

PA12-0020 proposes to add 507,720 SF to an existing 779,016 SF warehouse building for a total of 1,286,736 SF on an 18.6 acre site located at the northwest of Cactus Avenue and Graham Street (APN 297-170-067, -075, and -076). The existing building is occupied by Harbor Freight.

The exterior of the warehouse addition has been designed and conditioned to match the established architectural design of the existing warehouse facility. The expanded truck court will be screened by 14 foot tall perimeter screen walls of concrete tilt up construction which are conditioned to match the existing perimeter screen wall.

The construction of the building addition will require the vacation of existing Joy Street between Brodiaea Avenue and Cactus Avenue.

#### PA12-0021 – Plot Plan for Building 3

PA12-0021 proposes to construct a new 607,920 SF warehouse facility on approximately 30 acres located at the northwest corner of Graham Street and Brodiaea Avenue (APN 297-170-064, -065, and -082). This project will replace an existing screened truck storage yard located at this site.

This project requires the vacation of existing Joy Street north of Brodiaea Avenue.

The two truck courts will be screened by 14 foot tall perimeter screen walls of concrete tilt up construction which are conditioned to match the color and design of the building.

#### PA12-0022 – Zone Change

The 7.6 acre project site at the northeast corner of Frederick Street and Cactus Avenue is currently zoned Business Park Mixed-Use (BPX) with a Business Park (BP) General Plan land use designation.

The Business Park Mixed-Use zone limits warehouse buildings to no more than 50,000 square feet and does not permit outdoor vehicle storage. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BPX and LI zones are compatible with the BP General Plan land use designation.

#### ENVIRONMENTAL

#### Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR

was prepared, with the public comment period beginning on August 14, 2012 and ending on September 13, 2012. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on August 29, 2012.

#### Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the environmental consultant Applied Planning, Inc. and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on September 21, 2012, and ending on November 5, 2012.

The Draft EIR was sent to all required State and local agencies and numerous interested parties as well as to the City's Environmental and Historical Preservation Board. Ten comment letters were provided during the 45-day review period.

#### Final Environmental Impact Report

Responses to the ten comments received during the 45 day review period are included in the Response to Comments. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on November 16, 2012, to allow for their review prior to Planning Commission hearing, to meet the notice period of 10 days required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

#### Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects, on traffic, air quality, and noise. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the EIR, these impacts are considered to be significant and unavoidable.

Although impacts to traffic, air quality, and noise cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation

of jobs or other beneficial project features. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

#### Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality, Noise, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant without mitigation. With mitigation, potential impacts to Biological Resources are anticipated to be less than significant.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

#### Approval and Certification

The City Council will take public testimony on the EIR and project. Before the proposed project can be acted upon, the City Council will need to review the final environmental document before making a decision to either certify or reject the EIR and project Mitigation Monitoring Program.

#### **DISCUSSION**

The proposed project is consistent with surrounding properties that are largely developed with warehouse facilities, with a 520,000 square foot warehouse under construction immediately to the west and existing warehouse facilities of 500,000 square feet or greater on properties to the east along Cactus Avenue.

Land uses to the north include vacant Light Industrial zone land and vacant commercial zoned parcels along Alessandro Boulevard. Land uses to the west and northwest include a mix of business park, office and retail uses with numerous governmental offices including City Hall located in close proximity.

Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed project is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

#### Planning Commission Public Hearing

The Planning Commission public hearing for the project was conducted on November 29, 2012. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to the project. The representative for Harbor Freight Tools, a potential tenant, also spoke.

There were three public speakers at this meeting. Two speakers stated concerns with the project's environmental document and one speaker was supportive of the project.

Comment letters were received the day of the Planning Commission public hearing from the South Coast Air Quality Management District, the Sierra Club and Johnson & Sedlack. Caltrans also provided a comment letter in response to the circulation of the Final EIR. Copies of the referenced correspondence were provided to the Planning Commission and have been included with the staff report as Attachment 12.

Following public testimony, the Planning Commissioners discussed the project, and then voted 5-0 to recommend that the City Council certify the project EIR and approve the project

#### ALTERNATIVES

- Approve the proposed Resolution and Certify that the Environmental Impact Report (EIR) for the RPT Centerpointe West Project has been completed in compliance with the California Environmental Quality Act, <u>and</u> Adopt the proposed Ordinance approving Zone Change application PA12-0022 for 7.6 acres from BPX to LI <u>and</u> proposed Resolution approving Plot Plans PA12-0019, PA12-0020 and PA12-0021, subject to the attached conditions of approval included as Exhibits A, B and C. <u>Staff recommends this alternative.</u>
- Do not approve the proposed Resolution and Certify that the Environmental Impact Report (EIR) for the RPT Centerpointe West Project has been completed in compliance with the California Environmental Quality Act, <u>and</u> do not Adopt the proposed Ordinance approving Zone Change application PA12-0022 for 7.6 acres from BPX to LI <u>and</u> do not Approve the proposed Resolution approving Plot Plans PA12-0019, PA12-0020 and PA12-0021. <u>Staff does not</u> <u>recommend this alternative</u>.

#### FISCAL IMPACT

Not applicable.

#### **CITY COUNCIL GOALS**

Not applicable.

#### SUMMARY

This report addresses proposed RPT Centerpointe West project, including the Planning Commission's November 29, 2012, recommendation to Council to certify the RPT Centerpointe West project Final EIR and approve a zone change from BPX to LI and approve Plot Plan applications PA12-0019, PA12-0020, and PA12-0012.

#### NOTIFICATION

A notice of the public hearing was published in the newspaper, posted at required City locations and at the project site, and mailed to property owners within 300 feet of the proposed project.

As of the date of report preparation, staff had received no public inquiries in response to the noticing for the City Council public hearing for this project.

#### ATTACHMENTS

- 1. Public Hearing Notice
- City Council Proposed Resolution
   Exhibit A Statement of Overriding Considerations
   Exhibit B Mitigation Monitoring Program
- 3. City Council Proposed Ordinance Exhibit A – Zone Change Map
- City Council Proposed Resolution Exhibit A – Plot Plan PA12-0019 Conditions of Approval Exhibit B – Plot Plan PA12-0020 Conditions of Approval Exhibit C – Plot Plan PA12-0021 Conditions of Approval
- 5. Final EIR
- 6. Draft EIR
- 7. Aerial Map
- 8. PA12-0019 Project Plans
- 9. PA12-0020 Project Plans
- 10. PA12-0021 Project Plans
- 11. Planning Commission Minutes from November 29, 2012 meeting
- 12. Planning Commission comment letters

Prepared By: Jeff Bradshaw Associate Planner

Concurred By: John C. Terell, 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:



# 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: PA12-0019 (Plot Plan) PA12-0020 (Plot Plan) PA12-0021 (Plot Plan) PA12-0022 (Zone Change) P12-057 (Environmental Impact Report)

APPLICANT: Ridge Moreno Valley, LLC

OWNER: Ridge Moreno Valley, LLC

**REPRESENTATIVE:** Inland Empire Development Services

**LOCATION:** Near or at the northeast corner of Frederick Street and Cactus Avenue

**PROPOSAL:** PA12-0019 proposes either a 164,720 SF warehouse building or an enclosed truck storage yard on 7.6 acres at the northeast corner of Cactus Ave. and Frederick St. PA12-0020 proposes adding 507,720 SF to an existing 779,016 SF warehouse building for a total of 1,286,736 SF on an 18.6 acre site located at the northwest of Cactus Ave. and Graham St. This project requires the vacation of existing Joy Street between Brodiaea Ave. and Cactus Ave. PA12-0021 proposes a new 607,920 SF warehouse facility on approximately 30 acres located at the northwest corner of Graham St. and Brodiaea Ave. This project requires the vacation of existing Joy Street between the vacation of existing Joy Street north of Brodiaea Ave. PA12-0022 proposes a Zone Change from BPX to LI for the 7.6 acres located at the northeast corner of Cactus Ave. and Frederick St. Approval of this project will require certification of an EIR.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

#### **COUNCIL DISTRICT: 5**

#### 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 **↑** 

#### **CITY COUNCIL HEARING**

City Council Chamber, City Hall 14177 Frederick Street Moreno Valley, Calif. 92553

DATE: December 11, 2012 TIME: 6:30 PM CONTACT PLANNER: Jeff Bradshaw PHONE: (951) 413-3224 This page intentionally left blank.

#### RESOLUTION NO. 2012-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P12-057), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE RPT CENTERPOINTE WEST PROJECT, GENERALLY LOCATED AT OR NEAR THE NORTHEAST CORNER OF FREDERICK STREET AND CACTUS AVENUE ON ASSESSOR'S PARCEL NUMBERS 297-170-027, -064, -065, -067, -075, -076, & -08.

WHEREAS, on December 11, 2012, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes Plot Plan PA12-0019 for a 164,720 square foot warehouse or an enclosed truck storage yard, Plot Plan PA12-0020 for a 507,720 square foot addition to an existing 779,016 square foot warehouse for a total of 1,286,736 square feet, Plot Plan PA12-0021 for a 607,920 square foot warehouse and Zone Change application PA12-0022 to change the zoning district for 7.6 acres at the northeast corner of Frederick Street and Cactus Avenue from Business Park Mixed-Use (BPX) to Light Industrial (LI);

WHEREAS, all the applications are related but shall not be approved unless the Environmental Impact Report (P12-057) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on September 21, 2012, while the review period ended on November 5, 2012. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on November 19, 2012, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, on December 11, 2012, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on December 11, 2012, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed RPT Centerpointe

Resolution No. 2012-106 Date Adopted: December 11, 2012

#### Item No. E.2

West Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, Final EIR includes a review of potential impacts associated with the implementation of the RPT Centerpointe West Project, including, but not limited to agricultural resources, air quality, climate change and traffic;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

- The City Council certifies that the final Environmental Impact Report (EIR) for the RPT Centerpointe West Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and
- 2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the RPT Centerpointe West Project, attached hereto as Exhibit A; and
- 3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed RPT Centerpointe West Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this 11th day of December, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

3 Resolution No. 2012-106 Date Adopted: December 11, 2012

#### Item No. E.2

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-106 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11<sup>th</sup> day of December, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

#### Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the RPT Centerpointe West Project (State Clearinghouse No. 2012081034)

#### I. <u>INTRODUCTION</u>

The City Council (this "Council") of Moreno Valley (this "City"), in certifying the EIR for the RPT Centerpointe West Project and approving necessary conditional use permits authorizing the construction of up to 1,281,000 square feet of warehouse/distribution uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented as "Appendix A" of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Initial Study ("IS"), Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring Plan ("MMP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

#### II. <u>PROJECT SUMMARY</u>

#### A. PROJECT DESCRIPTION

#### 1. <u>Site Location</u>

The Project is located in the western portion of the City of Moreno Valley. The Project site consists of approximately 56.2 acres of land located northeasterly of the intersection of Cactus Avenue and Frederick Street, northerly of the March Air Reserve Base (MARB) and approximately one mile easterly of Interstate 215 (I-215). The site is bounded by Cactus Avenue to the south, Frederick Street to the west and Graham Street to the east. Brodiaea Avenue currently transects the site in an east-west direction, and Alessandro Avenue parallels the site approximately 500 feet to the north. The Project site contains current Assessor's Parcel Numbers (APNs) 297-170-027, -064, -065, -075, -076 and -082.

Properties to the east of the RPT Centerpointe West Project site, between Graham Street and Heacock Street, are currently developed with warehouse/distribution facilities and other light industrial or business park uses as part of the adjacent Centerpointe industrial development. At the southeast corner of Frederick Avenue and Brodiaea Avenue are the existing administrative facilities of the Riverside County Waste Management Department. At the northwest corner of Cactus Avenue and Frederick Street, the Concourse at Centerpointe Project (an approximately 522,000-square-foot warehouse) is currently under construction. Properties between Resource Way and Alessandro Boulevard are developed with business park and office facilities, including the Moreno Valley City Hall. Properties to the north of the Project site are currently vacant, but are General Plan-designated for commercial uses. To the north of Alessandro Boulevard, existing uses include commercial and residential uses. Southerly of the Project site, across Cactus Avenue, is the March Air Reserve Base (MARB). MARB properties located opposite the Project site are currently undeveloped and are designated for "Business Park" uses under the MARB General Plan. Southeasterly of the Project site, across Cactus Avenue, is the March Lifecare Campus Specific Plan (MLCSP).

#### 2. <u>Project Description</u>

Together with necessary supporting improvements, the Project provides for construction of approximately 1.29 million square feet of distribution warehouse uses on an approximately 56-acre site. The entire Project Area is designated for Business Park/Light Industrial land uses by the City's General Plan. Additionally, five of the six existing parcels within the Project Site are currently zoned for Light Industrial (LI) uses. The lone parcel (APN 297-170-027) not zoned for light industrial development is located at the northeast corner of the Cactus Avenue/Frederick Street intersection. This parcel is currently zoned "BPX," or Business Park Mixed Use. The Project proposes a zone change for this parcel, from BPX to LI.

-388-

#### 3. <u>Actions Covered by the EIR</u>

The EIR will support the following discretionary approvals:

- EIR Certification;
- Zone change from Business Park to Light Industrial;
- Joy Street Right-of-Way Vacation;
- Development Plan Review; and
- Parcel Map Approval.

#### **B. PROJECT OBJECTIVES**

The primary goal of the Project is the development of the subject site with a productive mix of warehouse/distribution uses. Complementary objectives of the Project include the following:

- Expand on the existing productive uses within the Project vicinity;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's proximate regional freeway access;
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation; and
- Develop a project that is compatible with surrounding land uses.

#### III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

• On August 10, 2012 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.

- On August 29, 2012, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP/IS public review period ran for 30 days, from August 13 to September 11, 2012. Written comments on the NOP were received from seven different agencies and organizations. The scope of the issues identified in the comments expressing concern included potential impacts associated with: air quality; cultural resources; land use; and traffic and circulation.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Aesthetics; (2) Agriculture and Forest Resources; (3) Biological Resources; (4) Cultural Resources; (5) Geology and Soils; (6) Hydrology and Water Quality; (7) Mineral Resources; (8) Population/Housing; (9) Recreation; and, (10) Utilities and Service Systems.
- On September 21, 2012, the NOA/NOC was filed with the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended November 5, 2012.
- The City received a total of ten comment letters: seven from public agencies; and three from interested parties or individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On November 19, 2012 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On December 11, 2012, the City of Moreno Valley City Council conducted a noticed public hearing to consider the Project and took public comment. Following public testimony and submission of staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of

Overriding Considerations, which also adopts the Mitigation Monitoring Plan ("MMP"), and the further recommendations in the Staff Report, and approved the Project (collectively the "Approvals").

#### IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of independent peer reviewers (Urban Logic Consultants and Mountain Pacific). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

**Finding**: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c) (3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

#### A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

**Finding:** Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

#### V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated six major environmental categories for potential impacts, including Air Quality, Hazards/Hazardous Materials, Land Use, Noise, Public Services, and Traffic and Circulation. Mitigation measures recommended as part of the Initial Study were also incorporated in the Draft EIR to address potential impacts in regard to Biological Resources. Both Project-specific and cumulative impacts were evaluated. Of these major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub-issues discussed in Sections V.A and V.B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

#### A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

#### 1. Land Use

#### a. Consistency with Applicable Land Use Plans

**Potential Impact:** Whether the Project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

**Findings:** Potential impacts of the Project related to consistency with the applicable land use plans, including the City's General Plan and Zoning Ordinance, are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable land use plans will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The City's General Plan "Business Park/Light Industrial" designation allows for either business park or light industrial uses, as determined by the overlying Zoning designation. Within the Project site, 48.6 acres, or five of the six existing parcels, within the Project area are currently zoned for Light Industrial (LI) uses. The lone parcel not designated for LI uses is located at the northeast corner of the Cactus Avenue/Frederick Street intersection, and has a zoning designation of "BPX," or Business Park Mixed Use. The Project proposes a zone change for this parcel, from BPX to LI. Other parcels within the Project Site would retain their existing LI zoning designations. Existing and proposed zoning designations for the Project site, as well as development proposed by the Project, are consistent with the underlying General Plan Land Use designation (DEIR, pgs. 4.1-16 to 4.1-27). Accordingly, amendment to the site's General Plan Land Use designation is not required.

#### b. Consistency with Applicable Habitat Conservation Plans

**Potential Impact:** Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans. Consistency with SCAG and WRCOG policies and programs was also evaluated, and no conflicts were identified. On this basis, the Project is considered consistent with applicable land use plans.

**Findings:** Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR and in Section IV of the IS. Based on the entire record before us, this Council finds that no significant impacts related to

consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project site, along with the majority of the western portion of the City of Moreno Valley, is located within an urbanized setting. The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). As set forth in the City's General Plan EIR, the Project will be required to pay applicable MSHCP Development Mitigation Fees. The Project will implement mitigation measures (BR-1, BR-2 and BR-3 have been incorporated in the MMP under the topic of "Biological Resources") to ensure compliance with applicable provisions and requirements of the MSHCP (IS, pg. 3-8). The Project is not subject to requirements of any other applicable conservation plan or natural community conservation plan. Accordingly, the Project would have no impact related to consistency with applicable habitat conservation plans or other natural community conservation plans (DEIR, pgs. 4.1-27 to 4.1-28).

#### c. Potential to Divide an Established Community

**Potential Impact:** Whether the Project would physically divide an established community.

**Findings:** Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the northerly Cactus Avenue frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. No "established community" exists within the Project site, and the Project's building orientations and locations, site design elements, landscaping, and screening/buffering minimize its potential environmental effects on off-site land uses (DEIR, pg. 4.1-29).

#### d. Cumulative Impacts Related to Land Use

**Potential Impact:** Whether the Project would result in cumulatively significant impacts to land use.

**Findings:** Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that impacts relative to land use would not be cumulatively considerable and no mitigation is required.

**Facts in Support of the Findings:** Implementation of the Project would result in the development of warehouse/distribution uses, which are largely consistent with existing General Plan Land Use designations and compatible with the surrounding land uses. It is noted that the Project proposes a zone change for a single parcel. As discussed in detail in Section 4.1 of the DEIR, the zone change requested by the Project is consistent with the underlying General Plan Land Use designation and would not result in individually or cumulatively adverse land use impacts. The Project's contributions to potential cumulative land use impacts related to General Plan and Zoning consistency are less-than-significant. Further, the Project is determined to be consistent with applicable areawide and regional plans and will not discernibly nor cumulatively result in adverse impacts related to implementation of the identified regional plans (DEIR, pg. 5-8).

#### 2. <u>Traffic and Circulation</u>

#### a. Air Traffic Patterns

**Potential Impact:** Whether the Project would increase or otherwise affect existing air traffic patterns.

**Findings:** Potential impacts of the Project related to air traffic patterns are discussed in Section XVI of the IS. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with existing air traffic patterns is determined to be less-than-significant (IS, pg. 3-21).

#### b. Conflict with Congestion Management Program

**Potential Impact:** Whether the Project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

**Findings:** Potential impacts of the Project related to conflicts with applicable congestion management programs are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** Within the Study Area, the I-215 is a designated Riverside County Congestion Management Program (CMP) facility. Within the Study Area, levels of service standards and operational efficiencies along I-215 freeway segments established by the Riverside County Congestion Management Agency are maintained with the addition of Project traffic under Opening Year (2017) and Cumulative with Project conditions (DEIR, pg. 4.2-64).

#### c. Roadway Hazards, Emergency Access

**Potential Impact:** Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); and/or result in inadequate emergency access.

**Findings:** Potential impacts of the Project related to increased roadway hazards and adequate emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards or emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** To ensure appropriate design and implementation of all recommended Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer, thus minimizing any potential roadway hazards or design incompatibilities. The Project does not propose any components that would create hazards or introduce traffic that is inconsistent with the existing traffic patterns. Additionally, as part of the City's design review process, the Project's plans will be submitted to the appropriate personnel within the Moreno Valley Fire and Police departments for review and approval prior to the issuance of building

#### Item No. E.2

-396-

permits. Accordingly any impacts related to roadway hazards or emergency access would be less-than-significant (DEIR, pg. 4.2-70).

### 3. <u>Air Quality</u>

### a. Air Quality Management Plan Consistency

**Potential Impact:** Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

**Findings:** Potential impacts of the Project related to consistency with the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality management plan and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The Project is consistent with AQMP Consistency Criterion No. 1 because it will not increase the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP (DEIR, pgs. 4.3-49 to 4.3-50). Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. The land use proposed by the Project is consistent with the currently adopted City General Plan, and the Project would not otherwise increase the site's anticipated development intensity (DEIR, pgs. 4.3-50 to 4.3-51).

### b. Objectionable Odors

**Potential Impact:** Whether the Project would create objectionable odors affecting a substantial number of people.

**Findings:** Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project does not propose land uses typically associated with the emission of objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources, such as vehicle exhaust and routine painting and maintenance activities, are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects (DEIR, pgs. 4.3-77 to 4.3-78).

### c. Greenhouse Gas Emissions

**Potential Impact:** Whether the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases; or directly or indirectly generate greenhouse gas (GHG) emissions that may have a significant impact on the environment.

**Findings:** Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, Mitigation Measures 4.3.7 through 4.3.8 will ensure that the Project further minimizes its reliance on non-renewable electrical energy sources. In addition, Mitigation Measure 4.3.9 addresses the incorporation of alternative transportation.

- *4.3.7 The building roof shall be designed and constructed to accommodate solar panels.*
- 4.3.8 Prior to issuance of the first Certificate of Occupancy, the Project shall install a photovoltaic array (solar panels) or other source of renewable energy generation onsite, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the Project's office electrical needs.
- 4.3.9 The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements; The Project shall provide pedestrian and bicycle connections to

The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.

**Facts in Support of the Findings:** The Project will be designed and operated consistent with incumbent GHG regulatory requirements. Further, the project is consistent with, or otherwise is not in conflict with, applicable CARB Scoping Plan recommended measures and actions, and applicable GHG emission reduction strategies identified in the 2006 CAT Report. Already less-than-significant Project GHG emissions will be further reduced as a byproduct of other general Project Air Quality Mitigation Measures and the required use of renewable energy, pursuant to Mitigation Measures 4.3.7 and 4.3.8 (DEIR, pgs. 4.3-78 to 4.3-96) and the Project's support of alternative transportation methods, pursuant to Mitigation Measure 4.3.9.

### d. Sensitive Receptors

**Potential Significant Impact:** The EIR evaluated and concluded that neither Project construction activities, nor long-term operations of the Project, would expose sensitive receptors to potentially substantial pollutant concentrations.

**Finding:** Implementation of the following supplemental mitigation measures will reduce already less-than-significant air pollutant emissions that could affect sensitive receptors:

- 4.3.5 The Project truck access gates and loading docks site shall be posted with signs which state:
  - Truck drivers shall turn off engines when not in use;
  - Diesel delivery trucks servicing the Project shall not idle for more than three minutes; and
  - Telephone numbers of the building facilities manager and the CARB to report violations.
- 4.3.6 The Project's final site design shall allow for trucks to check-in within the facility area to prevent queuing of trucks outside the facility.

**Facts in Support of the Finding:** Based on analysis performed as part of the Project Air Quality Impact Analysis, the Project could expose sensitive receptors to potentially substantial concentrations. However, with implementation of Mitigation Measures 4.3.5 and 4.3.6, these impacts will be reduced to a less-than-significant level (DEIR, pg. 4.3-75).

### 4. <u>Noise</u>

### a. **Operational Noise**

**Potential Significant Impact:** Whether the routine operation of the Project will generate noise levels exceeding applicable City's standards.

**Findings:** Potential impacts of the Project relative to noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in operational noise that exceeds City standards and therefore, no mitigation is required. Nonetheless, the DEIR has identified the following supplemental mitigation measures, which will further reduce the Project's already less-than-significant operational noise impacts.

- 4.4.4 All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.
- 4.4.5 Maintain quality pavement conditions that are free of bumps to minimize truck noise.
- 4.4.6 The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:
  - Truck drivers shall turn off engines when not in use;
  - Diesel trucks servicing the Project shall not idle for more than five minutes; and
  - Post telephone numbers of the building facilities manager to report violations.

**Facts in Support of the Finding:** Based on analysis performed as part of the Project Noise Impact Analysis, even without mitigation, the Project's routine operations will not exceed the City's standards for stationary noise. Mitigation Measures 4.4.4 through 4.4.6 will serve to further reduce already less-than-significant operational noise impacts (DEIR, pgs. 4.4-22 to 4.4-25).

### b. Groundborne Vibration/Groundborne Noise

**Potential Impact:** Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

**Findings:** Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this

# Item No. E.2

-400-

Council finds that no significant impacts related to groundborne vibration or groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels (DEIR, pgs. 4.4-26 to 4.4-27). Although heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in temporary annoyance at vicinity properties, Project construction activities do not propose or require extensive or prolonged use of heavy equipment proximate to neighboring structures. While Project construction-source vibration may at times be perceived at off-site land uses, it is unlikely that such vibration would cause structural damage or be otherwise substantively detrimental to properties or persons. Further, the Project will comply with all applicable vibration criteria as established by the California Department of Transportation addressing construction-source vibration impacts (DEIR, pg. 4.4-26).

c. Aircraft Noise

**Potential Impact:** Whether the Project would result in significant impacts related to aircraft noise.

**Findings:** Potential impacts of the Project related to aircraft noise are discussed in detail in IS Section XII. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** March Air Reserve Base (MARB) and associated airport operations exist southerly of the Project site, across Cactus Avenue. The Project would not however affect or be substantively affected by MARB operations. Moreover, the City has adopted the MARB AICUZ overlay zone. The Project site is located outside the noise zone identified in the AICUZ (IS, pg. 3-33).

### 5. <u>Hazards/Hazardous Materials</u>

# a. Airport-Related Hazards, Emergency Plan Interference, Risk of Wildland Fire

**Potential Impact:** Whether the Project has the potential to result in a safety hazard for people residing or working in the project area due to airport/airstrip operations; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures to a significant risk of loss, injury or death involving

wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**Findings:** Potential impacts of the Project related to hazards and hazardous materials are discussed in detail in Section VIII of the IS. Based on the entire record before us, this Council finds that no significant impacts related to the creation of hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project would not be substantively affected by MARB and associated airport operations which exist southerly of the Project site, across Cactus Avenue. Moreover, the City has adopted the MARB AICUZ overlay zone. The Project site is located outside both the crash and noise zones identified in the AICUZ. The Project does not propose permanent alteration to vehicle circulation routes, nor will this be required based on current Project development concepts. As such, the Project should not interfere with an identified emergency response or emergency evacuation plan. The Project site is located in an area that has been largely urbanized, and there are no wildlands adjacent to the Project area (IS, pg. 3-14).

#### b. Location on a Hazardous Materials Site

**Potential Impact:** Whether the potential location of the Project is on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Findings:** Potential impacts of the Project location on a hazardous materials site are discussed in Section VIII of the IS. Based on the entire record before us, this Council finds that no significant impacts related to location on a hazardous materials site will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** The Project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and therefore, would have no impact in this regard (IS, pg. 3-13).

### c. Hazard(s) to the Public or Environment

**Potential Impact:** Whether the Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

**Findings:** Potential impacts of the Project related to the handling of hazardous materials are discussed in detail in DEIR Section 4.5. Based on the entire record before us, this Council finds

#### Page 16

# Item No. E.2

-402-

that no significant impacts related to the creation of hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** Project construction will require temporary and short-term transport, use, and storage of potentially hazardous materials. However, all materials would be stored, used, and disposed of consistent with a Project Hazardous Material Business Plan (HMBP) as may be stipulated by the CUPA and/or the City of Moreno Valley. Moreover, handling of these materials outside of a HMBP context is extensively regulated at the local, State, and federal levels (DEIR, pgs. 4.5-18 to 4.5-20).

### d. Hazardous Materials

**Potential Impact:** Whether the Project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

**Findings:** Potential impacts of the Project related to hazards and hazardous materials within the proximity of a school are discussed in detail in DEIR Section 4.5. Based on the entire record before us, this Council finds that no significant impacts related to the hazardous materials near schools will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** No schools exist, or are proposed within one-quarter mile of the Project site. Further, the Project is subject to AQMD permitting and regulatory requirements that would preclude hazardous air emissions. It is also noted that compliance with applicable hazardous waste control rules and regulations would be expected to minimize the risk of public exposure (including schools) to any hazardous materials used or stored at the Project site (DEIR, pgs. 4.5-20 to 4.5-22).

e. Cumulative Impacts Related to Hazards/Hazardous Materials Potential Impact: Whether the Project would result in cumulatively significant impacts to hazards/hazardous materials.

**Findings:** Potential cumulative impacts of the Project related to hazards and hazardous materials are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to hazards/hazardous materials will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** Implementation of the Project would not propose uses or activities that would require substantive handling or use of hazardous materials, hazardous substances, or hazardous waste that could result in potential adverse effects. It is further assumed that other development projects within the cumulative impact area will be subject to similar regulations regarding the handling and transport of hazardous materials, thereby avoiding or reducing the extent and scope of potential cumulative impacts in regard to hazardous materials exposure or release.

### 6. <u>Public Services</u>

#### a. Impacts Related to Public Services

**Potential Impact:** Whether the Project would result in substantial adverse physical impacts associated with the provision of the new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable ratios, response times, or other performance objectives for any of the public services, including fire protection, police protection, schools, parks, or other public facilities.

**Findings:** Potential impacts of the Project related to police and fire protection are discussed in detail in Section 4.6 of the DEIR, while potential impacts to schools, parks, or other public facilities are addressed in IS Section XIV. Based on the entire record before us, this Council finds that no significant impacts related to public services will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** Development of the Project would result in an incremental increase in the overall Citywide demand for fire and police protection services, which could result in additional staffing or equipment requirements. However, based on the availability of existing facilities and services to Project site, no need or requirement for new facilities has been identified. The Project is not anticipated to significantly affect existing response times or service ratios in regard to the provision of emergency services. Further, development impact fees and sales tax revenues generated by the Project will provide funding sources available for support and enhancement of fire and police protection services (DEIR, pg. 4.6-9). In regard to schools and parks, the Project is not expected to contribute substantially to the resident population base using school and park facilities. The Project will pay required school impact fees to offset potential impacts to schools that may result from any incremental increase in student population that may result from employment opportunities created by the Project. In regard to other public

# Item No. E.2

-404-

facilities, the public agency oversight required to develop the Project is included within the routine tasks of the City's Planning, Building and Safety Divisions, and Public Works Department. Permit processing, plan-check, and inspection fees paid by the Project would fund these activities, which typically fall within routine tasks of these agencies (IS, pg. 3-20).

#### b. Cumulative Impacts Related to Public Services

**Potential Impact:** Whether the Project would result in cumulatively significant impacts to public services.

**Findings:** Potential cumulative impacts of the Project related to public services are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to public services will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Findings:** Implementation of the Project and other development in the City and surrounding communities will cumulatively add to demands on fire protection, law enforcement, and emergency medical response services. However, cumulative demands for these services are reduced through review and coordination of development projects with potentially affected service providers, and incorporation of appropriate design and construction elements which act to enhance safety and minimize potential hazards. With specific regard to cumulative demand for fire protection services in the Project area, these services will be enhanced by planned construction of a new fire station to be located approximately one-quarter mile easterly of the Project site. Accordingly, the Project's potential contribution to cumulative public services impacts is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

# B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

*Public Resources Code* Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
- II. Those changes or alterations that are within the responsibility and jurisdiction

of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Air Quality, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are set forth in the MMP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

### 1. <u>Traffic and Circulation</u>

### a. Conflict with Circulation Performance Plan

**Potential Significant Impact:** The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Elsworth Street at Cactus Avenue in both the morning and evening peak hour periods.

**Finding:** Implementation of the following mitigation measure will reduce potential Opening Year traffic impacts at the affected intersection:

4.2.1 Elsworth Street and Cactus Avenue Improvements:

Prior to issuance of the first Certificate of Occupancy, the Project Applicant shall construct the following improvement.

• Remove the existing southbound crosswalk (i.e., the crosswalk on the western leg of the intersection) to provide additional "green time" to other approaches. This removal shall be accomplished in a manner consistent with applicable regulations, including but not limited to Chapter 3B of the 2012 California Manual on Uniform Traffic Control Devices (MUTCD), and Section 21950.5 of the California Vehicle Code. The existing crosswalks on the north, east and south legs of the intersection shall be maintained.

**Facts in Support of the Finding:** Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project will contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Elsworth Street at Cactus Avenue in both the morning and evening peak hour periods. (DEIR, pgs. 4.2-50 to 4.2-51). However, with implementation of the roadway improvement identified in Mitigation Measures 4.2.1, these impacts will be reduced to a less-than-significant level (DEIR, pg. 4.2-51).

### 2. <u>Air Quality</u>

### a. Construction-Related Emissions

**Potential Significant Impact:** The EIR evaluated and concluded that the Project's construction-related emissions of VOC could exceed South Coast Air Quality Management District (SCAQMD) thresholds.

**Finding:** Implementation of the following mitigation measures will reduce potential construction-related air quality impacts to a less-than-significant level:

To facilitate implementation and monitoring of mitigation measures addressing construction source air quality impacts, all plans, specifications, and contract documents shall include the following or equivalent notations:

4.3.1 Pursuant to SCAQMD Rule 403 requirements:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.
- 4.3.2 A sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of five minutes.
- 4.3.3 During grading activities, total horsepower-hours per day for all equipment shall not exceed 13,568 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed four acres per day.

4.3.4 Only "Zero-Volatile Organic Compounds" paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.

**Facts in Support of the Finding:** Based on analysis performed as part of the Project Air Quality Impact Analysis, the Project will generate construction-related emissions of VOC in excess of regional thresholds established by SCAQMD (DEIR, pgs. 4.3-54 to 4.3-58). However, with implementation of Mitigation Measures 4.3.1 through 4.3.4, these impacts will be reduced to a less-than-significant level (DEIR, pg. 4.3-59).

### 3. <u>Biological Resources</u>

### a. Nesting Birds (including Burrowing Owl)

**Potential Significant Impact:** The EIR evaluated and concluded that the Project's site and surrounding areas serve as potential urban habitat for ground-nesting birds, with a low potential for the presence of the burrowing owl (*Athena cunicularia*), which is identified as a State-listed species of concern.

**Finding:** Implementation of the following mitigation measures will reduce potential impacts to special-status wildlife species to a less-than-significant level:

BR-1 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified Project biologist. The Project biologist shall be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

- BR-2 Within 30 days prior to site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the City Planning Department prior to issuance of a grading permit.
- BR-3 Prior to the issuance of a grading permit, the Project Applicant shall be responsible for ensuring that a biological resources survey is conducted for the Project site during nesting season (February 15 to July 31) by a qualified biologist, consistent with the policies of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). This survey will specifically address the identification of potential burrowing owl (Athena cunicularia) habitat, and the protection of species associated with riparian/riverine areas and vernal pools. The results of this biological survey shall be submitted to the City for review. If the City finds that the Project, in its final design, would involve areas of burrowing owl occupation, and/or areas of riparian or riverine resources, the following requirements would apply:
  - If the site contains, or is part of an area supporting less than 35 acres of suitable burrowing owl habitat, or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, then the on-site burrowing owls will be passively or actively relocated following accepted protocols.
  - If the site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent

of the area with long-term conservation value and burrowing owl pairs will be conserved onsite.

- If the 90 percent threshold cannot be met, the City of Moreno Valley, as a permittee of the MSHCP, must make a Determination of Biologically Equivalent or Superior Preservation.
- If riparian/riverine resources are present onsite and cannot be avoided, a Determination of Biologically Equivalent or Superior Preservation will be required.

**Facts in Support of the Finding:** The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season (IS, pgs. 3-7 to 3-8). Implementation of Mitigation Measures BR-1, BR-2, and BR-3 will ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

### C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The City of Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: traffic impacts at Caltrans facilities causing performance deficiencies at intersections, ramp queues, and roadway segments (individually and cumulatively); operational air quality impacts (individually and cumulatively); and short-term construction noise impacts (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects

# Item No. E.2

are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

### 1. <u>Traffic and Circulation</u>

### a. Intersection Operations

**Significant Unavoidable Impact:** The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.2 through 4.2.6, addressing Opening Year cumulative conditions, are incorporated into the MMP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

- 4.2.2 I-215 Southbound Ramps at Cactus Avenue Improvement:
  - Construct a second westbound through lane. This improvement will be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Southbound Ramps at Cactus Avenue.
- 4.2.3 I-215 Northbound Ramps at Cactus Avenue Improvements:
  - Construct a second northbound left-turn lane;
  - *Re-stripe the existing eastbound shared through/right-turn lane as the third through lane;*
  - Construct a dedicated eastbound right-turn lane;
  - Construct a third westbound through lane; and
  - Construct a dedicated westbound right-turn lane.

These improvements will be funded through participating in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Northbound Ramps at Cactus Avenue.

### 4.2.4 Elsworth Street at Cactus Avenue Improvement:

• Construct a third eastbound through lane. This improvement will be funded through participation in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Elsworth Street at Cactus Avenue.

- 4.2.5 Frederick Street at Cactus Avenue Improvements:
  - Construct a third eastbound through lane; and
  - Construct a third westbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Frederick Street at Cactus Avenue.

- 4.2.6 Graham Street at Cactus Avenue Improvements:
  - *Remove the existing southbound crosswalk (i.e., crosswalk on the west leg) to provide additional green time to other approaches; and*
  - Construct a third eastbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Graham Street at Cactus Avenue.

**Facts in Support of the Finding:** With the implementation of the improvements recommended under Mitigation Measures 4.2.2 through 4.2.6, LOS conditions at Study Area intersections will comply with the City's intersection LOS performance standards. However, because the improvements identified in Mitigation Measures 4.2.2 through 4.2.6 involve the construction of improvements that are either outside the jurisdiction of the City of Moreno Valley or beyond the control of the Project Applicant, the successful completion of the required improvements for the Opening Year Cumulative condition cannot be ensured prior to the opening of the Project. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation (DEIR, pgs. 4.2-54 to 4.2-56).

### b. Roadway Segments

**Significant Unavoidable Impact:** The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that the previously-identified Mitigation Measures 4.2.2 through 4.2.6 are incorporated into the MMP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

**Facts in Support of the Finding:** With completion of the improvements recommended under the previously-identified Mitigation Measures 4.2.2 through 4.2.6, acceptable LOS would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Nonetheless, because the successful completion of the improvements is outside the control of the Project Applicant, the addition of Project-related traffic to roadway segments that are already deficient is considered a cumulatively significant and unavoidable impact. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds (DEIR, pgs. 4.2-57 to 4.2-58).

### c. Cumulative Freeway Ramp Impacts

**Significant Unavoidable Impact:** The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway ramp queues. It was determined that under Opening Year Cumulative Conditions, certain freeway ramp queues within the Study Area are projected to operate under deficient conditions, with or without the Project. The Project would contribute additional traffic to these already deficient conditions.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant and there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway ramp queues under Opening Year Cumulative conditions will remain significant and unavoidable.

**Facts in Support of the Finding:** The EIR determined that under Opening Year Cumulative Conditions, certain freeway ramp queues within the Study Area (specifically, I-215 Southbound Ramps at Cactus Avenue-Westbound Left-turn, evening peak hour period; I-215 Northbound Ramps at Cactus Avenue-Northbound Left-turn, morning and evening peak hour periods; and I-215 Northbound Ramps at Cactus Avenue-Westbound Through Lane, morning peak hour only) are projected to operate under deficient conditions, with or without the Project. The Project would contribute additional traffic to these already deficient conditions. Improvements to facilities is under extra-jurisdictional control (all freeway ramps within the Study Area are under Caltrans jurisdiction), thus there are no feasible means for the Project to mitigate these impacts. Therefore, the successful completion of the required improvements for the Opening Year Cumulative condition cannot be ensured prior to the opening of the Project (DEIR, pgs. 4.2-61 to 4.2-62).

### 2. <u>Air Quality</u>

### a. Operational Emissions

**Significant Unavoidable Impact:** The EIR evaluated and concluded that Project operational source criteria pollutants will exceed applicable SCAQMD regional thresholds for VOCs and NOx.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant and, at present, there are no feasible means for the Lead Agency or the Applicant to reduce these emissions to levels that would not exceed SCAQMD threshold criteria. Accordingly, Project operational exceedances of SCAQMD VOC and NOx regional thresholds are considered significant and unavoidable.

**Facts in Support of the Finding:** The EIR evaluated and concluded that Project VOC and NOx operational emission exceedances are primarily attributable to mobile sources (vehicular tailpipe emissions). At present there are no feasible means for the Lead Agency or the Applicant to reduce these emissions to levels that would not exceed SCAQMD threshold criteria. Energy efficiencies reflected in the Project design, and compliance with existing SCAQMD/CARB emissions requirements will act to incrementally reduce the Project's operational source emissions levels. Over time, it is anticipated that federal and state mandates will act to substantively reduce tailpipe emissions statewide. Pending these federal and state actions, or other means that act to substantively reduce vehicle tailpipe emissions, Project operational

# Item No. E.2

exceedances of SCAQMD VOC and NOx regional thresholds are considered significant and unavoidable. Project-related operational emissions are therefore determined to be significant and unavoidable air quality impacts (DEIR, pgs. 4.3-62 to 4.3-69).

### b. Cumulative Air Quality Impacts

**Significant Unavoidable Impact:** The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant and there are no known feasible mitigation measures that could reduce this impact to a less-than-significant level. Operational VOC and NOx emissions are reduced to the extent feasible through compliance with established rules and regulations, and implementation of designs compliant with, or surpassing, Title 24 Energy Efficiency requirements. However, Project exceedance of VOC and NOx emissions thresholds, in combination with emissions generated by other sources affecting the encompassing ozone non-attainment area, will result in a cumulatively considerable net increase in VOC and NOx emissions within the encompassing non-attainment area over the life of the Project. However, the Council finds that even with compliance with established regulations, the Project will result in cumulatively significant and unavoidable air quality impacts.

**Facts in Support of the Finding:** Project operational emissions of VOC and NOx would exceed applicable SCAQMD regional thresholds, and are therefore considered individually and cumulatively significant. The fact that the Project generates emissions of VOC and NOx in excess of SCAQMD thresholds (VOC and NOx collectively as ozone precursors, and NOx alone as an individually significant pollutant) indicates that the Project would also contribute considerably to cumulatively significant air quality impacts within the encompassing ozone and NOx non-attainment areas. On this basis, operational-source emissions of VOC and NOx in exceedance of SCAQMD regional thresholds will result in a cumulatively considerable net increase of these pollutants within the encompassing ozone and NOx non-attainment areas (DEIR, pgs. 4.3-76 to 4.3-77).

### 3. <u>Noise</u>

### a. Short-Term Construction Noise (Individual and Cumulative)

**Significant Unavoidable Impact:** The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.3, presented below, are incorporated into the MMP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

- 4.4.1 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- 4.4.2 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.
- 4.4.3 The construction contractor shall limit haul truck deliveries to weekdays between the hours of 7:00 a.m. and 8:00 p.m., or the same hours specified for construction equipment. Haul routes that utilize only City-designated truck routes shall be designated on construction plans. The Project construction manager shall be responsible for ensuring that all contractors operate in compliance with construction plan specifications.

**Facts in Support of the Finding:** Even with implementation of Mitigation Measures 4.4.1 through 4.4.3, it is anticipated that construction-source noise received at the nearest affected sensitive receptor may temporarily and periodically reach a level in excess of the City's

# Item No. E.2

maximum permissible noise level, resulting in a significant impact (DEIR, pgs. 4.4-17 to 4.4-20). Cumulative noise impacts for the duration of construction activities are also recognized as significant (DEIR, pgs. 5-15 to 5-16). As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

### D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, assumes future development of the subject site as allowed under the site's existing zoning. A Reduced Intensity Alternative was also selected for analysis. CEQA requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives.

### 1. <u>Alternative 1 – No Project/No Build Alternative</u>

**Description:** Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), the site would remain in its current, largely undeveloped state. It is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current, largely undeveloped state (DEIR, pg. 5-25).

**Impacts:** The No Build Alternative would result in few (if any) environmental impacts. However, employment and economic benefits otherwise accruing to the City and region would not be realized (DEIR, pgs. 5-25 through 5-37). Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Hazards and Hazardous Materials; Public Services; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative (DEIR, pg. 5-38). In addition, the

Project's significant and unavoidable traffic impacts, construction noise impacts, and operational air quality impacts would not occur (DEIR, pgs. 5-36 to 5-53). Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project.

**Objectives:** Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved (DEIR, pg. 5-52).

**Finding:** Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, and noise that have been identified within the DEIR. However, the City Council finds that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

### 2. <u>Alternative 2 – No Project/Existing Zoning Alternative</u>

**Description:** The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing zoning designation. That is, all but 7.59 acres of the 56.2-acre Project site is designated for Light Industrial uses. A single parcel, located at the northeast corner of Cactus Avenue and Frederick Street, has an existing zoning designation of "Business Park-Mixed Use," or "BPX." The No Project Alternative assumes that this parcel would be developed with uses consistent with the BPX zoning. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes an estimate of trips based on the above-described existing zoning scenario, which is projected to be an approximately 30 percent increase than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The resulting increase in operational emissions would be approximately proportional to the 30 percent increase in trip generation described above. Because the total building area under the No Project Alternative is estimated to be similar to that of the Project, no adjustment has been made to area source emissions estimates (DEIR, pgs. 5-25 to 5-28). The No Project Alternative would result in a lessening of impacts related to Land **Impacts:** Use; Hazards and Hazardous Materials; Public Services; and Biological Resources when

### Item No. E.2

compared to the proposed Project (DEIR, pgs. 5-28 to 5-53). Under the No Project Alternative, a zone change would not be required (DEIR, pg. 5-38). The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project (DEIR, pg. 5-42). Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with BPX land uses. Significant traffic impacts under Opening Year Cumulative conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated (DEIR, pg. 5-41). Operational air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alternative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative, due to project Alternative (DEIR, pg. 5-44). Vehicular noise would also likely increase under the No Project Alternative, due to project the project traffic peneration. Under the No Project Alternative, due to increased trip generation. Under the No Project Alternative, due to increased vehicular-source noise, operational noise impacts may increase compared to the Project, but would likely remain less-than-significant (DEIR, pg. 5-47).

**Objectives:** Business Park-Mixed Uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including support commercial and office employment opportunities, would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City (DEIR, pg. 5-52).

**Finding:** Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. None of the Project's significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under the existing land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

### 3. <u>Alternative 3 – Reduced Intensity Alternative</u>

**Description:** The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the intensity of significant air quality impacts that would otherwise result from the Project. In that the same type of development is proposed, most of the Project Objectives would be achieved, albeit to a lesser extent (DEIR, pg. 5-29). Implementation of the Reduced Intensity Alternative would yield approximately 673,000 square feet of development, a reduction of approximately 47 percent or approximately 608,000 square feet, when compared to the approximately 1,281,000-square-foot Project analyzed in the EIR (DEIR, pg. 5-30).

**Impacts:** The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts in the areas of Land Use; Hazards and Hazardous Materials; Public Services; and Biological Resources when compared to the Project (DEIR, pgs. 5-29 through 5-53). Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shortened time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated constructionrelated emissions would still exceed SCAQMD emissions thresholds of VOC (DEIR, pg. 5-42). Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project by reducing Project-related traffic. Less-than-significant operational noise impacts of the Project would be further diminished under the Reduced Intensity Alternative (DEIR, pg. 5-47). Operational NOx emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds (DEIR, pg. 5-45). The Reduced Intensity Alternative would result in an approximate 47 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of areawide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Therefore, significant traffic impacts projected to occur under Opening Year Cumulative conditions would persist with or without development under the Reduced Intensity Alternative (DEIR, pg. 5-41).

**Objectives:** The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this

-420-

Alternative, the resulting generation of development impact fees, the number of jobs created, and potential second tier economic benefits to the City and region (e.g., wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project (DEIR, pgs. 5-52 to 5-53).

**Finding:** Under the Reduced Intensity Alternative, light industrial warehouse/distribution facilities of 608,000 square feet would be realized as compared to the 1,281,000 square feet proposed under the Project. The City Council hereby finds that the Reduced Intensity Alternative would reduce, but not avoid, the significant and unavoidable traffic, air quality, and noise impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

### 4. <u>Alternatives Considered and Rejected</u>

As stated at *Guidelines* Section 15126.6 (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." (DEIR, pgs. 5-32 through 5-34.) The Project is expected to result in significant impacts to traffic, long-term operational air pollutant emissions and related air quality impacts, and temporary construction-source noise.

In the case of the proposed Project, relocation to an Alternative Site within the City of Moreno Valley is not likely to achieve any measurable reduction in traffic impacts. Certain of the Project's significant traffic impacts would occur at, or would require improvement of, Caltrans jurisdictional freeway facilities. Such improvements, however, are beyond the scope and purview of the Lead Agency and the Applicant. If not implemented at the current site, the Project would still contribute essentially the same volumes and types of traffic to Caltrans facilities, resulting in significant traffic impacts similar to those of the current Project.

In regard to air quality impacts, the Project's vehicular operational emissions may be incrementally reduced by relocating the Project closer to I-215; however, because the Project site is located less than one mile from the freeway, it is not anticipated that the resulting trip length reductions would be sufficient to achieve regional emissions thresholds.

Temporary exceedances of noise standards are anticipated to result from Project construction. However, this type of noise would likely exceed City thresholds wherever the Project was located, since sensitive receptors are located throughout the community.

Additionally, the Project has been proposed primarily in order to expand the ongoing operations of the existing Harbor Freight Tools facility. Because this facility operates successfully from its current, fixed location, the relocation of the Project to an Alternate Site would not allow for the benefits of this expansion, and would obviate the need for the Project. Based on the preceding considerations, the analysis of an Alternative Site was not considered further.

### 5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative (DEIR, pg. 5-65). Notwithstanding, the scope and total overall development would be substantively reduced under the Reduced Intensity Alternative. The resulting diminishment of the Project Objectives, to include substantive reduction in economic benefits to the City and region, and limited jobs creation would act to substantially reduce the feasibility of this Alternative (DEIR, pgs. 5-25 to 5-53).

#### E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 151260.2(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The Project would result in the creation of new light industrial/distribution warehouse uses. The types of employment opportunities offered by the Project are relatively common

### Item No. E.2

throughout Southern California and are unlikely to generate significant population migration (if any), and would not result in population growth for the City beyond that reflected in adopted growth forecasts. The Project does not propose the creation of housing, and would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning (DEIR, pgs. 5-53 to 5-55).

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems (DEIR, pgs. 5-53 to 5-56).

Notwithstanding, development of the Project envisioned will entail as upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (Id.)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region (DEIR, p. 5-56).

### F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

*Public Resources Code* Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project

#### Page 38

# Item No. E.2

-424-

presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy (DEIR, pgs. 5-59 to 5-60).

#### G. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

- 1. Traffic Impacts Intersections and Roadway Segments (Cumulative); and
- 2. Traffic Impacts Freeway Ramps (Cumulative).
- 3. Operational Air Pollutant Emissions (Individual and Cumulative); and
- 4. Short-Term Construction Noise (Individual and Cumulative).

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V.C herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because

they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located near the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public

### Item No. E.2

testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V.D above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V.G above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.""

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

### H. CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

### 1. <u>Findings</u>

### a. **CEQA** Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

### b. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V.C of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Ramps (Cumulative); Operational Air Pollutant Emissions (Individual and Cumulative); and Short-Term Construction Noise (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

### 2. <u>Conclusions</u>

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the

### Item No. E.2

-428-

mitigation measures defined herein and set forth in the MMP, will be mitigated to a less-thansignificant level, except for the impacts identified in Section V.C above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

### I. ADOPTION OF MITIGATION MONITORING PLAN

Pursuant to *Public Resources Code* Section 21081.6, the Council hereby adopts, as conditions of approval of the Project, the MMP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMP, the MMP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted form the MMP, in which case such mitigation measure shall be deemed as if it were included in the MMP.

This page intentionally left blank.

# 4.0 MITIGATION MONITORING PLAN

### 4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring plan has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described at *CEQA Guidelines* §15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section at Table 4.2-1.

### 4.2 MITIGATION MONITORING AND REPORTING

### Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Item No. E.2

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures raffic and Circulation	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<ul> <li>2.1 Elsworth Street and Cactus Avenue Improvements: rior to issuance of the first Certificate of Occupancy, the Project pplicant shall construct the following improvement.</li> <li>Remove the existing southbound crosswalk (i.e., the crosswalk on the western leg of the intersection) to provide additional "green time" to other approaches. This removal shall be accomplished in a manner consistent with applicable regulations, including but not limited to Chapter 3B of the 2012 California Manual on Uniform Traffic Control Devices (MUTCD), and Section 21950.5 of the California Vehicle Code. The existing crosswalks on the north, east and south legs of the intersection shall be maintained.</li> </ul>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Transportation Division and Land Development Division	City shall verify completion of improvements prior to issuance of first Certificate of Occupancy.
<ul> <li>I-215 Southbound Ramps at Cactus Avenue Improvement:</li> <li>Construct a second westbound through lane.</li> <li>is improvement will be funded through participation in the IMF Program. The Project will pay required TUMF, thereby tisfying its proportional fee responsibilities for improvements quired to mitigate Opening Year Cumulative traffic impacts at e intersection of I-215 Southbound Ramps at Cactus Avenue.</li> </ul>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Transportation Division and Land Development Division	City shall verify receipt of fees before issuance of first Certificate of Occupancy.

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures <u>Traffic and Circulation</u>	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<ul> <li>4.2.3 I-215 Northbound Ramps at Cactus Avenue Improvements:</li> <li>Construct a second northbound left-turn lane;</li> <li>Re-stripe the existing eastbound shared through/right- turn lane as the third through lane;</li> <li>Construct a dedicated eastbound right-turn lane;</li> <li>Construct a third westbound through lane; and</li> <li>Construct a dedicated westbound right-turn lane.</li> <li>These improvements will be funded through participating in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Northbound Ramps at Cactus Avenue.</li> </ul>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Transportation Division and Land Development Division	City shall verify receipt of fees before issuance of first Certificate of Occupancy.
<ul> <li>4.2.4 Elsworth Street at Cactus Avenue Improvement:</li> <li>Construct a third eastbound through lane.</li> <li>This improvement will be funded through participation in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Elsworth Street at Cactus Avenue.</li> </ul>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Transportation Division and Land Development Division	City shall verify receipt of fees before issuance of first Certificate of Occupancy.

-434-

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures Traffic and Circulation	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<ul> <li>Frederick Street at Cactus Avenue Improvements:</li> <li>Construct a third eastbound through lane; and</li> <li>Construct a third westbound through lane.</li> <li>These improvements will be funded through participating in the FUMF and/or DIF program(s). The Project will pay required fees, hereby satisfying its proportional fee responsibilities for mprovements required to mitigate Opening Year Cumulative raffic impacts at the intersection of Frederick Street at Cactus Avenue.</li> </ul>	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Transportation Division and Land Development Division	City shall verify receipt of fees before issuance of first Certificate of Occupancy.
	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Transportation Division and Land Development Division	City shall verify receipt of fees before issuance of first Certificate of Occupancy.

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Air Qu</u>	<u>iality</u>	0 0	-		
4.3.1 •	Pursuant to SCAQMD Rule 403 requirements: All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.
4.3.2	A sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of five minutes.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
r Qı	<u>iality</u>				
3.3	During grading activities, total horsepower-hours per day for all equipment shall not exceed 13,568 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed four acres per day.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Land Development Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.
3.4	Only "Zero-Volatile Organic Compounds" paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Land Development Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.
8.5 •	The Project truck access gates and loading docks site shall be posted with signs which state: Truck drivers shall turn off engines when not in use; Diesel delivery trucks servicing the Project shall not idle for more than three minutes; and Telephone numbers of the building facilities manager and	Prior to issuance of first Certificate of Occupancy.	Applicant and contractor(s)	City of Moreno Valley, Planning Division	Before issuance of first Certificate of Occupancy.

the CARB to report violations.

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Air O</u> 4.3.6	<b>uality</b> The Project's final site design shall allow for trucks to check-in within the facility area to prevent queuing of trucks outside the facility.	Prior to issuance of first Building Permit.	Applicant	City of Moreno Valley, Planning Division	City shall verify designs prior to Final Site Plan approval, with verification of implemented check-in improvements at issuance of first Building Permit.
4.3.7	The building roof shall be designed and constructed to accommodate solar panels.	Prior to issuance of first Building Permit.	Applicant	City of Moreno Valley, Planning Division	City shall verify final designs prior to issuance of first building permit. Implemented design to be verified prior to the issuance of first Building Permit.
4.3.8	Prior to issuance of the first Certificate of Occupancy, the Project shall install a photovoltaic array (solar panels) or other source of renewable energy generation onsite, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the Project's office electrical needs.	Prior to issuance of first Certificate of Occupancy.	Applicant	City of Moreno Valley, Planning Division	City shall verify final designs prior to issuance of first building permit. Implemented design to be verified prior to the issuance of first Certificate of Occupancy.

Mitigation Monitoring Plan Page 4-8 -438-

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Air Q</u> 4.3.9	FualityThe Project shall provide secure, weather-protected on-sitebicycle storage/parking. Bicycle storage parking/quantityand location shall be consistent with City of Moreno Valleyrequirements;The Project shall provide pedestrian and bicycleconnections to surrounding areas, consistent withprovisions of the City of Moreno Valley General Plan.Location and configurations of proposed pedestrian andbicycle connections are subject to review and approval bythe City. Prior to Final Site Plan approval, pedestrian andbicycle connections shall be indicated on the Project SitePlan;The Project shall provide onsite showers (one for males andone for females). Lockers for employees shall be provided.	Prior to issuance of first Building Permit.	Applicant	City of Moreno Valley, Planning Division	City shall verify final designs prior to final site plan approval. Implemented design to be verified prior to the issuance of first Building Permit.
<u>Noise</u> 4.4.1	During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Building and Safety Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.

-439-

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Noise</u>					
4.4.2	The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all Project construction.	of mitigation requirements during	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Building and Safety Division	City to verify required notations before issuance of first development permit. Thereafter, on-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.
4.4.3	The construction contractor shall limit haul truck deliveries to weekdays between the hours of 7:00 a.m. and 8:00 p.m., or the same hours specified for construction equipment. Haul routes that utilize only City-designated truck routes shall be identified on construction plans. The Project construction manager shall be responsible for ensuring that all contractors operate in compliance with construction plan specifications.	of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Building and Safety Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.

Mitigation Monitoring Plan Page 4-10

+

-440-

Item No. E.2

-441-

# Table 4.2-1 RPT Centerpointe West Project Mitigation Monitoring Plan

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Noise	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
<u>Noise</u> 4.4.4	All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Building and Safety Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.
4.4.5	Maintain quality pavement conditions that are free of bumps to minimize truck noise.	On-going implementation of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division and Building and Safety Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.
4.4.6 • •	The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state: Truck drivers shall turn off engines when not in use; Diesel trucks servicing the Project shall not idle for more than five minutes; and Post telephone numbers of the building facilities manager to report violations.	of mitigation requirements during Project construction.	Applicant and contractor(s)	City of Moreno Valley, Planning Division	On-going monitoring by construction superintendent. City to respond to any community concerns regarding Project construction activities.

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

	Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	
<u>Biolo</u>	<u>gical Resources</u>					
BR-1	If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified Project biologist. The Project biologist shall be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.	Nesting bird surveys and any necessary species protection or relocation activities shall be completed prior to issuance of grading permit(s) for the affected area(s).	Applicant	City of Moreno Valley, Planning Division and Project Biologist	City and Project Biologist to verify adequacy of Surveys and any necessary species protection or relocation activities prior to issuance of grading permit(s) for the affected area(s).	1.1

-442-

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

مام	Mitigation Measures <u>rical Resources</u>	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
-2	Within 30 days prior to site clearing activities, a pre- construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the City Planning Department prior to issuance of a grading permit.	any necessary species protection or relocation activities shall be completed prior to issuance of grading	Applicant	City of Moreno Valley, Planning Division and Project Biologist	City and Project Biologist to verify adequacy of Surveys and any necessary species protection or relocation activities prior to issuance of grading permit(s) for the affected area(s).
3	Prior to the issuance of a grading permit, the Project Applicant shall be responsible for ensuring that a biological resources survey is conducted for the Project site during nesting season (February 15 to July 31) by a qualified biologist, consistent with the policies of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). This survey will specifically address the identification of potential burrowing owl (Athena cunicularia) habitat, and the protection of species associated with riparian/riverine areas and vernal pools. The results of this biological survey shall be submitted to the City for review. If the City finds that the Project, in its final design, would involve areas of burrowing owl occupation, and/or areas of riparian or riverine resources, the following requirements would apply:	Nesting bird surveys and any necessary species protection or relocation activities shall be completed prior to issuance of grading permit(s) for the affected area(s).	Applicant	City of Moreno Valley, Planning Division and Project Biologist	City and Project Biologist to verify adequacy of Surveys and any necessary species protection or relocation activities prior to issuance of grading permit(s) for the affected area(s).

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
If the site contains, or is part of an area	initigation Timing	Littity	Reporting Linuty	riequency
supporting less than 35 acres of suitable				
burrowing owl habitat, or the survey reveals that				
the site and the surrounding area supports fewer				
than three pairs of burrowing owls, then the on-				
site burrowing owls will be passively or actively				
relocated following accepted protocols.				
If the site (including adjacent areas) supports				
three or more pairs of burrowing owls, supports				
greater than 35 acres of suitable habitat and is				
non-contiguous with MSHCP Conservation				
Area lands, at least 90 percent of the area with				
long-term conservation value and burrowing owl				
pairs will be conserved onsite.				
If the 90 percent threshold cannot be met, the				
City of Moreno Valley, as a permittee of the				
MSHCP, must make a Determination of				
Biologically Equivalent or Superior Preservation.				
If riparian/riverine resources are present onsite				
and cannot be avoided, a Determination of				
Biologically Equivalent or Superior Preservation				
will be required.				
win oc regniter.				

### ORDINANCE NO. 857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA12-0022 TO CHANGE THE ZONE FROM BUSINESS PARK MIXED-USE TO LIGHT INDUSTRIAL FOR A 7.6 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF FREDERICK STREET AND CACTUS AVENUE (ASSESSOR'S PARCEL NUMBER 297-170-027).

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

### SECTION 1 GENERAL:

1.1 The applicant, Ridge Moreno Valley, LLC, has filed application PA12-0022, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on December 11, 2012, for deliberations and decision.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

### SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on December 11, 2012, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project proposes a change to the Zoning Atlas for 7.6 acres located within Assessor's Parcel Numbers 297-170-027 from Business Park Mixed-Use (BPX) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the

1 Ordinance No. 857 Date Adopted: January 8, 2013

goals, objective, policies or programs of the General Plan. Buildings able to accommodate support commercial services are provided within close proximity to the site at the intersection of Frederick Street and Alessandro Boulevard.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed prezoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BPX to LI for the 7.6 acre project site is consistent with the purposes and intent of Title 9.

# SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

# SECTION 4 EFFECT OF ENACTMENT:

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

# SECTION 5 NOTICE OF ADOPTION:

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

# SECTION 6 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this 8th day of January, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

3 Ordinance No. 857 Date Adopted: Januani e. 2013

### **ORDINANCE JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halsted, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 857 had its first reading on December 11, 2012 and had its second reading on January 8, 2013, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8<sup>th</sup> day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

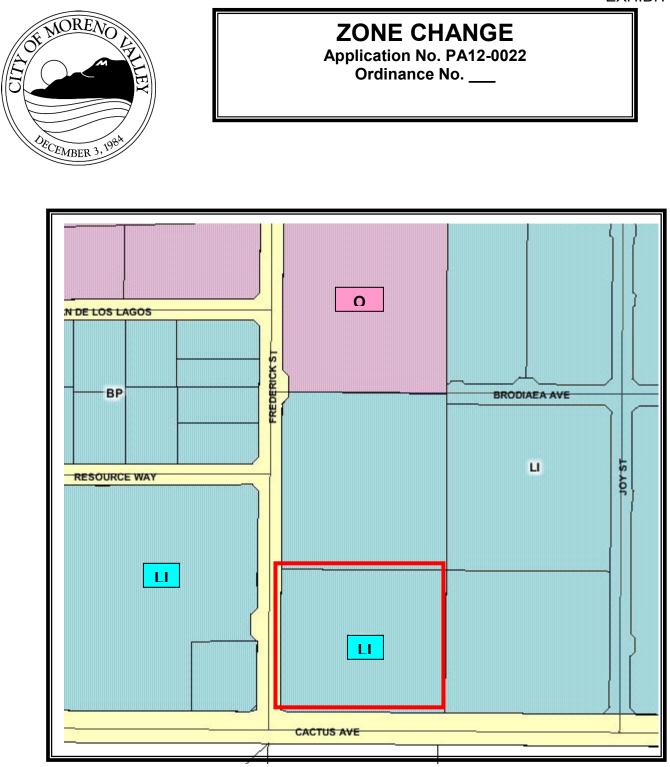
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Item No. E.2

-448-



ADOPTED: January 8, 2013

**EFFECTIVE: February 8, 2013** 

Ν

This page intentionally left blank.

### RESOLUTION NO. 2012-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA12-0019 FOR A 164,720 SF WAREHOUSE OR AN ENCLOSED TRUCK STORAGE YARD, PLOT PLAN PA12-0020 FOR A 507,720 SF ADDITION TO AN EXISTING 779,016 SF WAREHOUSE FOR A TOTAL OF 1,286,736 SF, AND PLOT PLAN PA12-0021 FOR A 607,920 SF WAREHOUSE FOR THE RPT CENTERPOINTE WEST PROJECT.

#### Section 1:

WHEREAS, the applicant, Ridge Moreno Valley, LLC, has filed an application the approval of PA12-0019, for a 164,720 square foot warehouse or an enclosed truck storage yard on 7.6 acres, as described in the title of this Resolution; and

WHEREAS, on December 11, 2012, the City Council held a public hearing to consider the project; and

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

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

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on December 11, 2012, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1 Resolution No. 2012-107 Date Adopted: December 11, 2012

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities. Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan. Buildings able to accommodate support commercial services are provided within close proximity to the site at the intersection of Frederick Street and Alessandro Boulevard.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is currently zoned BPX. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA12-0022) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed 164,720 square foot warehouse or the enclosed truck storage yard as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

2 Resolution No. 2012-107 Date Adopted: December 11, 2012 FACT: The project is located at the northeast corner of Frederick Street and Cactus Avenue, northerly of the March Air Reserve Base (MARB), and approximately one mile easterly of Interstate 215 (I-215). Land uses to the north include administrative facilities of the Riverside County Waste Management Department with City Hall offices for the Bureau of Land Management and Social Security to the northwest. Land uses to the west include a warehouse of approximately 522,000 square feet which is under construction, a vacant retail building, and a mix of business park, office and retail uses. Land uses to the east include existing from Frederick Street to Heacock Street include warehouse facilities of 500,000 square feet or greater in building area. East of Heacock Street are single-family tract homes. Further to the north, to the north of Alessandro Boulevard, existing uses include commercial and residential uses. Southerly of the Project site, across Cactus Avenue, is the March Air Reserve Base (MARB). MARB properties located opposite the Project site are currently undeveloped and are designated for "Business Park" uses under the MARB General Plan.

The proposed warehouse distribution building or truck storage yard are not permitted uses in the BPX zone. The project requires a Zone Change to LI. As designed and conditioned and subject to approval of the above mentioned Zone Change, this plot plan is compatible with existing and proposed land uses in the vicinity.

#### Section 2:

WHEREAS, the applicant, Ridge Moreno Valley, LLC, has filed an application for the approval of PA12-0020, a Plot Plan for a 507,720 square foot addition to an existing 770,016 square foot warehouse for a total of 1,286,736 square feet, as described in the title of this Resolution; and

WHEREAS, on December 11, 2012, the City Council of the City of Moreno Valley held a public hearing to consider the subject applications and the environmental documentation prepared for the project; and

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

3 Resolution No. 2012-107 Date Adopted: December 11, 2012

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the City Council of the City of Moreno Valley as follows:

- A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on December 11, 2012, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:
  - 1. Conformance with General Plan Policies The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities. Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan. Buildings able to accommodate support commercial services are provided within close proximity to the site at the intersection of Frederick Street and Alessandro Boulevard.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is current zoned LI. The plot plan as designed and conditioned will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

4 Resolution No. 2012-107 Date Adopted: December 11, 2012 FACT: The proposed a 507,720 square foot addition to the existing warehouse as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The project is located at the northeast corner of Frederick Street and Cactus Avenue, northerly of the March Air Reserve Base (MARB), and approximately one mile easterly of Interstate 215 (I-215). Land uses to the north include administrative facilities of the Riverside County Waste Management Department with City Hall offices for the Bureau of Land Management and Social Security to the northwest. Land uses to the west include a warehouse of approximately 522,000 square feet which is under construction, a vacant retail building, and a mix of business park, office and retail uses. Land uses to the east include existing from Frederick Street to Heacock Street include warehouse facilities of 500,000 square feet or greater in building area. East of Heacock Street are single-family tract homes. Further to the north, to the north of Alessandro Boulevard, existing uses include commercial and residential uses. Southerly of the Project site, across Cactus Avenue, is the March Air Reserve Base (MARB). MARB properties located opposite the Project site are currently undeveloped and are designated for "Business Park" uses under the MARB General Plan.

The proposed warehouse distribution building or truck storage yard are not permitted uses in the BPX zone. The project requires a Zone Change to LI. As designed and conditioned and subject to approval of the above mentioned Zone Change, this plot plan is compatible with existing and proposed land uses in the vicinity.

#### Section 3:

WHEREAS, the applicant, Ridge Moreno Valley, LLC, has filed an application for the approval of PA12-0021, a Plot Plan for a Plot Plan for a 607,920 square foot warehouse, as described in the title of this Resolution; and

5 Resolution No. 2012-107 Date Adopted: December 11, 2012

WHEREAS, on December 11, 2012, the City Council of the City of Moreno Valley held a public hearing to consider the subject applications and the environmental documentation prepared for the project; and

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the City Council of the City of Moreno Valley as follows:

- A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on December 11, 2012, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:
  - 1. Conformance with General Plan Policies The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities. Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan. Buildings able to accommodate support commercial services are provided within close proximity to the site at the intersection of Frederick Street and Alessandro Boulevard. 2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is current zoned LI. The plot plan as designed and conditioned will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed a 607,920 square foot warehouse as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The project is located at the northeast corner of Frederick Street and Cactus Avenue, northerly of the March Air Reserve Base (MARB), and approximately one mile easterly of Interstate 215 (I-215). Land uses to the north include administrative facilities of the Riverside County Waste Management Department with City Hall offices for the Bureau of Land Management and Social Security to the northwest. Land uses to the west include a warehouse of approximately 522,000 square feet which is under construction, a vacant retail building, and a mix of business park, office and retail uses. Land uses to the east include existing from Frederick Street to Heacock Street include warehouse facilities of 500,000 square feet or greater in building area. East of Heacock Street are single-family tract homes. Further to the north, to the north of Alessandro Boulevard, existing uses include commercial and residential uses. Southerly of the Project site, across Cactus Avenue, is the March Air Reserve Base (MARB). MARB properties located opposite the Project site are currently undeveloped and are designated for "Business Park" uses under the MARB General Plan.

The proposed warehouse distribution building or truck storage yard are not permitted uses in the BPX zone. The project requires a Zone Change to LI. As designed and conditioned and subject to approval of the above mentioned Zone Change, this plot plan is compatible with existing and proposed land uses in the vicinity.

#### Section 4:

### A. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

### 2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA12-0019, PA12-0020 and PA12-0021, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

### 3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law. Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2012-

**APPROVING** Plot Plan PA12-0019, Plot Plan PA12-0020, and Plot Plan PA12-0021), subject to the attached conditions of approval included as Exhibits A, B and C.

APPROVED AND ADOPTED this 11<sup>th</sup> day of December, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

9 Resolution No. 2012-107 Date Adopted: December 11, 2012

### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-107 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012 by the following vote:

AYES:

NOES: None

ABSENT: None

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

10 Resolution No. 2012-107 Date Adopted: December 11, 2012

### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL FOR PLOT PLAN PA12-0019 FOR A WAREHOUSE DISTRIBUTION BUILDING **OR A TRUCK STORAGE YARD** ASSESSOR'S PARCEL NUMBER: 297-170-027

#### APPROVAL DATE: EXPIRATION DATE:

- <u>X</u> Planning (P), including Building (B), School District (S), Post Office (PO)
- <u>X</u> Fire Prevention Bureau (F)
- X X Land Development (LD)
- Public Works Special Districts (SD)
- X X Public Works – Transportation Engineering (TE)
- Public Works Moreno Valley Utilities (MVU)
- Parks & Community Services (PCS)
- Х Police (PD)

Note: All Special conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

# COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

### **Planning Division**

- P1. Approval of Plot Plan PA12-0019 is subject to certification of an Environmental Impact Report (P12-057) and approval of a Zone Change (PA12-0022) from Business Park Mixed-Use (BPX) to Light Industrial (LI) by the City of Moreno Vallev.
- P2. Plot Plan PA12-0019 has been approved for development of two alternatives. Alternative 1 is a truck storage vard for 294 truck/trailers to be screened by 14 foot tall perimeter walls. Alternative 2 is a 164,720 square foot warehouse distribution building to be built on a 7.6 acre site within Assessor's Parcel Number 297-170-027. This project includes 17 dock doors and a maximum of 10,000 square feet of office. Required parking for this use equates to a total of 99 employee/visitor parking spaces and 17 truck/trailer parking spaces.
- P3. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
- P4. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office

GP - Grading Permits

CO - Certificate of Occupancy or building final P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan Ord - Ordinance Res - Resolution

MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision M -461-

CEQA - California Environmental Quality Act Ldscp - Landscape Development Guidelines and Specs UBC - Uniform Building Code



Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation WP - Water Improvement Plans BP - Building Permits

area(s).

- P5. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.
- P6. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).
- P7. The design of all swales and basins that are visible from the public right-ofway shall be integrated with the surrounding landscape areas.
- P8. Screening walls of decorative block or concrete tilt-up construction and 14 feet in height shall be provided to fully screen the truck loading and parking area for from view from along the southern, western, northern, and eastern property lines.
- P9. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.
- P10. Except for the installation of a bus bay, pedestrian connection and a driveway, existing parkway landscaping along Frederick Street and at the northeast corner of Frederick Street and Cactus Avenue shall be protected in place.

All existing parkway landscaping that is removed shall be replaced with similar landscaping on-site at the back of the bus bay. Existing trees shall be relocated or replaced at a three to one ratio with 24-inch box trees.

- P12. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.
- P13. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

# P14. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 3 OF 40

- P16. PA12-0019 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)
- P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project.
- P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department Planning Division. (MC 9.12.020)

### Prior to Issuance of Grading Permits

- P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
- P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GF

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 4 OF 40

23.3, DG, CEQA).

- P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
- P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-ofway or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)
- P25. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P26. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department Planning Division for review and approval.
- P27. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department Planning Division and Public Works Department Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP Circulation Master Plan)
- P28. (GP) Prior to issuance of any grading permit<del>s</del>, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
- P29. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative treatment for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.
- P30. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P31. (GP) Prior to the issuance of grading permits, the following burrowing owl vey requirements shall be incorporated into the grading plans in -464-

accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

- P32. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by a POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.
- P33. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
  - A. A 3 foot high decorative wall, hedge or berm shall be placed in setback areas adjacent to a parking lot.
  - B. Any proposed retaining walls shall be decorative in nature.
  - C. A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks shall be built along the southern, western, northern and eastern property lines.

# Prior to Issuance of Building Permits

- P34. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)
- P35. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 6 OF 40

- P36. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P37. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P38. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:
  - A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
  - B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
  - C. All diamond planters shall be included at an interval of one per 3 parking stalls.
  - D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
  - E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
  - F. Enhanced landscaping shall be included at all driveway and corner locations and along the sites Cactus Avenue frontage,
  - G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
  - H. The review of all utility boxes, transformers etc. shall be coordinated to

provide adequate screening from public view. (Landscape Guidelines)

- 1. Street trees planted at 40 feet on center spacing shall be provided along the site's Frederick Street and Cactus Avenue frontages.
- J. Along property boundaries visible from the public view and accessible to the general public, trees shall be planted at a rate of one tree per 30 linear feet of the interior property line. Tree clusters may satisfy this requirement.
- K. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.
- L. Existing parkway removed for the bus bay along Frederick Street shall be replaced on-site at the back of the bus bay.
- P39. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)
- P40. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.
- P41. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.
- P42. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

# Prior to Issuance of Certificate of Occupancy or Building Final

- P43. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)
- P44. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department Planning Division. (MC 9.080.070).
- P45. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 8 OF 40

- P46. (CO) All rooftop equipment shall be appropriately screened and not visible from the public rights of way.
- P47. (CO) Prior to issuance of a certificate of occupancy or building final, the project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the project's office electricity needs.

#### **MITIGATION MEASURES**

#### Traffic and Circulation

**P48. 4.2.1** Elsworth Street and Cactus Avenue Improvements: Prior to issuance of the first Certificate of Occupancy, the Project Applicant shall construct the following improvement.

• Remove the existing southbound crosswalk (i.e., the crosswalk on the western leg of the intersection) to provide additional "green time" to other approaches. This removal shall be accomplished in a manner consistent with applicable regulations, including but not limited to Chapter 3B of the 2012 California Manual on Uniform Traffic Control Devices (MUTCD), and Section 21950.5 of the California Vehicle Code. The existing crosswalks on the north, east and south legs of the intersection shall be maintained.

P49. 4.2.2 I-215 Southbound Ramps at Cactus Avenue Improvement:

• Construct a second westbound through lane.

This improvement will be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Southbound Ramps at Cactus Avenue.

- **P50. 4.2.3** I-215 Northbound Ramps at Cactus Avenue Improvements:
  - Construct a second northbound left-turn lane;

• Re-stripe the existing eastbound shared through/right-turn lane as the third through lane;

- Construct a dedicated eastbound right-turn lane;
- Construct a third westbound through lane; and
- Construct a dedicated westbound right-turn lane.

These improvements will be funded through participating in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Northbound Ramps at Cactus Avenue.

**P51. 4.2.4** Elsworth Street at Cactus Avenue Improvement:

• Construct a third eastbound through lane.

This improvement will be funded through participation in the TUMF and/or DIF argram(s). The Project will pay required fees, thereby satisfying its proportional fee

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 9 OF 40

responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Elsworth Street at Cactus Avenue.

- P52. 4.2.5 Frederick Street at Cactus Avenue Improvements:
  - · Construct a third eastbound through lane; and
  - Construct a third westbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF program(s). The Project will pay required fees,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Frederick Street at Cactus Avenue.

P53. 4.2.6 Graham Street at Cactus Avenue Improvements:

• Remove the existing southbound crosswalk (i.e., crosswalk on the west leg) to provide additional green time to other approaches; and

• Construct a third eastbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Graham Street at Cactus Avenue.

### Air Quality

**P54. 4.3.1** Pursuant to SCAQMD Rule 403 requirements:

• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.

• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.

• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.

- **P55. 4.3.2** A sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of five minutes.
- **P56. 4.3.3** During grading activities, total horsepower-hours per day for all equipment shall not exceed 13,568 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed four acres per day.
- **P57. 4.3.4** Only "Zero-Volatile Organic Compounds" paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 10 OF 40

**P58. 4.3.5** The Project truck access gates and loading docks site shall be posted with signs which state:

• Truck drivers shall turn off engines when not in use;

• Diesel delivery trucks servicing the Project shall not idle for more than three minutes; and

• Telephone numbers of the building facilities manager and the CARB to report violations.

- **P59. 4.3.6** The Project's final site design shall allow for trucks to check-in within the facility area to prevent queuing of trucks outside the facility.
- **P60. 4.3.7** The building roof shall be designed and constructed to accommodate solar panels.
- **P61. 4.3.8** Prior to issuance of the first Certificate of Occupancy, the Project shall install a photovoltaic array (solar panels) or other source of renewable energy generation onsite, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the Project's office electrical needs.
- **P62. 4.3.9** The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements. The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan. The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.

### Noise

- **P63. 4.4.1** During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- **P64. 4.4.2** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all Project construction.
- **P65. 4.4.3** The construction contractor shall limit haul truck deliveries to weekdays between the hours of 7:00 a.m. and 8:00 p.m., or the same hours specified for construction equipment. Haul routes that utilize only City-designated truck routes shall be identified on construction plans. The Project construction manager shall be responsible for ensuring that all contractors operate in compliance with construction plans.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 11 OF 40

- **P66. 4.4.4** All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.
- **P67. 4.4.5** Maintain quality pavement conditions that are free of bumps to minimize truck noise.
- **P68. 4.4.6** The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:
  - Truck drivers shall turn off engines when not in use;
  - Diesel trucks servicing the Project shall not idle for more than five minutes; and
  - Post telephone numbers of the building facilities manager to report violations.

### **Biological Resources**

- **P69. BR-1** If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 July 31), all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified Project biologist. The Project biologist shall be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.
- P70. BR-2 Within 30 days prior to site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the City Planning Department prior to issuance of a grading permit.
- **P71. BR-3** Prior to the issuance of a grading permit, the Project Applicant shall be responsible for ensuring that a biological resources survey is conducted for the Project site during nesting season (February 15 to July 31) by a qualified biologist, consistent with the policies of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). This survey will specifically address the identification of potential burrowing owl (Athena cunicularia) habitat, and the protection of species associated with riparian/riverine areas and vernal pools. The results of this biological survey shall be submitted to the City for review. If the City finds that the Project, in its final design, would involve areas of burrowing owl occupation, and/or areas of riparian or riverine resources, the following requirements would apply:

• If the site contains, or is part of an area supporting less than 35 acres of suitable burrowing owl habitat, or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, then the on-site burrowing owls will be passively or actively relocated following accepted protocols.

• If the site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite.

• If the 90 percent threshold cannot be met, the City of Moreno Valley, as a permittee of the MSHCP, must make a Determination of Biologically Equivalent or Superior Preservation.

• If riparian/riverine resources are present onsite and cannot be avoided, a Determination of Biologically Equivalent or Superior Preservation will be required.

### **Building and Safety Division**

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

### SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

### UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

### FIRE PREVENTION BUREAU

- 1. Fire lanes shall be a minimum of 30'wide for this structure.
- 2. A reciprocal access agreement shall be required if any of the driveways are to be shared with the adjacent properties.
- 3. If the alternate plan to use this project as truck parking is used, then the gates shall have a minimum 60' setback from the streets.
- 4. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering \_\_4000\_\_ GPM for \_4\_ hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B) . The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K)
- F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CEC 503 2)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 14 OF 40

- F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating 4fire apparatus. (CFC 503.2 and 503.2.5)
- F6. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F7. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
  - a) Be signed by a registered civil engineer or a certified fire protection engineer;
  - b) Contain a Fire Prevention Bureau approval signature block; and
  - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 15 OF 40

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507.5)

- F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)
- F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
- F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 16 OF 40

Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)

- F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
- F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
- F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060)
- F25. Prior to construction, "private" driveways over 150 feet in length shall have a turnaround as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060)
- F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 17 OF 40

location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105 and MVMC 8.36.100.

- F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)
- F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
  - a) Storage and use areas;
  - b) Maximum amount of each material stored or used in each area;
  - c) Range of container sizes;
  - d) Locations of emergency isolation and mitigation valves and devises;
  - e) Product conveying piping containing liquids or gases, other than utilityowned fuel gas lines and low-pressure fuel gas lines;
  - f) On and off positions of valves for valves which are of the self-indicating type;
  - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
  - h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Chapter 27)
- F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)
- F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 18 OF 40

its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)

- F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Chapter 1)
- F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F37. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F38. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 19 OF 40

### **COMMUNITY & ECONOMIC DEVELOPMENT – LAND DEVELOPMENT DIVISION**

The following are the Community & Economic Development Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Community & Economic Development Department – Land Development Division.

### **General Conditions**

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code. (MC)
- LD2. (G) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
  - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 20 OF 40

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD7. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Community and Economic Development Department.
- LD8. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

### Prior to Grading Plan Approval or Grading Permit

- LD9. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD10. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
  - a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 21 OF 40

- b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
- c. A grading permit shall be obtained from the Community and Economic Development Department Land Development Division prior to commencement of any grading outside of the City maintained road right-ofway.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Community and Economic Development Department Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD11. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.
- LD12. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD13. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:
  - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
  - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
  - c. Incorporates Treatment Control BMPs and provides information regarding design considerations;

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 22 OF 40

- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Community and Economic Development Department. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09, or current guidance document.

LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Community and Economic Development Department.

- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD17. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD18. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 23 OF 40

- LD19. (GPA/MA) Prior to grading plan approval, resolution of all drainage issues shall be as approved by the City Engineer.
- LD20. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD21. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- LD22. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD23. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD24. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

### Prior to Improvement Plan Approval or Construction Permit

- LD25. (CP) Prior to issuance of a construction permit, the permit shall list any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newlyconstructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD26. (CP) Prior to issuance of a construction permit, the permit shall require the developer to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD27. (CP) Prior to issuance of a construction permit, the project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 24 OF 40

storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Community and Economic Development Department – Land Development Division. (MC 9.14.110)

- LD28. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security shall be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer shall require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD29. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

### Prior to Building Permit

- LD30. (BP) Prior to issuance of building permits for non-subdivision projects, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD31. (BP) Prior to issuance of building permits for non-subdivisions, security may be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement may be required to be executed.
- LD32. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

#### Prior to Certificate of Occupancy

- LD33. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD34. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 25 OF 40

is in place at the time of certificate of occupancy issuance. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
  - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
  - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD35. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD36. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD37. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
  - a. Street improvements including, but not limited to: drive approaches, bus turn out, pedestrian ramps, signing, striping, relocation of existing improvements required to accommodate project public improvements, and replacement of existing public improvements that are damaged during construction or that are substandard.
  - b. Storm drain facilities including connection to existing public storm drain to catch basins, local depressions, and storm drain laterals.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 26 OF 40

- c. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- LD38. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD39. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD40. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
  - a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
  - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

### Prior to Acceptance of Streets into the City Maintained Road System

LD41. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to onehundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

### **SPECIAL CONDITIONS**

- LD42. This project will require submittal of both rough grading and precise grading plans for review and approval. All on-site and off-site easements shall be shown on the grading plan.
- LD43. Prior to rough grading plan approval, written permission must be obtained from off-site property owner(s) for any off-site grading.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 27 OF 40

- LD44. Prior to rough and precise grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer shall connect the proposed private storm drain system to the existing public drainage system in Cactus Avenue. A storm drain manhole shall be placed at the right-of-way to designate the beginning of the publicly maintained portion of this storm drain.
- LD45. The developer will be required to obtain the necessary permission for offsite construction, including easements.
- LD46. Prior to precise grading plan approval, the following legal descriptions and plats shall be submitted to the City for review and approval:
  - a. Reciprocal access easement for the shared use driveway proposed on Cactus Avenue between APN 297-170-027 and APN 297-170-076. Alternatively, a separate recorded copy of a reciprocal access agreement between these parcels shall be submitted to the City for review and approval.
  - b. Pedestrian access easement (sidewalk easement) for the existing curbseparated sidewalk along Cactus Avenue along project frontage.
  - c. Corner cut off additional right-of-way per City Standard No. 208 for any additional right-of-way that may be required at the northeast corner of Cactus Avenue and Frederick Street.
  - d. Additional landscape easement at the northeast corner of Cactus Avenue and Frederick Street to cover all landscaping surrounding the corner monument.
  - e. Additional right-of-way at proposed driveway entrances per City Standard No. 118C.
  - f. Additional right-of-way or public access easement required for a bus turn out on Frederick Street per City Standard No. 121.
- LD47. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.
- LD48. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5%

maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (<u>www.usdoj.gov</u>) and as approved by the City's Building and Safety Division.

- LD49. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice.
- LD50. Prior to building permit issuance, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security, as required by the City Engineer. The improvements shall be completed prior to occupancy or as otherwise determined by the City Engineer.
  - a. Driveway approaches on Cactus Avenue and Frederick Street shall be constructed per City Standard No. 118C. No decorative pavers shall be placed within the public right-of-way. The precise grading plan shall show an additional 4-foot right-of-way dedication behind driveway approaches. A legal description and plat for the 4-foot right-of-way dedication shall be submitted to the City for review and approval prior to precise grading plan approval. The approved 4-foot additional rightof-way dedication shall be recorded prior to building permit issuance.
  - b. Bus turn out on Frederick Street shall be constructed per City Standard No. 121. The precise grading plan shall show either additional right-ofway or public access easement beyond existing right-of-way to accommodate the construction of the bus turn out. A legal description and plat for the additional right-of-way dedication or public access easement shall be submitted to the City for review and approval prior to precise grading plan approval. The approved additional right-of-way dedication or public access easement shall be recorded prior to building permit issuance.
  - c. Pedestrian access ramp at the northeast corner of Cactus Avenue and Frederick Street shall be constructed per City Standard No. 214A. The precise grading plan shall show any additional corner cut-off right-ofway required per City Standard No. 208. A legal description and plat for the additional right-of-way dedication shall be submitted to the City for review and approval prior to precise grading plan approval. The approved additional right-of-way dedication shall be recorded prior to building permit issuance.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 29 OF 40

- d. Pavement core samples of existing pavement on Frederick Street and Cactus Avenue (half street width along project frontage) may be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement (half street width along project frontage) to meet or exceed the City's pavement structural section standard.
- e. Drainage improvements associated with the connection of onsite, private storm drain to existing public catch basin in Cactus Avenue and any ancillary public improvements or modifications resulting from the connection to catch basins, local depressions, and storm drain laterals.
- f. Relocation, repair, and reconstruction of existing public improvements along project frontage resulting from displacement due to proposed project public improvements, existing public improvements that are damaged during construction, and substandard or obsolete City standard public improvements. The applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards, any signing and restriping, as necessary, and relocation of power poles, street lights, utility boxes, and meters and removal of fire hydrant that conflict with the proposed bus turn out or project driveways. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
- LD51. With the initial submittal of the Final Water Quality Management Plan (WQMP), testing results must be submitted for City standard percolation testing within the footprint of the infiltration BMP location. These results must show that utilization of infiltration is consistent with permeability of the site's soils and accepted design guidelines.
- LD52. The Final WQMP, shall contain design details of the proposed underground storage system showing that, in combination with appropriate CDS units (with oil and grease absorbent media), the BMP treatment train is treating the water quality volume for its proposed location and that no un-protected flow will reach the underground facility under any flow scenario.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 30 OF 40

- LD53. In the Final WQMP, the proposed treatment control underground system shall be shown to scale on the WQMP Exhibit, and its design volume shall be calculated based on the current Guidance document worksheets or RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011 or later.
- LD54. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters. Project POC include nutrients, oxygen demanding substances, and pathogens (bacteria and viruses). Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09, shall be consulted for determining the effectiveness of proposed treatment BMPs.
- LD55. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant <u>has proposed to incorporate a treatment train of a CDS unit and underground infiltration systems.</u> Final design details and appropriate filter calculations for the basins must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.
- LD56. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.
- LD57. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
  - a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications
  - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications
  - c. That the applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and grading permit conditions
  - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 31 OF 40

### PUBLIC WORKS DEPARTMENT – SPECIAL DISTRICTS DIVISION

**Note:** All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

### Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA12-0019**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480 or by emailing specialdistricts@moval.org.

### **General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services), C (Arterial Street Lighting), and E (Extensive Parkway Landscape Maintenance). All assessable parcels therein shall be subject to annual Zone A, Zone C, and Zone E charges for operations and capital improvements.
- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone E**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.
- SD-3 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.
- SD-4 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscape maintenance for a period of one (1) year as per the *City of Moreno Valley Public Works*

*Department Landscape Design Guidelines,* or until such time as the District accepts maintenance responsibilities.

- SD-5 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD-6 The ongoing maintenance of any landscaping required to be installed behind the curb on Cactus Ave. shall be the responsibility of the property owner.
- SD-7 Modification of the existing irrigation system for parkway improvements may be required per the direction of and approval by the Special Districts Division. Please contact Special Districts at 951.413.3480 to coordinate the modifications.
- SD-8 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)
- SD-9 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD-10 Streetlight Authorization forms, for all streetlights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, prior to streetlight installation. The Streetlight Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.
- SD-11 The existing landscaping at the northeast corner of Frederick St. and Cactus Ave., including the palm trees, pepper trees, landscape lighting and wall, shall be preserved in place.
- SD-12 The removal of existing trees with a 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. (MC 9.17.030)

### Prior to Building Permit Issuance

SD-13 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 33 OF 40

method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)

- SD-14 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Cactus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the options as outlined below shall be selected. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.
  - a. Participate in a ballot proceeding for **improved median maintenance** and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
  - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

# The financial option selected shall be in place prior to the issuance of certificate of occupancy.

- SD-15 *Commercial* (BP) If Land Development, a Division of the Community and Economic Development Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)
- SD-16 (BP) Prior to the issuance of the first building permit for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council.

The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number

of streetlights to be accepted into the CSD Zone B and/or Zone C programs. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

- SD-17 (BP) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Covenant of Assessments** for each assessable parcel therein, whereby the developer covenants the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Covenant of Assessments shall be submitted to the Special Districts Division. For a copy of the Covenant of Assessments form, please contact Special Districts, phone 951.413.3480.
- SD-18 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community and Economic Development Department– Planning Division, and the Public Works Department–Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

### Prior to Certificate of Occupancy

- SD-19 (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.
- SD-20 (CO) A 4" x 6" concrete mow curb shall be installed per City Standards behind the existing parkway and monument landscaping on Frederick St. and at the corner of Frederick St. and Cactus Ave. The mow curb shall delineate the maintenance areas of responsibility of the City and the property owner.
- SD-21 (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated for incorporation into Moreno Valley Community Services District shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 35 OF 40

### PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects.

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

### **General Conditions**

- TE1. Cactus Avenue is classified as a Divided Major Arterial Reduced Cross Section (120'RW/102'CC) per City Standard No. 102A. Any improvements to the roadway shall be per City standards. Traffic signal interconnect shall be installed along project frontage per City Standard Plan No. 421.
- TE2. Graham Street is classified as a Minor Arterial (88' RW/64' CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards. Traffic signal interconnect shall be installed along project frontage per City Standard Plan No. 421.
- TE3. Frederick Street is classified as a Minor Arterial (88' RW/64' CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE4. Brodiaea Avenue is classified as an Industrial Collector Street (78' RW/56' CC) per City Standard Plan No. 106. Any improvements to the roadway shall be per City standards.
- TE5. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approach. Driveways wider than City standards (maximum of 40 feet) shall be constructed as an intersection with access ramps per City Standard 214A, including any necessary signing and markings, as determined by the City Traffic Engineer.
- TE6. Each gated entrance shall be provided with the following:
  - A storage lane with a minimum of 75 feet queuing length for entering traffic. Driveway 4 located on Cactus Avenue (replacing existing Joy Street) shall be wide enough for two inbound lanes.
  - b) Signing and striping.

All of these features must be kept in working order.

TE7. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

### Prior to Improvement Plan Approval or Construction Permit

- TE8. Prior to final approval of the street improvement plans, a bus bay per City Standard Plan No. 121 shall be designed for northbound Frederick Street, just north of Cactus Avenue.
- TE9. Prior to final approval of the street improvement plans, the intersection of Cactus Avenue at Elsworth Street shall be redesigned such that the crosswalk on the west leg of the intersection is removed. Required improvements may include but not be limited to reconstructing pedestrian access ramps, installation of new signing and striping, removal and installation of pedestrian signal heads, removal and installation of pedestrian push buttons, etc. A City Capital Project may receive funding for the construction of the third eastbound lane from the I-215 interchange to Veteran's Way providing needed capacity at the Cactus Avenue at Elsworth Street intersection. If this Capital Project is funded with construction scheduled to begin prior to the final certificate of occupancy, then the crosswalk modification may be reassessed at the discretion of the City Traffic Engineer and the condition may be waived.
- TE10. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans Section 4 for all streets with a cross section of 66'/44' and wider.
- TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. 125A, B, C.

### Prior to Building Permit

- TE13. (BP) Prior to the issuance of Building Permits, the project applicant shall make a fair-share payment to the City of Moreno Valley for the removal of the crosswalk located on the west leg of the Cactus Avenue at Graham Street intersection. The fair-share payment shall be based upon the findings in the project EIR and an engineer's estimate that will include but not be limited to pedestrian access ramp construction/reconstruction, modified signing and striping, removal and installation of pedestrian signal heads, removal and installation of pedestrian push buttons, etc.
- TE14. (BP) Prior to the issuance of Building Permits, traffic signal plans (if required) shall be prepared by a registered civil or electrical engineer and submitted to the City for the intersection identified in Condition TE15. The Traffic signal shall be modified prior to issuance of a Certificate of Occupancy, if necessary.

### Prior to Certificate of Occupancy or Building Final

- TE15. (CO) Prior to issuance of a certificate of occupancy, the traffic signal at Cactus Avenue and Driveway 4 (existing Joy Street) shall be modified as necessary and fully operational to the satisfaction of the City Traffic Engineer.
- TE16. (CO) Prior to issuance of a certificate of occupancy, the improvements identified in conditions TE8 and TE9 shall be constructed per the approved plans.

### Prior to Acceptance of Streets into the City-maintained Road System

TE17. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 38 OF 40

### PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

**Note:** All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

### Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA12-0019 thru -0022; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

### Prior to Energizing MVU Electric Utility System and Certificate of Occupancy

- MVU1. (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU2. (BP) **City of Moreno Valley Municipal Utility Service Electrical Distribution**: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 39 OF 40

delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0019 PAGE 40 OF 40

### POLICE DEPARTMENT

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects

### Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
  - a. The name (if applicable) and address of the development.
  - b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL FOR PLOT PLAN PA12-0020 FOR A WAREHOUSE DISTRIBUTION FACILTY ASSESSOR'S PARCEL NUMBERS: 297-170-067, -075, and -076

#### **APPROVAL DATE:** EXPIRATION DATE:

- Planning (P), including Building (B), School District (S), Post Office (PO) X
- X Fire Prevention Bureau (F)
- Land Development (LD)
- X X Public Works – Special Districts (SD)
- X Public Works – Transportation Engineering (TE)
- X Public Works – Moreno Valley Utilities (MVU)
- Parks & Community Services (PCS)
- Х Police (PD)

Note: All Special conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

### **COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

### **Planning Division**

- P1. Approval of Plot Plan PA12-0020 is subject to certification of an Environmental Impact Report (P12-057).
- P2. Plot Plan PA12-0020 has been approved for development of a 507,720 square foot addition to an existing 779,016 square foot warehouse distribution facility for a total of 1,286,736 square feet. This project will include 229 dock doors and a maximum of 11,690 square feet of office. Required parking for this use equates to a total of 384 employee/visitor parking spaces and 229 truck/trailer parking spaces.
- P3. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
- P4. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).
- P5. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to

GP - Grading Permits

CO - Certificate of Occupancy or building final P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan Ord - Ordinance Res - Resolution

MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision M -501-



Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation WP - Water Improvement Plans BP - Building Permits

screen the interior of the loading area.

- P6. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).
- P7. The design of all swales and basins that are visible from the public right-ofway shall be integrated with the surrounding landscape areas.
- P8. Screening walls of decorative block or concrete tilt-up construction and 14 feet in height shall be provided to fully screen the truck loading and parking area for from view from along the southern, western, northern, and eastern property lines.
- P9. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.
- P10. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.
- P11. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)
- P12. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.
- P13. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
- P14. PA12-0020 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)
- P15. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P16. A drought tolerant, low water using landscape palette shall be utilized throughout the project.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 3 OF 40

- P17. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P18. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department Planning Division. (MC 9.12.020)

### Prior to Issuance of Grading Permits

- P19. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
- P20. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P21. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 4 OF 40

- P22. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-ofway or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)
- P23. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P24. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department Planning Division for review and approval.
- P25. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
- P26. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative treatment for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.
- P27. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.
- P28. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.
- P29. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by a POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 5 OF 40

- P30. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
  - A. A 3 foot high decorative wall, hedge or berm shall be placed in setback areas adjacent to a parking lot.
  - B. Any proposed retaining walls shall also be decorative in nature.
  - C. A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks shall be built along the Brodiaea and Cactus Avenue frontages.

### Prior to Issuance of Building Permits

- P31. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)
- P32. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)
- P33. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 6 OF 40

- P34. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P35. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:
  - A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
  - B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
  - C. All diamond planters shall be included at an interval of one per 3 parking stalls.
  - D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
  - E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
  - F. Enhanced landscaping shall be included at all driveway and corner locations,
  - G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
  - H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
  - 1. Street trees planted at 40 feet on center spacing shall be provided along the site's Brodiaea and Cactus Avenue frontages.
  - J. Along property boundaries visible from the public view and accessible to the general public, trees shall be planted at a rate of one tree per 30 linear feet of the interior property line. Tree clusters may satisfy this requirement.
  - K. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.
- P36. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 7 OF 40

- P37. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.
- P38. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.
- P39. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

### Prior to Issuance of Certificate of Occupancy or Building Final

- P40. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)
- P41. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department -Planning Division. (MC 9.080.070).
- P42. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.
- P43. (CO) All rooftop equipment shall be appropriately screened and not visible from the public rights of way.
- P44. (CO) Prior to issuance of a certificate of occupancy or building final, the project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the project's office electricity needs.

### MITIGATION MEASURES

### Traffic and Circulation

- **P45. 4.2.1** Elsworth Street and Cactus Avenue Improvements: Prior to issuance of the first Certificate of Occupancy, the Project Applicant shall construct the following improvement.
  - Remove the existing southbound crosswalk (i.e., the crosswalk on the v. ltem No. E.2

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 8 OF 40

of the intersection) to provide additional "green time" to other approaches. This removal shall be accomplished in a manner consistent with applicable regulations, including but not limited to Chapter 3B of the 2012 California Manual on Uniform Traffic Control Devices (MUTCD), and Section 21950.5 of the California Vehicle Code. The existing crosswalks on the north, east and south legs of the intersection shall be maintained.

P46. 4.2.2 I-215 Southbound Ramps at Cactus Avenue Improvement:

• Construct a second westbound through lane.

This improvement will be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Southbound Ramps at Cactus Avenue.

- P47. 4.2.3 I-215 Northbound Ramps at Cactus Avenue Improvements:
  - Construct a second northbound left-turn lane;

• Re-stripe the existing eastbound shared through/right-turn lane as the third through lane;

- Construct a dedicated eastbound right-turn lane;
- Construct a third westbound through lane; and
- Construct a dedicated westbound right-turn lane.

These improvements will be funded through participating in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Northbound Ramps at Cactus Avenue.

- P48. 4.2.4 Elsworth Street at Cactus Avenue Improvement:
  - Construct a third eastbound through lane.

This improvement will be funded through participation in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Elsworth Street at Cactus Avenue.

- P49. 4.2.5 Frederick Street at Cactus Avenue Improvements:
  - Construct a third eastbound through lane; and
  - Construct a third westbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF program(s). The Project will pay required fees,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Frederick Street at Cactus Avenue.

P50. 4.2.6 Graham Street at Cactus Avenue Improvements:

• Remove the existing southbound crosswalk (i.e., crosswalk on the west leg) to provide additional green time to other approaches; and

• Construct a third eastbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 9 OF 40

program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Graham Street at Cactus Avenue.

### Air Quality

P51. 4.3.1 Pursuant to SCAQMD Rule 403 requirements:

• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.

• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the dav.

• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.

- **P52. 4.3.2** A sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of five minutes.
- **P53. 4.3.3** During grading activities, total horsepower-hours per day for all equipment shall not exceed 13,568 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed four acres per day.
- P54. 4.3.4 Only "Zero-Volatile Organic Compounds" paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.
- **P55. 4.3.5** The Project truck access gates and loading docks site shall be posted with signs which state:

Truck drivers shall turn off engines when not in use;

· Diesel delivery trucks servicing the Project shall not idle for more than three minutes: and

• Telephone numbers of the building facilities manager and the CARB to report violations.

- P56. 4.3.6 The Project's final site design shall allow for trucks to check-in within the facility area to prevent queuing of trucks outside the facility.
- **P57. 4.3.7** The building roof shall be designed and constructed to accommodate solar panels.
- **P58. 4.3.8** Prior to issuance of the first Certificate of Occupancy, the Project shall install a photovoltaic array (solar panels) or other source of renewable energy generation onsite, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the Project's office electrical needs.
- P59. 4.3.9 The Project shall provide secure, weather-protected on-site biovelo Item No. E.2

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 10 OF 40

storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements. The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan. The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.

### Noise

- **P60. 4.4.1** During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- **P61. 4.4.2** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all Project construction.
- **P62. 4.4.3** The construction contractor shall limit haul truck deliveries to weekdays between the hours of 7:00 a.m. and 8:00 p.m., or the same hours specified for construction equipment. Haul routes that utilize only City-designated truck routes shall be identified on construction plans. The Project construction manager shall be responsible for ensuring that all contractors operate in compliance with construction plan specifications.
- **P63. 4.4.4** All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.
- **P64. 4.4.5** Maintain quality pavement conditions that are free of bumps to minimize truck noise.
- **P65. 4.4.6** The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:
  - Truck drivers shall turn off engines when not in use;
  - Diesel trucks servicing the Project shall not idle for more than five minutes; and
  - Post telephone numbers of the building facilities manager to report violations.

### **Biological Resources**

P66. BR-1 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 11 OF 40

presence of nesting birds by a qualified Project biologist. The Project biologist shall be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

- P67. BR-2 Within 30 days prior to site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the City Planning Department prior to issuance of a grading permit.
- **P68. BR-3** Prior to the issuance of a grading permit, the Project Applicant shall be responsible for ensuring that a biological resources survey is conducted for the Project site during nesting season (February 15 to July 31) by a qualified biologist, consistent with the policies of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). This survey will specifically address the identification of potential burrowing owl (Athena cunicularia) habitat, and the protection of species associated with riparian/riverine areas and vernal pools. The results of this biological survey shall be submitted to the City for review. If the City finds that the Project, in its final design, would involve areas of burrowing owl occupation, and/or areas of riparian or riverine resources, the following requirements would apply:

• If the site contains, or is part of an area supporting less than 35 acres of suitable burrowing owl habitat, or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, then the on-site burrowing owls will be passively or actively relocated following accepted protocols.

• If the site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite.

• If the 90 percent threshold cannot be met, the City of Moreno Valley, as a permittee of the MSHCP, must make a Determination of Biologically Equivalent or Superior Preservation.

• If riparian/riverine resources are present onsite and cannot be avoided, a Determination of Biologically Equivalent or Superior Preservation will be required.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 12 OF 40

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

### SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

### UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

### FIRE PREVENTION BUREAU

- 1. A reciprocal access agreement shall be required if any of the driveways are to be shared with the adjacent properties.
- 2. All gates shall be electronically controlled. This shall apply for the entire site.
- 3. Applicant shall provide a "preplanned impairment program" plan for approval prior to commencing any construction that will affect the fire protection systems or water supply. CFC 907.4
- 4. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering \_\_4000\_\_ GPM for \_4\_ hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B) . The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 14 OF 40

- F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.2)
- F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.2 and 503.2.5)
- F6. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F7. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
  - a) Be signed by a registered civil engineer or a certified fire protection engineer;
  - b) Contain a Fire Prevention Bureau approval signature block; and

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 15 OF 40

c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507.5)

- F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)
- F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
- F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 16 OF 40

- F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
- F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
- F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
- F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060)
- F25. Prior to construction, "private" driveways over 150 feet in length shall have a turnaround as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060)
- F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 17 OF 40

Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105 and MVMC 8.36.100.

- F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)
- F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
  - a) Storage and use areas;
  - b) Maximum amount of each material stored or used in each area;
  - c) Range of container sizes;
  - d) Locations of emergency isolation and mitigation valves and devises;
  - e) Product conveying piping containing liquids or gases, other than utilityowned fuel gas lines and low-pressure fuel gas lines;
  - f) On and off positions of valves for valves which are of the self-indicating type;
  - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
  - h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Chapter 27)
- F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 18 OF 40

- F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)
- F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Chapter 1)
- F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F37. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F38. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 19 OF 40

### **COMMUNITY & ECONOMIC DEVELOPMENT – LAND DEVELOPMENT DIVISION**

The following are the Community & Economic Development Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Community & Economic Development Department – Land Development Division.

#### General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code. (MC)
- LD2. (G) The developer shall make appropriate offers of dedication by separate instrument or by final map when and if one is submitted. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
  - a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - b. Observance of working hours as stipulated on permits issued by the Public Works Department.
  - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 20 OF 40

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities. (MC 9.14.110)
- LD7. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Community and Economic Development Department.
- LD8. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

### Prior to Grading Plan Approval or Grading Permit

- LD9. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD10. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
  - a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
  - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 21 OF 40

- c. A grading permit shall be obtained from the Community and Economic Development Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Community and Economic Development Department Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD11. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.
- LD12. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD13. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :
  - Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
  - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
  - c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
  - d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
  - e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Community and Economic Development Department.

LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Community and Economic Development Department.

- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD17. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD18. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD19. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD20. (GP) Prior to issuance of a grading permit, if the fee has not already been paid, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 23 OF 40

receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

- LD21. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD22. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

#### Prior to Improvement Plan Approval or Construction Permit

- LD23. (CP) Prior to issuance of a construction permit, the permit shall list any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newlyconstructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD24. (CP) Prior to issuance of a construction permit, the permit shall require the developer to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD25. (CP) Prior to issuance of a construction permit, the project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Community and Economic Development Department Land Development Division. (MC 9.14.110)
- LD26. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security shall be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer shall require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD27. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 24 OF 40

#### Prior to Building Permit

- LD28. (BP) Prior to issuance of a building permit, the final map associated with this project, if any, shall record.
- LD29. (BP) Prior to issuance of building permits, unless a final map is submitted in which case prior to final map approval, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD30. (BP) Prior to issuance of building permits, unless a final map is submitted in which case prior to final map approval, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD31. (BP) Prior to issuance of a building permit, unless a final map is submitted in which case prior to final map approval, the developer shall enter into or modify an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities. (MC 9.14.110)
- LD32. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

### Prior to Certificate of Occupancy

- LD33. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD34. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:
  - a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 25 OF 40

- i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
- ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD35. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD36. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD37. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
  - a. Street improvements including, but not limited to: drive approaches, pedestrian ramps, signing, striping, relocation of existing improvements required to accommodate project public improvements, and replacement of existing public improvements that are damaged during construction or that are substandard.
  - b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- LD38. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD39. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 26 OF 40

- LD40. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
  - a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
  - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

### Prior to Acceptance of Streets into the City Maintained Road System

LD41. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 21/2) parts to onehundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

### **SPECIAL CONDITIONS**

- LD42. This project will require submittal of both rough grading and precise grading plans for review and approval. All on-site and off-site easements shall be shown on the grading plan.
- LD43. Prior to rough and precise grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer shall connect the proposed private storm drain system to the existing public drainage system located within a storm drain easement in a south parking lot drive aisle to the east of the proposed building expansion. A storm drain manhole shall be placed at the terminus of the existing storm drain easement to designate the beginning of the publicly maintained portion of this storm drain system.
- LD44. Prior to rough and precise grading plan approval, the grading plans shall clearly show the location of the proposed sewer easement, pedestrian access easement, additional right-of-way dedications at proposed driveway proaches, reciprocal access area for the shared driveway on Cactus

Avenue, and the Joy street right-of-way to be vacated. The grading plans shall show the parking lot area to be demolished including an existing, private storm drain.

- LD45. Prior to precise grading plan approval, the following legal descriptions and plats shall be submitted to the City for review and approval, unless a final map is prepared showing the following:
  - a. Reciprocal access easement for the shared use driveway proposed on Cactus Avenue between APN 297-170-027 and APN 297-170-076. Alternatively, a separate recorded copy of a reciprocal access agreement between these parcels shall be submitted to the City for review and approval.
  - b. Pedestrian access easement (sidewalk easement) for the existing curbseparated sidewalk along Cactus Avenue from the west side of Joy Street to the proposed west property line of the building expansion.
  - c. Additional right-of-way at proposed driveway entrances per City Standard No. 118C.
  - d. Joy Street right-of-way vacation including any easements that may be located within.
  - e. New sewer easement, 30-foot wide to Eastern Municipal Water District, located within a drive aisle along and offset 30 feet from the west property line of APN 297-170-075 and APN 297-170-076, containing relocated Joy Street sewer.
- LD46. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.
- LD47. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD48. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 28 OF 40

- LD49. Prior to building permit issuance, a final map shall record or alternatively with the approval of the City Engineer, a lot line adjustment shall record in order to combine existing parcels, APN 297-160-067, APN 297-170-075, and APN 297-170-076.
- LD50. Prior to building permit issuance, or final map approval, if a final map is required, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security, as required by the City Engineer. The improvements shall be completed prior to occupancy or as otherwise determined by the City Engineer.
  - a. Driveway approaches on Cactus Avenue and Brodiaea Avenue shall be constructed per City Standard No. 118C. No decorative pavers shall be placed within the public right-of-way. The precise grading plan shall show an additional 4-foot right-of-way dedication behind driveway approaches. A legal description and plat for the 4-foot right-of-way dedication shall be submitted to the City for review and approval prior to precise grading plan approval.
  - b. Pavement core samples of existing pavement on Frederick Street and Cactus Avenue (half street width along project frontage) may be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a onetenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement (half street width along project frontage) to meet or exceed the City's pavement structural section standard.
  - c. Drainage improvements associated with the connection of onsite, private storm drain to existing public storm drain located within a storm drain easement in a south parking lot drive aisle to the east of the proposed building expansion. A storm drain manhole shall be placed at the terminus of the existing storm drain easement to designate the beginning of the publicly maintained portion of this storm drain system.
  - d. Relocation, repair, and reconstruction of existing public improvements along project frontage resulting from displacement due to proposed project public improvements, existing public improvements that are damaged during construction, and substandard or obsolete City standard public improvements. The applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to

install, replace and/or repair any missing, damaged or substandard improvements including any signing and re-striping, as necessary, removal of fire hydrant that conflict with the proposed project driveways. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.

- LD51. Prior to building permit issuance or as may be deferred until occupancy by the City Engineer, the vacation of Joy Street made either by final map or separate instrument, and sewer relocation shall be completed to ensure that the proposed building expansion is not located over street right-of-way. The final map must be recorded prior to issuance of a building permit. Therefore, the Joy Street vacation and the relocation of the existing sewer to its new location within a proposed sewer easement, which is required by Eastern Municipal Water District, prior to vacation of Joy Street, will need to occur prior to issuance of a building permit if a final map is required or unless otherwise approved by the City Engineer and Eastern Municipal Water District. If a final map is not required, the vacation of Joy Street by separate instrument and associated sewer relocation improvements can be deferred until occupancy.
- LD52. Prior to occupancy or at building permit issuance if a final map is required, as may be required by the City Engineer, the following proposed easements shall be dedicated and existing street right-of-way vacated either on a final map which is required prior to building permit issuance or by separate instrument and recorded.
  - a. Reciprocal access easement for the shared use driveway proposed on Cactus Avenue between APN 297-170-027 and APN 297-170-076. Alternatively, a copy of a reciprocal access agreement between these parcels shall be recorded.
  - b. Pedestrian access easement (sidewalk easement) for the existing curbseparated sidewalk along Cactus Avenue from the west side of Joy Street to the proposed west property line of APN 297-170-076.
  - c. Additional right-of-way at proposed driveway entrances per City Standard No. 118C.
  - d. Joy Street right-of-way vacation. All utilities shall be relocated into the public right-of-way or new easement location as agreed upon by the developer, the easement holder and the City Engineer prior to the vacation of Joy Street. All utilities shall be relocated within existing public right-ofway or new easement, as necessary, or otherwise abandoned in place as approved by the City Engineer, prior to the street right-of-way vacation. A new sewer easement shall be granted prior to sewer relocation Item No. E.2

right-of-way vacation. All utility relocations shall be done at no expense to the City.

- e. New sewer easement, 30-foot wide to Eastern Municipal Water District, located within a drive aisle along and offset 30 feet from the west property line of APN 297-170-075 and APN 297-170-076, containing relocated Joy Street sewer. The sewer easement shall be dedicated and recorded prior to the sewer relocation and Joy Street right-of-way vacation.
- LD53. In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included in the Final WQMP. The preparer understands that any changes to BMPs required based on the basis of the percolation results will be incorporated in the first submittal of the Final WQMP.
- LD54. The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA12-0020 – Moreno Valley Centerpointe - Building 4 Expansion. The F-WQMP shall be consistent with the approved Amended P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall contain any revised calculations for the revised treatment control BMPs. The F-WQMP shall provide detailed descriptions on the location, implementation (including sizing criteria), installation, and long-term Operation and Maintenance of planned Treatment Control Best Management Practices (BMPs).
- LD55. The Applicant shall provide supporting studies, calculations, and reports related to the Hydrologic Conditions of Concern.
- LD56. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project POC include: nutrients, organic compounds, and pathogens (bacteria and viruses). Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.
- LD57. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant <u>has proposed to incorporate the use of two subsurface infiltration basins ad porous pavement in car parking areas.</u> Final design details of the treatment control BMPs must be provided in the first submittal of the F-WQMP. The size

of the treatment control BMPs is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document.

- LD58. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.
- LD59. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
  - a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications
  - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications
  - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions
  - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 32 OF 40

### PUBLIC WORKS DEPARTMENT – SPECIAL DISTRICTS DIVISION

**Note:** All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

### Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA12-0020**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480 or by emailing specialdistricts@moval.org.

#### **General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services), C (Arterial Street Lighting), E (Extensive Parkway Landscape Maintenance), and M (Commercial, Industrial, and/or Multifamily Improved Median Maintenance). All assessable parcels therein shall be subject to annual Zone A, Zone C, Zone E, and Zone M charges for operations and capital improvements.
- SD-2 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.
- SD-3 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD-4 The ongoing maintenance of any landscaping required to be installed behind the curb on Cactus Ave. shall be the responsibility of the property owner.
- SD-5 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 33 OF 40

SD-6 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

### Prior to Building Permit Issuance

- SD-7 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD-8 (BP) This project is conditioned to install and/or maintain parkway landscape. The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. In order for the Developer to meet the financial responsibility to maintain the defined services, one of the options as outlined below shall be selected. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.
  - a. Participate in a ballot proceeding for **standard/extensive landscape** program maintenance and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
  - b. Establish a Home Owners Association (HOA) to maintain the landscaped area; or
  - c. Establish an endowment to cover the future landscape program maintenance costs of the landscaped area.

# The financial option selected shall be in place prior to the issuance of certificate of occupancy.

SD-9 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Cactus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the options as outlined below shall be selected. The Developer must notify Special Districts of intent to request building permits

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 34 OF 40

90 days prior to their issuance and the financial option selected to fund the continued maintenance.

- a. Participate in a ballot proceeding for **improved median maintenance** and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
- b. Establish an endowment to cover the future maintenance costs of the landscaped area.

# The financial option selected shall be in place prior to the issuance of certificate of occupancy.

- SD-10 *Commercial* (BP) If Land Development, a Division of the Community and Economic Development Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)
- SD-11 (BP) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Covenant of Assessments** for each assessable parcel therein, whereby the developer covenants the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Covenant of Assessments shall be submitted to the Special Districts Division. For a copy of the Covenant of Assessments form, please contact Special Districts, phone 951.413.3480.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 35 OF 40

### PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects.

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

### **General Conditions**

- TE1. Cactus Avenue is classified as a Divided Major Arterial Reduced Cross Section (120'RW/102'CC) per City Standard No. 102A. Any improvements to the roadway shall be per City standards. Traffic signal interconnect shall be installed along project frontage per City Standard Plan No. 421.
- TE2. Graham Street is classified as a Minor Arterial (88' RW/64' CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards. Traffic signal interconnect shall be installed along project frontage per City Standard Plan No. 421.
- TE3. Frederick Street is classified as a Minor Arterial (88' RW/64' CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE4. Brodiaea Avenue is classified as an Industrial Collector Street (78' RW/56' CC) per City Standard Plan No. 106. Any improvements to the roadway shall be per City standards.
- TE5. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approach. Driveways wider than City standards (maximum of 40 feet) shall be constructed as an intersection with access ramps per City Standard 214A, including any necessary signing and markings, as determined by the City Traffic Engineer.
- TE6. Each gated entrance shall be provided with the following:
  - a) A storage lane with a minimum of 75 feet queuing length for entering traffic. Driveway 4 located on Cactus Avenue (replacing existing Joy Street) shall be wide enough for two inbound lanes.
  - b) Signing and striping.

All of these features must be kept in working order.

TE7. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

### Prior to Improvement Plan Approval or Construction Permit

- TE8. Prior to final approval of the street improvement plans, a bus bay per City Standard Plan No. 121 shall be designed for northbound Frederick Street, just north of Cactus Avenue.
- TE9. Prior to final approval of the street improvement plans, the intersection of Cactus Avenue at Elsworth Street shall be redesigned such that the crosswalk on the west leg of the intersection is removed. Required improvements may include but not be limited to reconstructing pedestrian access ramps, installation of new signing and striping, removal and installation of pedestrian signal heads, removal and installation of pedestrian push buttons, etc. A City Capital Project may receive funding for the construction of the third eastbound lane from the I-215 interchange to Veteran's Way providing needed capacity at the Cactus Avenue at Elsworth Street intersection. If this Capital Project is funded with construction scheduled to begin prior to the final certificate of occupancy, then the crosswalk modification may be reassessed at the discretion of the City Traffic Engineer and the condition may be waived.
- TE10. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans Section 4 for all streets with a cross section of 66'/44' and wider.
- TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. 125A, B, C.

### Prior to Building Permit

- TE13. (BP) Prior to the issuance of Building Permits, the project applicant shall make a fair-share payment to the City of Moreno Valley for the removal of the crosswalk located on the west leg of the Cactus Avenue at Graham Street intersection. The fair-share payment shall be based upon the findings in the project EIR and an engineer's estimate that will include but not be limited to pedestrian access ramp construction/reconstruction, modified signing and striping, removal and installation of pedestrian signal heads, removal and installation of pedestrian push buttons, etc.
- TE14. (BP) Prior to the issuance of Building Permits, traffic signal plans (if required) shall be prepared by a registered civil or electrical engineer and submitted to the City for the intersection identified in Condition TE15. The Traffic signal shall be modified prior to issuance of a Certificate of Occupancy, if necessary.

### Prior to Certificate of Occupancy or Building Final

- TE15. (CO) Prior to issuance of a certificate of occupancy, the traffic signal at Cactus Avenue and Driveway 4 (existing Joy Street) shall be modified as necessary and fully operational to the satisfaction of the City Traffic Engineer.
- TE16. (CO) Prior to issuance of a certificate of occupancy, the improvements identified in conditions TE8 and TE9 shall be constructed per the approved plans.

### Prior to Acceptance of Streets into the City-maintained Road System

TE17. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 38 OF 40

### PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

**Note:** All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

### Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA12-0019 thru -0022; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

### Prior to Energizing MVU Electric Utility System and Certificate of Occupancy

- MVU1. (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU2. (BP) **City of Moreno Valley Municipal Utility Service Electrical Distribution**: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 39 OF 40

delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0020 PAGE 40 OF 40

### POLICE DEPARTMENT

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects

#### Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
  - a. The name (if applicable) and address of the development.
  - b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

#### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL FOR PLOT PLAN PA12-0021 FOR A WAREHOUSE DISTRIBUTION FACILTY ASSESSOR'S PARCEL NUMBERS: 297-170-064, -065, and -082

#### **APPROVAL DATE: EXPIRATION DATE:**

- Planning (P), including Building (B), School District (S), Post Office (PO) X
- X Fire Prevention Bureau (F)
- Land Development (LD)
- X X Public Works – Special Districts (SD)
- X Public Works – Transportation Engineering (TE)
- X Public Works – Moreno Valley Utilities (MVU)
- Parks & Community Services (PCS)
- Х Police (PD)

**Note:** All Special conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

#### **COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

#### **Planning Division**

- P1. Approval of Plot Plan PA12-0021 is subject to certification of an Environmental Impact Report (P12-057).
- P2. Plot Plan PA12-0021 has been approved for development of a 607,920 square foot warehouse distribution facility. This project will include 100 dock doors and a maximum of 10,000 square feet of office. Required parking for this use equates to a total of 208 employee/visitor parking spaces and 100 truck/trailer parking spaces.
- **P3**. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
- P4. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).
- P5. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

GP - Grading Permits

CO - Certificate of Occupancy or building final P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan Ord - Ordinance Res - Resolution

MC - Municipal Code DG - Desian Guidelines UFC - Uniform Fire Code SBM - Subdivision M -541-



Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation WP - Water Improvement Plans BP - Building Permits

- P6. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).
- P7. The design of all swales and basins that are visible from the public right-ofway shall be integrated with the surrounding landscape areas.
- P8. Screening walls of decorative block or concrete tilt-up construction and 14 feet in height shall be provided to fully screen the truck loading and parking area for from view from along the southern, western, northern, and eastern property lines.
- P9. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.
- P10. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.
- P11. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)
- P12. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.
- P13. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
- P14. PA12-0020 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)
- P15. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P16. A drought tolerant, low water using landscape palette shall be utilized throughout the project.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 3 OF 40

- P17. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P18. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department Planning Division. (MC 9.12.020)

#### Prior to Issuance of Grading Permits

- P19. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
- P20. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P21. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 4 OF 40

- P22. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-ofway or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)
- P23. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P24. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department Planning Division for review and approval.
- P25. (GP) On final grading plans, reduce or eliminate drive aisles areas in excess of thirty (30) foot width required by Fire Prevention Bureau. Reallocate areas to landscaping or other pervious treatments.
- P26. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
- P27. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative treatment for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.
- P28. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.
- P29. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.
- P30. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by a POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and

groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

- P31. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
  - A. A 3 foot high decorative wall, hedge or berm shall be placed in setback areas adjacent to a parking lot.
  - B. Any proposed retaining walls shall also be decorative in nature.
  - C. A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks shall be built along the Brodiaea Avenue frontage.

#### Prior to Issuance of Building Permits

- P32. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)
- P33. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)
- P34. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 6 OF 40

lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

- P35. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P36. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:
  - A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
  - B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
  - C. All diamond planters shall be included at an interval of one per 3 parking stalls.
  - D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
  - E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
  - F. Enhanced landscaping shall be included at all driveway and corner locations,
  - G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
  - H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
  - 1. Street trees planted at 40 feet on center spacing shall be provided along the site's Brodiaea Avenue and Graham Street frontages.
  - J. Along property boundaries visible from the public view and accessible to the general public, trees shall be planted at a rate of one tree per 30 linear feet of the interior property line. Tree clusters may satisfy this requirement.
  - K. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.
- P37. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 7 OF 40

- P38. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.
- P39. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.
- P40. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

#### Prior to Issuance of Certificate of Occupancy or Building Final

- P41. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)
- P42. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department -Planning Division. (MC 9.080.070).
- P43. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.
- P44. (CO) All rooftop equipment shall be appropriately screened and not visible from the public rights of way.
- P45. (CO) Prior to issuance of a certificate of occupancy or building final, the project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the project's office electricity needs.

#### MITIGATION MEASURES

#### Traffic and Circulation

- **P46. 4.2.1** Elsworth Street and Cactus Avenue Improvements: Prior to issuance of the first Certificate of Occupancy, the Project Applicant shall construct the following improvement.
  - Remove the existing southbound crosswalk (i.e., the crosswalk on the v. ltem No. E.2

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 8 OF 40

of the intersection) to provide additional "green time" to other approaches. This removal shall be accomplished in a manner consistent with applicable regulations, including but not limited to Chapter 3B of the 2012 California Manual on Uniform Traffic Control Devices (MUTCD), and Section 21950.5 of the California Vehicle Code. The existing crosswalks on the north, east and south legs of the intersection shall be maintained.

**P47. 4.2.2** I-215 Southbound Ramps at Cactus Avenue Improvement:

• Construct a second westbound through lane.

This improvement will be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Southbound Ramps at Cactus Avenue.

- P48. 4.2.3 I-215 Northbound Ramps at Cactus Avenue Improvements:
  - Construct a second northbound left-turn lane;

• Re-stripe the existing eastbound shared through/right-turn lane as the third through lane;

- Construct a dedicated eastbound right-turn lane;
- Construct a third westbound through lane; and

• Construct a dedicated westbound right-turn lane.

These improvements will be funded through participating in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of I-215 Northbound Ramps at Cactus Avenue.

P49. 4.2.4 Elsworth Street at Cactus Avenue Improvement:

• Construct a third eastbound through lane.

This improvement will be funded through participation in the TUMF and/or DIF program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Elsworth Street at Cactus Avenue.

- **P50. 4.2.5** Frederick Street at Cactus Avenue Improvements:
  - Construct a third eastbound through lane; and
  - Construct a third westbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF program(s). The Project will pay required fees,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Frederick Street at Cactus Avenue.

P51. 4.2.6 Graham Street at Cactus Avenue Improvements:

• Remove the existing southbound crosswalk (i.e., crosswalk on the west leg) to provide additional green time to other approaches; and

• Construct a third eastbound through lane.

These improvements will be funded through participating in the TUMF and/or DIF

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 9 OF 40

program(s). The Project will pay required fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Graham Street at Cactus Avenue.

#### Air Quality

P52. 4.3.1 Pursuant to SCAQMD Rule 403 requirements:

• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.

• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the dav.

• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.

- **P53. 4.3.2** A sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of five minutes.
- **P54. 4.3.3** During grading activities, total horsepower-hours per day for all equipment shall not exceed 13,568 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed four acres per day.
- P55. 4.3.4 Only "Zero-Volatile Organic Compounds" paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.
- **P56. 4.3.5** The Project truck access gates and loading docks site shall be posted with signs which state:

Truck drivers shall turn off engines when not in use;

· Diesel delivery trucks servicing the Project shall not idle for more than three minutes: and

• Telephone numbers of the building facilities manager and the CARB to report violations.

- P57. 4.3.6 The Project's final site design shall allow for trucks to check-in within the facility area to prevent queuing of trucks outside the facility.
- **P58. 4.3.7** The building roof shall be designed and constructed to accommodate solar panels.
- **P59. 4.3.8** Prior to issuance of the first Certificate of Occupancy, the Project shall install a photovoltaic array (solar panels) or other source of renewable energy generation onsite, or otherwise acquire energy from the local utility that has been generated by renewable resources, to meet the Project's office electrical needs.
- P60. 4.3.9 The Project shall provide secure, weather-protected on-site biovelo Item No. E.2

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 10 OF 40

storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements. The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan. The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.

#### Noise

- **P61. 4.4.1** During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- **P62. 4.4.2** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all Project construction.
- **P63. 4.4.3** The construction contractor shall limit haul truck deliveries to weekdays between the hours of 7:00 a.m. and 8:00 p.m., or the same hours specified for construction equipment. Haul routes that utilize only City-designated truck routes shall be identified on construction plans. The Project construction manager shall be responsible for ensuring that all contractors operate in compliance with construction plan specifications.
- **P64. 4.4.4** All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.
- **P65. 4.4.5** Maintain quality pavement conditions that are free of bumps to minimize truck noise.
- **P66. 4.4.6** The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:
  - Truck drivers shall turn off engines when not in use;
  - Diesel trucks servicing the Project shall not idle for more than five minutes; and
  - Post telephone numbers of the building facilities manager to report violations.

#### **Biological Resources**

P67. BR-1 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 11 OF 40

presence of nesting birds by a qualified Project biologist. The Project biologist shall be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

- P68. BR-2 Within 30 days prior to site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the City Planning Department prior to issuance of a grading permit.
- **P69. BR-3** Prior to the issuance of a grading permit, the Project Applicant shall be responsible for ensuring that a biological resources survey is conducted for the Project site during nesting season (February 15 to July 31) by a qualified biologist, consistent with the policies of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). This survey will specifically address the identification of potential burrowing owl (Athena cunicularia) habitat, and the protection of species associated with riparian/riverine areas and vernal pools. The results of this biological survey shall be submitted to the City for review. If the City finds that the Project, in its final design, would involve areas of burrowing owl occupation, and/or areas of riparian or riverine resources, the following requirements would apply:

• If the site contains, or is part of an area supporting less than 35 acres of suitable burrowing owl habitat, or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, then the on-site burrowing owls will be passively or actively relocated following accepted protocols.

• If the site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite.

• If the 90 percent threshold cannot be met, the City of Moreno Valley, as a permittee of the MSHCP, must make a Determination of Biologically Equivalent or Superior Preservation.

• If riparian/riverine resources are present onsite and cannot be avoided, a Determination of Biologically Equivalent or Superior Preservation will be required.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 12 OF 40

#### **Building and Safety Division**

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

#### SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

#### UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

#### FIRE PREVENTION BUREAU

- 1. Fire lanes shall be a minimum of 30'wide for this structure.
- 2. Applicant shall provide a "preplanned impairment program" plan for approval prior to commencing any construction that will affect the fire protection systems or water supply. CFC 907.4
- 3. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering \_\_4000\_\_ GPM for \_4\_ hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B) . The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K)
- F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.2)

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 14 OF 40

- F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.2 and 503.2.5)
- F6. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F7. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
  - a) Be signed by a registered civil engineer or a certified fire protection engineer;
  - b) Contain a Fire Prevention Bureau approval signature block; and
  - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 15 OF 40

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507.5)

- F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)
- F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
- F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 16 OF 40

Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)

- F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
- F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
- F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060)
- F25. Prior to construction, "private" driveways over 150 feet in length shall have a turnaround as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060)
- F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 17 OF 40

location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105 and MVMC 8.36.100.

- F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)
- F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
  - a) Storage and use areas;
  - b) Maximum amount of each material stored or used in each area;
  - c) Range of container sizes;
  - d) Locations of emergency isolation and mitigation valves and devises;
  - e) Product conveying piping containing liquids or gases, other than utilityowned fuel gas lines and low-pressure fuel gas lines;
  - f) On and off positions of valves for valves which are of the self-indicating type;
  - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
  - h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Chapter 27)
- F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)
- F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 18 OF 40

corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)

- F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Chapter 1)
- F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F37. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F38. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 19 OF 40

#### **COMMUNITY & ECONOMIC DEVELOPMENT – LAND DEVELOPMENT DIVISION**

The following are the Community & Economic Development Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Community & Economic Development Department – Land Development Division.

#### **General Conditions**

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code. (MC)
- LD2. (G) The developer shall make appropriate offers of dedication by separate instrument or by final map when and if one is submitted. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
  - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 20 OF 40

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities. (MC 9.14.110)
- LD7. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Community and Economic Development Department.
- LD8. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

#### Prior to Grading Plan Approval or Grading Permit

- LD9. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD10. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
  - a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
  - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 21 OF 40

- c. A grading permit shall be obtained from the Community and Economic Development Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Community and Economic Development Department Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD11. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.
- LD12. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD13. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :
  - Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
  - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
  - c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
  - d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
  - e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 22 OF 40

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Community and Economic Development Department.

LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Community and Economic Development Department.

- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD17. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD18. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD19. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD20. (GP) Prior to issuance of a grading permit, if the fee has not already been paid, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 23 OF 40

receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

- LD21. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD22. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

#### Prior to Improvement Plan Approval or Construction Permit

- LD23. (CP) Prior to issuance of a construction permit, the permit shall list any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newlyconstructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD24. (CP) Prior to issuance of a construction permit, the permit shall require the developer to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD25. (CP) Prior to issuance of a construction permit, the project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Community and Economic Development Department Land Development Division. (MC 9.14.110)
- LD26. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security shall be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer shall require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD27. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

#### Prior to Building Permit

- LD28. (BP) Prior to issuance of a building permit, the final map associated with this project, if any, shall record.
- LD29. (BP) Prior to issuance of building permits, unless a final map is submitted in which case prior to final map approval, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD30. (BP) Prior to issuance of building permits, unless a final map is submitted in which case prior to final map approval, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD31. (BP) Prior to issuance of a building permit, unless a final map is submitted in which case prior to final map approval, the developer shall enter into or modify an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities. (MC 9.14.110)
- LD32. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

#### Prior to Certificate of Occupancy

- LD33. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD34. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:
  - a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 25 OF 40

- i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
- ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD35. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD36. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD37. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
  - a. Street improvements including, but not limited to: drive approaches, pedestrian ramps, signing, striping, relocation of existing improvements required to accommodate project public improvements, and replacement of existing public improvements that are damaged during construction or that are substandard.
  - b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- LD38. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD39. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 26 OF 40

- LD40. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
  - a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
  - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

#### Prior to Acceptance of Streets into the City Maintained Road System

LD41. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 21/2) parts to onehundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

#### **SPECIAL CONDITIONS**

- LD42. This project will require submittal of both rough grading and precise grading plans for review and approval. All on-site and off-site easements shall be shown on the grading plan.
- LD43. Prior to rough and precise grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements.
- LD44. Prior to rough and precise grading plan approval, the grading plans shall clearly show the location of the proposed sewer easement, the proposed public storm drain easement, additional right-of-way dedications at proposed driveway approaches, the Joy street right-of-way to be vacated, and the Riverside County Flood Control & Water Conservation District storm drain and access easements to be vacated.

- LD45. Prior to precise grading plan approval, the following legal descriptions and plats shall be submitted to the City for review and approval, unless a final map is prepared showing the following:
  - a. Additional right-of-way at proposed driveway entrances per City Standard No. 118C.
  - b. Joy Street right-of-way vacation including any easements that may be located within.
  - c. Line A public storm drain easement vacation previously dedicated to Riverside County Flood Control & Water Conservation District per Instrument No. 2006-0437088, recorded June 16, 2006 and Instrument No. 2006-043089, recorded June 16, 2006.
  - d. Ingress and egress easement vacation, 20-foot wide, previously dedicated per Instrument No. 2010-0359735, recorded August 2, 2010.
  - e. New sewer easement, 30-foot wide to Eastern Municipal Water District, located within a drive aisle along and offset 5 feet from the west property line of APN 297-170-061, containing relocated Joy Street sewer.
  - f. New storm drain easement, 25-foot wide to City of Moreno Valley, located adjacent to and easterly of the proposed 30-foot wide new sewer easement described above, containing relocated public storm drain Line A.
- LD46. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.
- LD47. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD48. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice.
- LD49. Prior to building permit issuance, a final map shall record or alternatively, with the approval of the City Engineer, a lot line adjustment shall record in order to

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 28 OF 40

combine existing parcels, APN 297-160-061, APN 297-170-065, and APN 297-170-082.

- LD50. Prior to building permit issuance, or final map approval, if a final map is required, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security, as required by the City Engineer. The improvements shall be completed prior to occupancy or as otherwise determined by the City Engineer.
  - a. Driveway approaches on Brodiaea Avenue and Graham Street shall be constructed per City Standard No. 118C. No decorative pavers shall be placed within the public right-of-way. The precise grading plan shall show an additional 4-foot right-of-way dedication behind driveway approaches. A legal description and plat for the 4-foot right-of-way dedication shall be submitted to the City for review and approval prior to precise grading plan approval.
  - b. Pavement core samples of existing pavement on Brodiaea Avenue and Graham Street (half street width along project frontage) may be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a onetenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement (half street width along project frontage) to meet or exceed the City's pavement structural section standard.
  - c. Drainage improvements associated with the relocation of public Storm Drain Line A located within a proposed 25-foot wide storm drain easement in the west parking lot drive aisle offset 35 feet from the west property line of APN 297-170-061.
  - d. Relocation, repair, and reconstruction of existing public improvements along project frontage resulting from displacement due to proposed project public improvements, existing public improvements that are damaged during construction, and substandard or obsolete City standard public improvements. The applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including any signing and re-striping, as necessary. The applicant shall post security to cover the cost of the repairs and complete

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 29 OF 40

the repairs within the time allowed in the public improvement agreement used to secure the improvements.

- LD51. Prior to building permit issuance or as may be deferred until occupancy by the City Engineer, the vacation of Joy Street made either by final map or separate instrument, and sewer relocation shall be completed to ensure that the proposed building is not located over street right-of-way. The final map must be recorded prior to issuance of a building permit. Therefore, the Joy Street vacation and the relocation of the existing sewer to its new location within a proposed sewer easement, which is required by Eastern Municipal Water District, prior to vacation of Joy Street, will need to occur prior to issuance of a building permit if a final map is required or unless otherwise approved by the City Engineer and Eastern Municipal Water District. If a final map is not required, the vacation of Joy Street by separate instrument and associated sewer relocation improvements can be deferred until occupancy.
- LD52. Prior to building permit issuance or as may be deferred until occupancy by the City Engineer, the vacation of Riverside County Flood Control & Water Conservation District Line A storm drain easement and Line A storm drain relocation shall be completed to ensure that the proposed building is not located over and existing easement.
- LD53. Prior to occupancy or at building permit issuance if a final map is required, as may be required by the City Engineer, the following proposed easements shall be dedicated and existing street right-of-way vacated either on a final map which is required prior to building permit issuance or by separate instrument and recorded.
  - a. Additional right-of-way at proposed driveway entrances per City Standard No. 118C.
  - b. Joy Street right-of-way vacation. All utilities shall be relocated into the public right-of-way or new easement location as agreed upon by the developer, the easement holder and the City Engineer prior to the vacation of Joy Street. All utilities shall be relocated within existing public right-of-way or new easement, as necessary, or otherwise abandoned in place as approved by the City Engineer, prior to the street right-of-way vacation. A new sewer easement shall be granted prior to sewer relocation and street right-of-way vacation. All utility relocations shall be done at no expense to the City.
  - c. Line A public storm drain easement vacation previously dedicated to Riverside County Flood Control & Water Conservation District per Instrument No. 2006-0437088, recorded June 16, 2006 and Instrument No. 2006-043089, recorded June 16, 2006.

- d. Ingress and egress easement vacation, 20-foot wide, previously dedicated per Instrument No. 2010-0359735, recorded August 2, 2010.
- e. New sewer easement, 30-foot wide to Eastern Municipal Water District, located within a drive aisle along and offset 5 feet from the west property line of APN 297-170-061, containing relocated Joy Street sewer.
- f. New storm drain easement, 25-foot wide to City of Moreno Valley, located adjacent to and easterly of the proposed 30-foot wide new sewer easement described above, containing relocated public storm drain Line A.
- LD54. In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included in the Final WQMP. The preparer understands that any changes to BMPs required based on the basis of the percolation results will be incorporated in the first submittal of the Final WQMP.
- LD55. The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA12-0021 – Moreno Valley Centerpointe - Building 3. The F-WQMP shall be consistent with the approved Amended P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09, or current guidance document. The F-WQMP shall contain any revised calculations for the revised treatment control BMPs. The F-WQMP shall provide detailed descriptions on the location, implementation (including sizing criteria), installation, and long-term Operation and Maintenance of planned Treatment Control Best Management Practices (BMPs).
- LD56. In Final WQMP, provide design details of the proposed underground storage systems showing that, in combination with appropriate CDS units (with oil and grease absorbent media), the BMP treatment train is treating the water quality volume for their proposed locations and that no un-protected flow will reach the underground facility under any flow scenario.
- LD57. In the Final WQMP, proposed treatment control underground systems and surface infiltration basins shall be shown to scale on the WQMP Exhibit, and their design volumes shall be calculated based on the current Guidance document worksheets or RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011 or later.
- LD58. In Final WQMP, provide design details of the roof's drainage conveyance demonstrating that runoff is not washing paved parking lot surfaces.

- LD59. The Applicant shall provide supporting studies, calculations, and reports related to the Hydrologic Conditions of Concern.
- LD60. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project POC include: nutrients, organic compounds, and pathogens (bacteria and viruses). Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09, shall be consulted for determining the effectiveness of proposed treatment BMPs.
- LD61. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of underground and surface infiltration systems. Final design details and appropriate filter calculations for the basins must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.
- LD62. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.
- LD63. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
  - a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications
  - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications
  - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions
  - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 32 OF 40

#### PUBLIC WORKS DEPARTMENT – SPECIAL DISTRICTS DIVISION

**Note:** All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

#### Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA12-0021**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480 or by emailing specialdistricts@moval.org.

#### **General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services), C (Arterial Street Lighting), and E (Extensive Parkway Landscape Maintenance). All assessable parcels therein shall be subject to annual Zone A, Zone C, and Zone E charges for operations and capital improvements.
- SD-2 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.
- SD-3 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD-4 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)
- SD-5 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD-6 Streetlight Authorization forms, for all streetlights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, prior to streetlight installation. The Streetlight Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

#### Prior to Building Permit Issuance

- SD-7 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD-8 (BP) This project is conditioned to install and maintain parkway/median landscape. The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. In order for the Developer to meet the financial responsibility to maintain the defined services, one of the options as outlined below shall be selected. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.
  - a. Participate in a ballot proceeding for **standard/extensive landscape** program maintenance and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
  - b. Establish a Home Owners Association (HOA) to maintain the landscaped area; or
  - c. Establish an endowment to cover the future landscape program maintenance costs of the landscaped area.

The financial option selected shall be in place prior to the issuance of certificate of occupancy.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 34 OF 40

SD-9 (BP) Prior to the issuance of the first building permit for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council.

The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C programs. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

SD-10 (BP) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Covenant of Assessments** for each assessable parcel therein, whereby the developer covenants the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Covenant of Assessments shall be submitted to the Special Districts Division. For a copy of the Covenant of Assessments form, please contact Special Districts, phone 951.413.3480.

#### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 35 OF 40

#### PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects.

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

#### **General Conditions**

- TE1. Cactus Avenue is classified as a Divided Major Arterial Reduced Cross Section (120'RW/102'CC) per City Standard No. 102A. Any improvements to the roadway shall be per City standards. Traffic signal interconnect shall be installed along project frontage per City Standard Plan No. 421.
- TE2. Graham Street is classified as a Minor Arterial (88' RW/64' CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards. Traffic signal interconnect shall be installed along project frontage per City Standard Plan No. 421.
- TE3. Frederick Street is classified as a Minor Arterial (88' RW/64' CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE4. Brodiaea Avenue is classified as an Industrial Collector Street (78' RW/56' CC) per City Standard Plan No. 106. Any improvements to the roadway shall be per City standards.
- TE5. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approach. Driveways wider than City standards (maximum of 40 feet) shall be constructed as an intersection with access ramps per City Standard 214A, including any necessary signing and markings, as determined by the City Traffic Engineer.
- TE6. Each gated entrance shall be provided with the following:
  - A storage lane with a minimum of 75 feet queuing length for entering traffic. Driveway 4 located on Cactus Avenue (replacing existing Joy Street) shall be wide enough for two inbound lanes.
  - b) Signing and striping.

All of these features must be kept in working order.

TE7. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

#### Prior to Improvement Plan Approval or Construction Permit

- TE8. Prior to final approval of the street improvement plans, a bus bay per City Standard Plan No. 121 shall be designed for northbound Frederick Street, just north of Cactus Avenue.
- TE9. Prior to final approval of the street improvement plans, the intersection of Cactus Avenue at Elsworth Street shall be redesigned such that the crosswalk on the west leg of the intersection is removed. Required improvements may include but not be limited to reconstructing pedestrian access ramps, installation of new signing and striping, removal and installation of pedestrian signal heads, removal and installation of pedestrian push buttons, etc. A City Capital Project may receive funding for the construction of the third eastbound lane from the I-215 interchange to Veteran's Way providing needed capacity at the Cactus Avenue at Elsworth Street intersection. If this Capital Project is funded with construction scheduled to begin prior to the final certificate of occupancy, then the crosswalk modification may be reassessed at the discretion of the City Traffic Engineer and the condition may be waived.
- TE10. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans Section 4 for all streets with a cross section of 66'/44' and wider.
- TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. 125A, B, C.

#### Prior to Building Permit

- TE13. (BP) Prior to the issuance of Building Permits, the project applicant shall make a fair-share payment to the City of Moreno Valley for the removal of the crosswalk located on the west leg of the Cactus Avenue at Graham Street intersection. The fair-share payment shall be based upon the findings in the project EIR and an engineer's estimate that will include but not be limited to pedestrian access ramp construction/reconstruction, modified signing and striping, removal and installation of pedestrian signal heads, removal and installation of pedestrian push buttons, etc.
- TE14. (BP) Prior to the issuance of Building Permits, traffic signal plans (if required) shall be prepared by a registered civil or electrical engineer and submitted to the City for the intersection identified in Condition TE15. The Traffic signal shall be modified prior to issuance of a Certificate of Occupancy, if necessary.

### Prior to Certificate of Occupancy or Building Final

- TE15. (CO) Prior to issuance of a certificate of occupancy, the traffic signal at Cactus Avenue and Driveway 4 (existing Joy Street) shall be modified as necessary and fully operational to the satisfaction of the City Traffic Engineer.
- TE16. (CO) Prior to issuance of a certificate of occupancy, the improvements identified in conditions TE8 and TE9 shall be constructed per the approved plans.

### Prior to Acceptance of Streets into the City-maintained Road System

TE17. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 38 OF 40

### PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

**Note:** All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold lettering**. All other conditions are standard to all or most development projects.

### Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA12-0019 thru -0022; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

### Prior to Energizing MVU Electric Utility System and Certificate of Occupancy

- MVU1. (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU2. (BP) **City of Moreno Valley Municipal Utility Service Electrical Distribution**: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as

### Item No. E.2

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 39 OF 40

determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the gualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

### CONDITIONS OF APPROVAL PLOT PLAN PA12-0021 PAGE 40 OF 40

### POLICE DEPARTMENT

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects

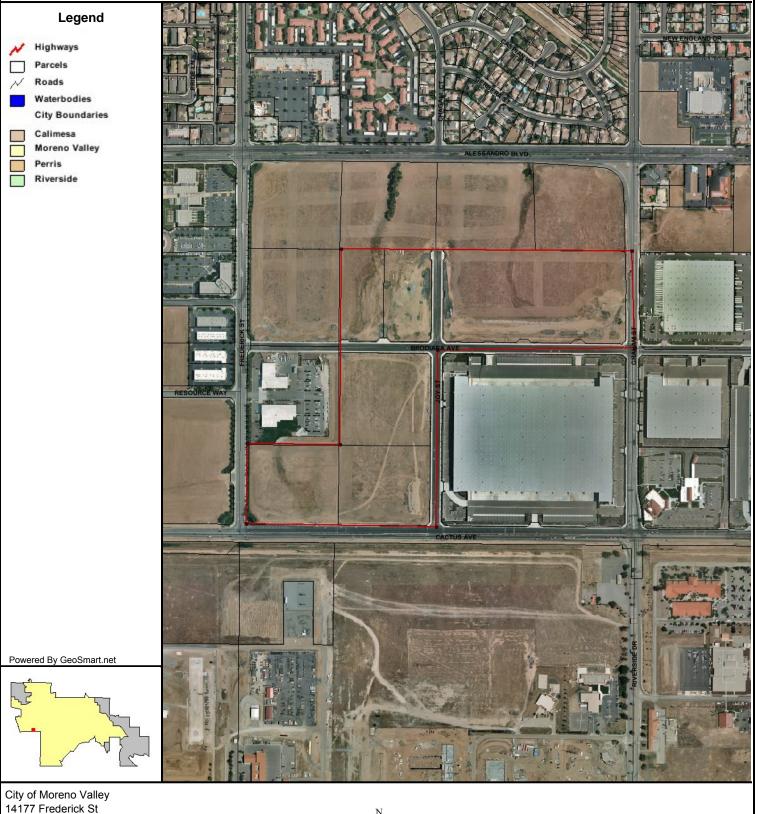
### Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
  - a. The name (if applicable) and address of the development.
  - b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

Item E.2 Attachments 5 and 6 can be accessed by the following links:

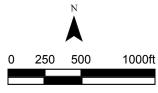
<u>http://www.moval.org/misc/pdf/centerpt/cenwest-finaleir-1112.pdf</u> - Attachment 5 <u>http://www.moval.org/misc/pdf/centerpt/centerDEIR-0912.pdf</u> - Attachment 6 This page intentionally left blank.

## **RPT Centerpointe West Project**



Moreno Valley, CA 92553

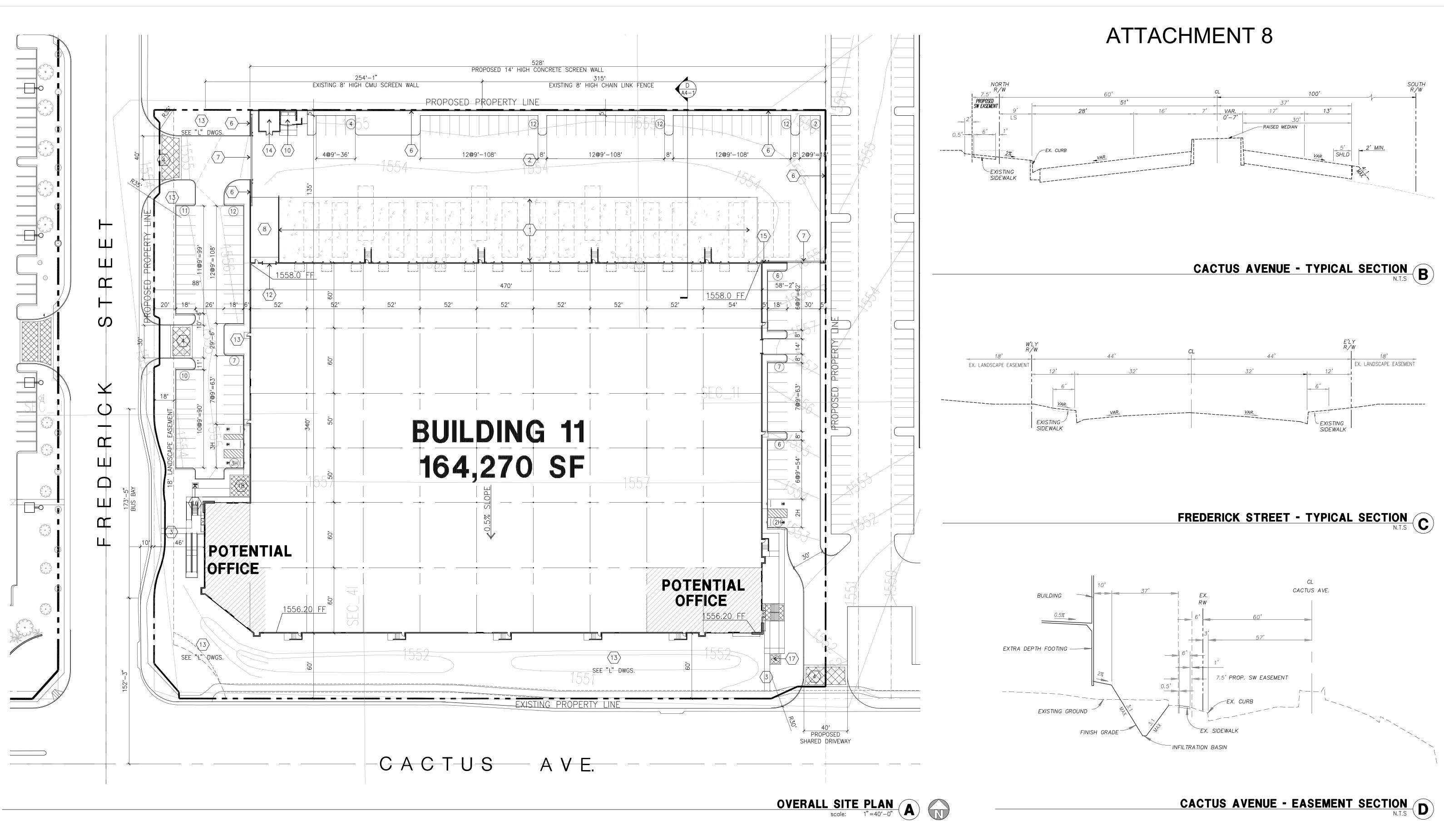
DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County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



Printed: -583- 2 12:23:36 PM



This page intentionally left blank.

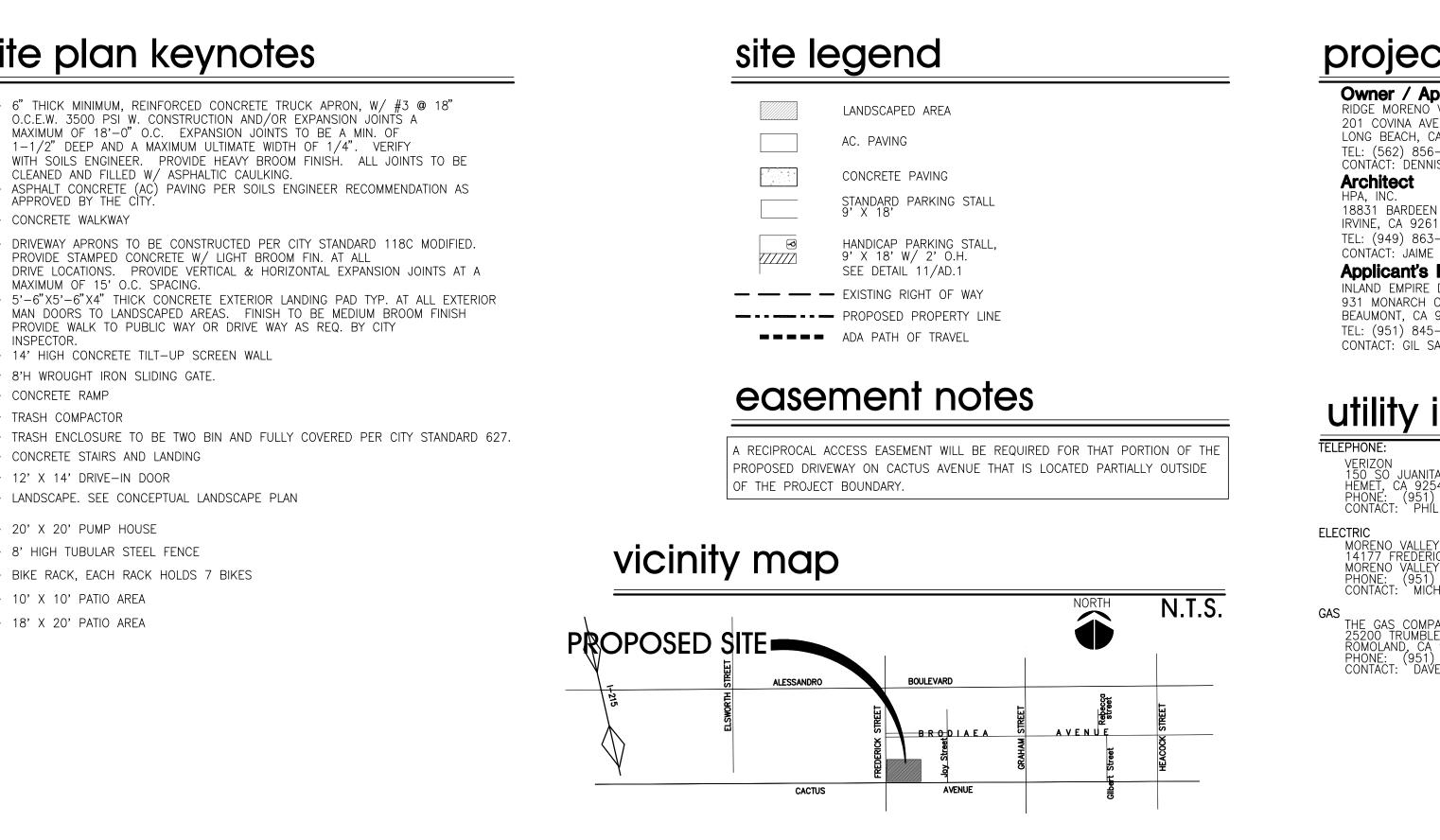


## site plan general notes

- 1. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING, IS TO BE A PART OF THESE CONTRACT DOCUMENTS.
- 2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE
- 3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
- 4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.
- 5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM. PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION. 6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
- 7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS 8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS.
- 9. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS. 10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6 14' HIGH CONCRETE TILT-UP SCREEN WALL O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12'
- EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH. 11. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
- 12. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE PLANNING DIVISION AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS. 13. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL
- SUBMIT A CERTIFICATE OF COMPLETION TO PLANNING DIVISION. 14. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM
- PLANNING DIVISION. 15. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES
- (6") HIGH CURB 16. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT
- 17. ALL ROOF DRAINS SHALL BE DIRECTED TO A LANDSCAPE AREA.

## site plan keynotes

- (1) 6" THICK MINIMUM, REINFORCED CONCRETE TRUCK APRON, W/ #3 @ 18" O.C.E.W. 3500 PSI W. CONSTRUCTION AND/OR EXPANSION JOINTS A MAXIMUM OF 18'-0" O.C. EXPANSION JOINTS TO BE A MIN. OF 1-1/2" DEEP AND A MAXIMUM ULTIMATE WIDTH OF 1/4". VERIFY WITH SOILS ENGINEER. PROVIDE HEAVY BROOM FINISH. ALL JOINTS TO BE CLEANED AND FILLED W/ ASPHALTIC CAULKING. (2) ASPHALT CONCRETE (AC) PAVING PER SOILS ENGINEER RECOMMENDATION AS
- APPROVED BY THE CITY.  $\langle \overline{3} \rangle$  CONCRETE WALKWAY (4) DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C MODIFIED.
- PROVIDE STAMPED CONCRETE W/ LIGHT BROOM FIN. AT ALL DRIVE LOCATIONS. PROVIDE VERTICAL & HORIZONTAL EXPANSION JOINTS AT A MAXIMUM OF 15' O.C. SPACING. 5 5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH
- PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY AS REQ. BY CITY INSPECTOR.
- angle 8'H WROUGHT IRON SLIDING GATE.  $\langle 8 \rangle$  CONCRETE RAMP
- (9) TRASH COMPACTOR
- (1) CONCRETE STAIRS AND LANDING
- (12) 12' X 14' DRIVE-IN DOOR (3) LANDSCAPE. SEE CONCEPTUAL LANDSCAPE PLAN
- (14) 20' X 20' PUMP HOUSE
- (15) 8' HIGH TUBULAR STEEL FENCE
- (6) BIKE RACK, EACH RACK HOLDS 7 BIKES
- (17) 10' X 10' PATIO AREA (18) 18' X 20' PATIO AREA

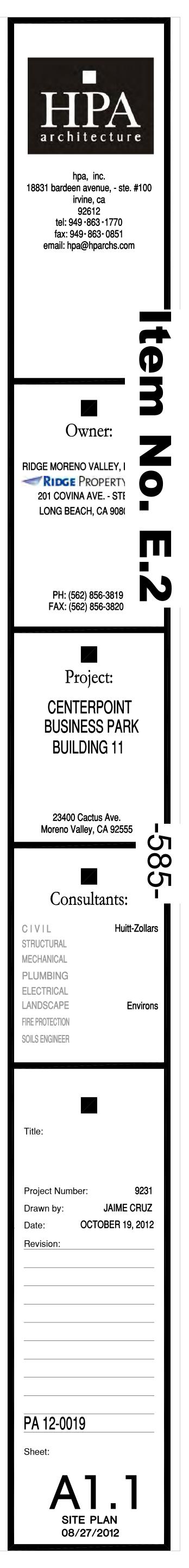


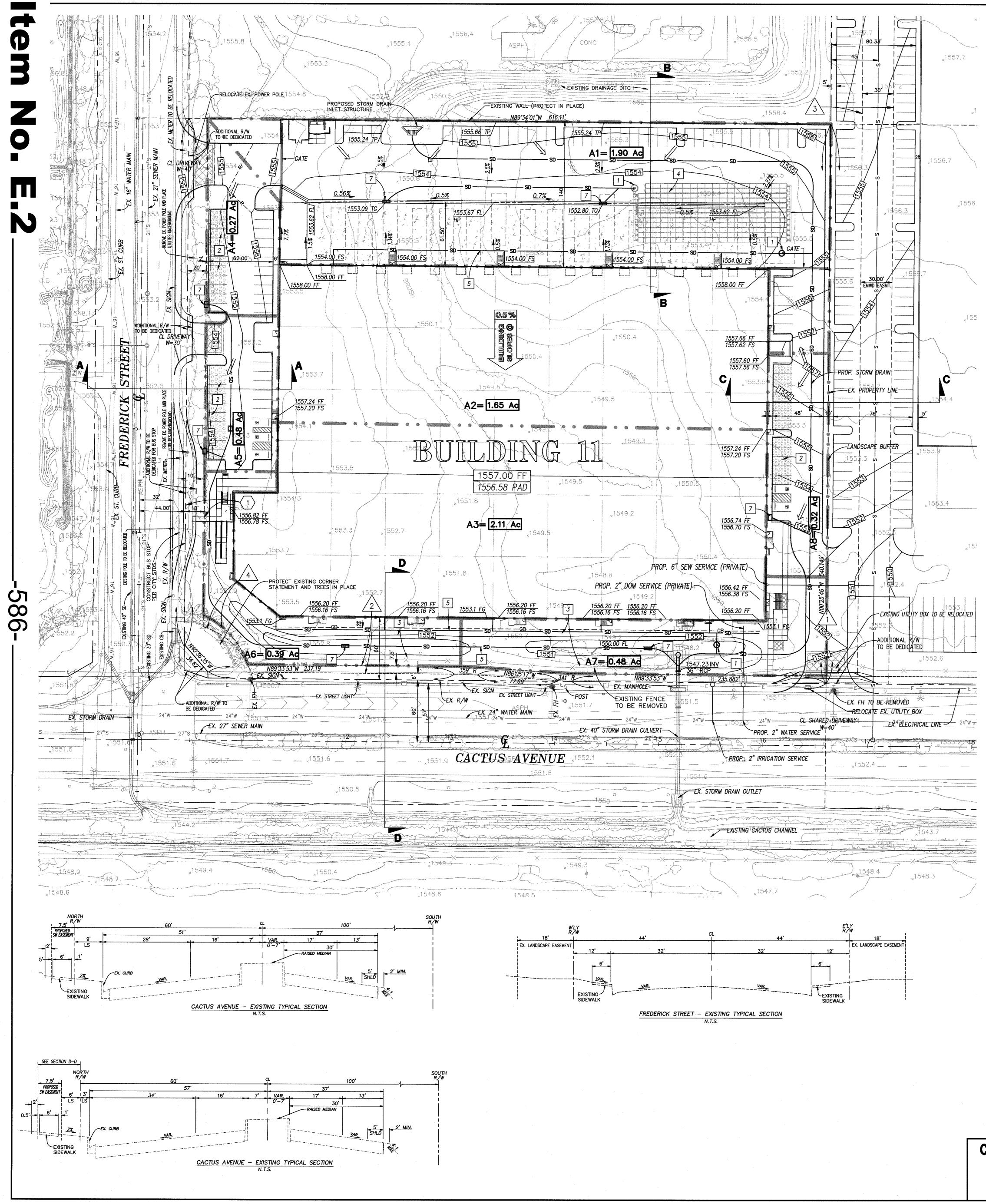
## project information

Applicant 10 VALLEY, LLC	Civil Engineer HUITT ZOLLARS	<b>Zoning</b> Li (Light Industrial)
AVE. – STE. #8 CA 90803	3990 CONCOURS STE 330 ONTARIO, CA 91764	Assessors Parcel Number
56–3819 NNIS RICE	TEL: (909) 941–7799 CONTACT: MAURICE MURAD	297-170-027
	Landscape Architect	Legal Description LOT 5, BLK. 259 OF MAP NO. 1
EEN AVE. SUITE #100 2612	1746 N. BRIDGEPORT AVE. CLAREMONT, CA 91711	BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO. AS SHOWN BY
63–1770 ME_CRUZ	TEL: (909) 626–4663 CONTACT: BRETT FRENCH	MAP ON FILE IN BK. 11, PG. 10 OF MAPS, RECORDS OF SAN
s Representative		BERNARDINO COUNTY, CALIFORNIA
RE DEVELOPMENT SERVIO H COURT	CES, INC.	
A 92223 45-1003		
SAENZ		
informo	ation	
	WATER	=
NITA_ST.	EASTERN MUNICIPAL WATER DIS 2270 TRUMBLE ROAD	TRICT
2543 51) 658–7305 HIL BRILLINGER	PERRIS, CA 92571 PHONE: (951) 928 – 3777 CONTACT: NEW BUSINESS	
	SEWER	
LEY UTILITIES ERICK ST. LEY, CA 92552	EASTERN MUNICIPAL WATER DIS 2270 TRUMBLE ROAD PERRIS, CA 92571	TRICT
1) 413–3480 AICHELE PIERCE	PHONE: (951) 928–3777 CONTACT: NEW BUSINESS	
MPANY	CABLE – TV	
BLE ROAD SC 8058 CA 92380	TIME WARNER 1500 AUTO CENTER DR. ONTARIO, CA 91761	
51) 335–3902 DAVE MULLIGAN	PHONE: (951) 975–3380 CONTACT: MARK DAUENHAUER	
		REFERENCE TRUE NORTH NORTH
1'' = 40' - 0''		
0 40'	80' 120'	
UVE	ALL JI	TE PLAN

# tabulation

TABULATION		
site area (in sq.ft.)	330,250	sf
site area (in acres)	7.58	ac.
Wanahawaa	454.070	~f
Warehouse area	154,270	sf
Office -	10,000	sf
Total building area	164,270	sf
Coverage	49.7%	
Parking required		
1st. 20k@1/1,000 s.f.	20	stalls
2nd. 20k@1/2,000 s.f.	10	stalls
above 40k @1/4,000 s.f.	29	stalls
Office 1/250 s.f.	<u>40</u>	stalls
Total parking required	99	stalls
Parking provided		
Standard (9'x18')	101	stalls
Handicap (9'x18')	<u>5</u>	stalls
Total parking provided	106	stalls
Trailer parking required		
(1 trailer parking per dock door)		
Total dock doors	17	doors
Trailer Parking provided (14'x50')	17	stalls
Landscape provided	56,551	sf
% of Landscape provided	17.1%	
NOTE:		
* Bike rack - 5% of total parking required	6	BIKES





### WOMP NOTES

- 1 INSTALL STORM WATER CLARIFIER (CDS UNIT OR APPROVED EQUAL)
- 2 CONSTRUCT PERVIOUS CONCRETE PAVEMENT OVER CRUSHED WASHED STONE BEDDING 3 CONSTRUCT INFILTRATION BASIN
- 4 CONSTRUCT UNDERGROUND INFILTRATION CHAMBER SYSTEM
- INSTALL UNDERGROUND ROOF DRAIN COLLECTION AND CONVEYANCE SYSTEM.
- 6 CONSTRUCT TRASH ENCLOSURE PER CITY OF MORENO VALLEY STANDARD 627.
- 7 INSTALL CATCH BASIN FILTER (BIO-CLEAN OR APPROVED EQUAL) AND PROVIDE "NO DUMPING" STENCIL PER CITY REQUIREMENTS.

VOLUME BASED BMP'S					
AREA	BMP	V <sub>BMP</sub>			
1	UNDERGROUND INFILTRATION CHAMBER	4828 CF			
4	PERVIOUS CONCRETE	284 CF			
5	PERVIOUS CONCRETE	334 CF			
6	INFILTRATION BASIN	54 CF			
7	INFILTRATION BASIN	218 CF			
8	PERVIOUS CONCRETE	441 CF			

## FLOW BASED BMP'S

AREA	BMP	Q <sub>BMP</sub>
1	CATCH BASIN FILTER	20 0.072 CFS
2	CDS UNIT	0.490 CFS
3	CDS UNIT	0.801 CFS
4	CATCH BASIN FILTER	0.003 CFS
5	CATCH BASIN FILTER	0.0021 CFS
6	INFILTRATION BASIN	0.006 CFS
7	INFILTRATION BASIN	0.490 CFS

EXISTING EASEMENT TO REMAIN

DENOTES 18' EASEMENT TO THE CITY OF MORENO VALLEY FOR LANDSCAPE PURPOSES PER INSTRUMENT NO. 025804, RECORDED JANUARY 9, 1991

### PROPOSED EASEMENT

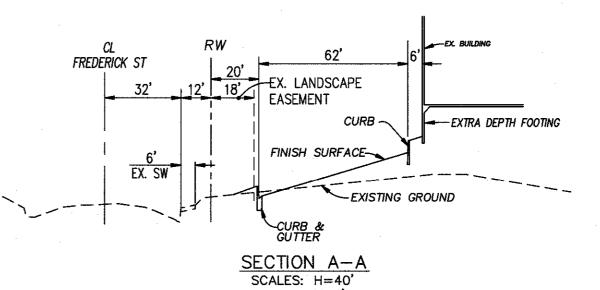
/4\

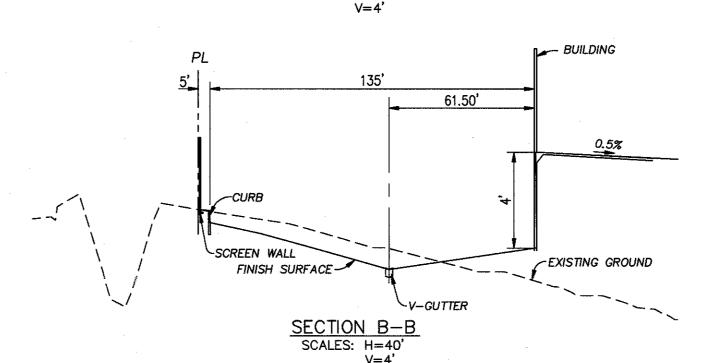
A RECIPROCAL ACCESS EASEMENT WILL BE REQUIRED FOR THAT PORTION OF THE PROPOSED DRIVEWAY ON CACTUS AVENUE THAT IS LOCATED PARTIALLY OUTSIDE OF THE PROJECT BOUNDARY.

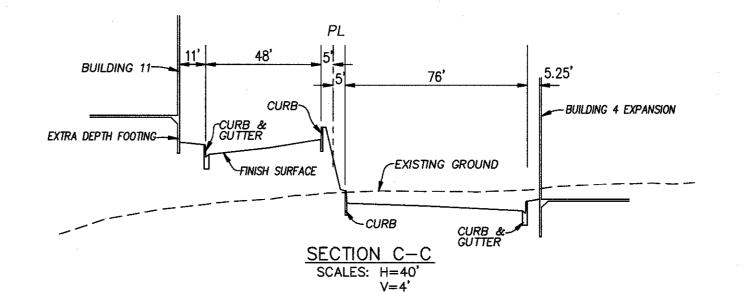
7.5' EASEMENT FOR PUBLIC SIDEWALK PURPOSES TO BE DEDICATED ON PARCEL MAP

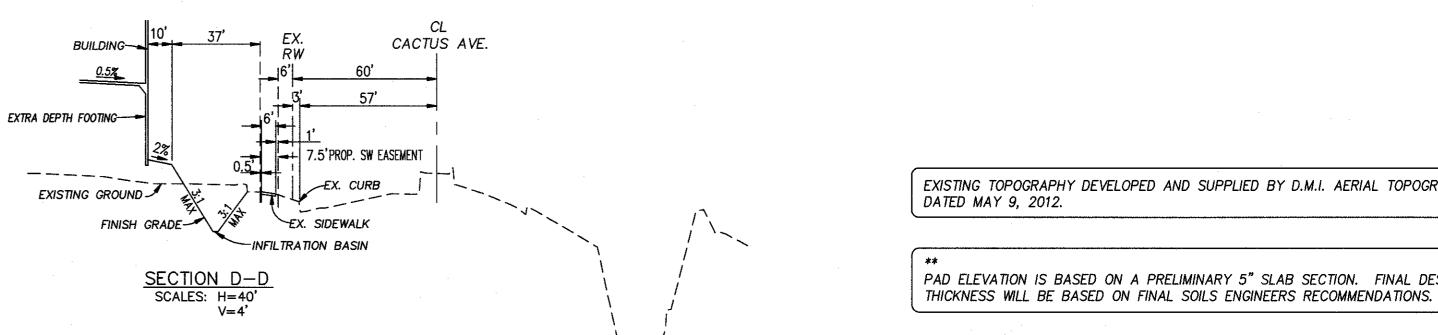
/3 DENOTES 30' EASEMENT TO EMWD FOR SEWER MAIN

ADDITIONAL EASEMENT TO BE DEDICATED FOR LANDSCAPE PURPOSES



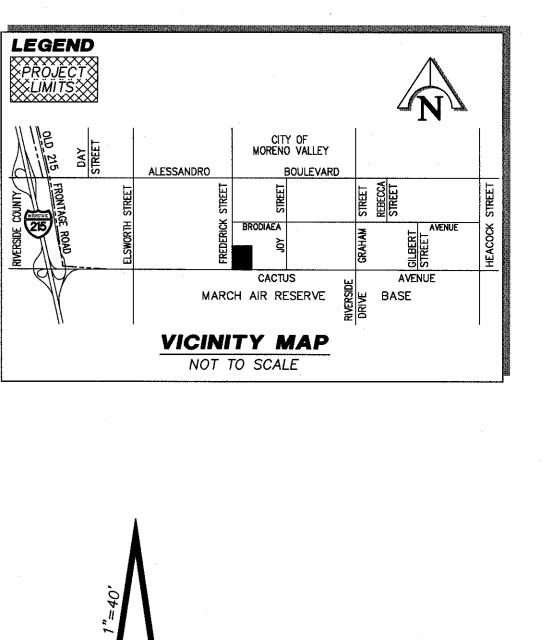


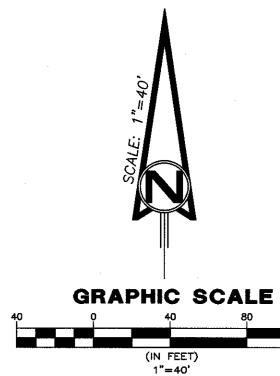




### CONCEPTUAL GRADING, DRAINAGE, UTILITY & WQMP PLAN FOR

MORENO VALLEY CENTERPOINTE - BUILDING 11 (PA12-0019) CACTUS AVENUE & FREDERICK STREET CITY OF MORENO VALLEY





LEGEND

SD	PROPOSED STORM DRAIN
—_S—	PROPOSED SEWER
W	PROPOSED WATER
— — GB— —	PROPOSED GRADE BREAK
(1111) (1	BMP DRAINAGE BOUNDARY
<b>.</b>	PROPOSED R/W
X.X Ac	TRIBUTARY AREA IN ACRE
	PROPOSED GRATING INLET
	PROPOSED CURB OPENING
FF	PROPOSED FINISH FLOOR
TP	TOP OF PAVEMENT
TG	TOP OF GRATE
FL	FLOWLINE
CF	CURB FACE
FS	FINISHED SURFACE
CB	CATCH BASIN
PL	PROPERTY LINE
R/W	RIGHT-OF-WAY
CL	CENTERLINE
PROP.	PROPOSED
EX.	EXISTING
DRWY	DRIVEWAY
A#	BMP AREA DESIGNATION
$\Leftarrow$	DIRECTION OF FLOW
P V V V	CONCRETE

### GENERAL NOTES

1. GROSS AREA LOT 11 = 7.59 AC FLOOD ZONE X PANEL NO. 065074 0020 B MAP REVISED MAY 17, 1993

- 3. PRELIMINARY EARTHWORK RAW CUT = 2640 CY RAW FILL = 35800 CY

APPROVED BY MAURICE M. MURAD

Mpurine Murao

FINAL QUANTITIES WILL BE DETERMINED AT ROUGH GRADING AND FINAL DESIGN

BREAK LINE BOUNDARY

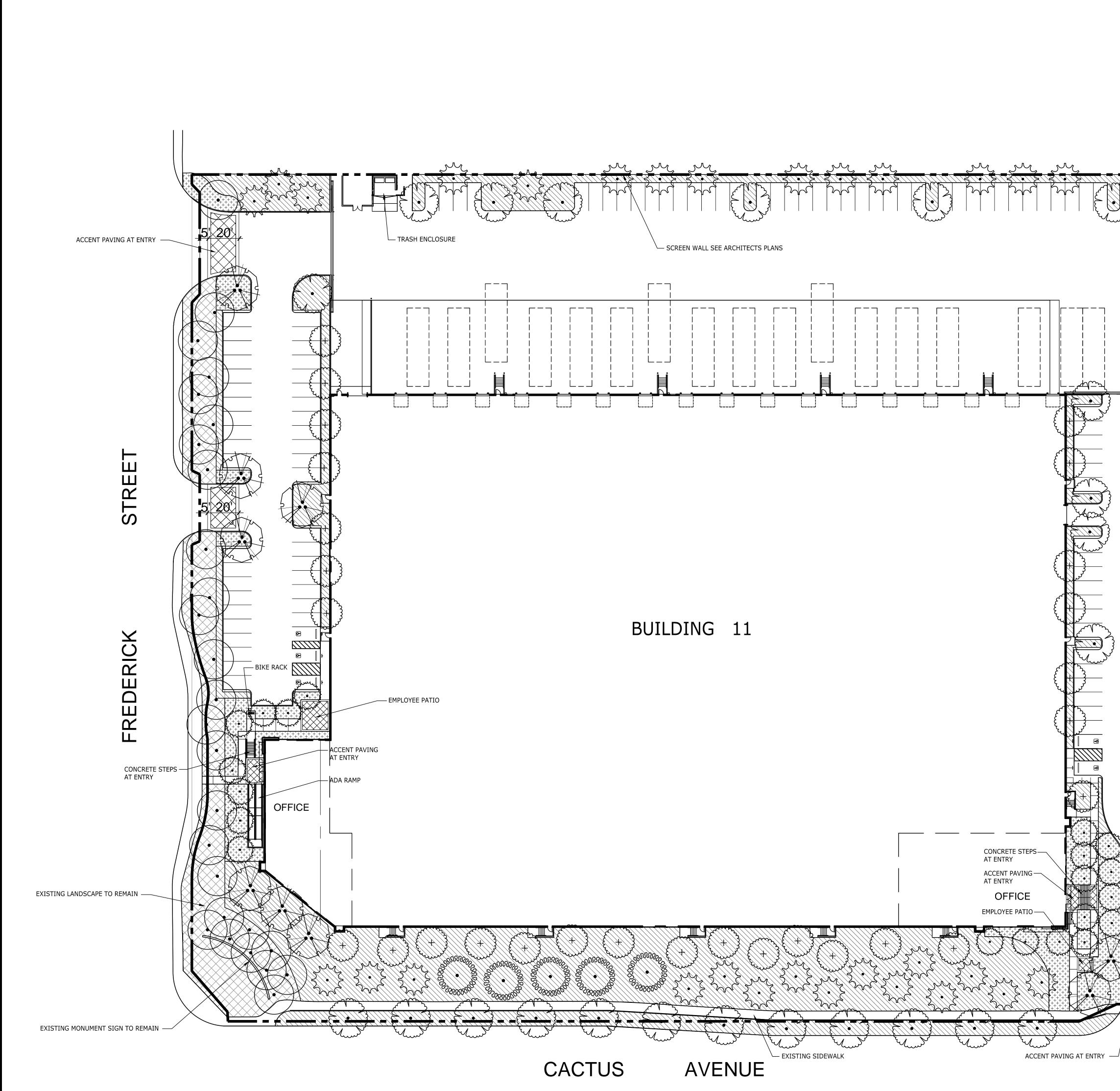
IN ACRES NG INLET OPENING INLET I FLOOR ELEVATION

PERVIOUS CONCRETE

EXISTING TOPOGRAPHY DEVELOPED AND SUPPLIED BY D.M.I. AERIAL TOPOGRAPHIES DATED MAY 9, 2012.

PAD ELEVATION IS BASED ON A PRELIMINARY 5" SLAB SECTION. FINAL DESIGN SLAB

			تر ډا
$HIIIT \sim 7 \cap HADC$	designed by MHM	SHEET	NI01.dwg
HUITT-ZOLLARS, INC.	DRAWN BY MAY M. CHECKED BY	OF	4401/LCD
3990 CONCOURS, SUITE 330 * ONTARIO, CALIFORNIA 91764 * (909) 941-7799	MHM	SHEETS	1102
maurice M. MURAD P.L.S. expires Date	FIELD BOOK	job no. 11-0244-25	-ivpro



## TREE PALETTE

TREES

+

BOTANICAL NAMECOMMON NAMECONTCALQTEucalyptus sideroxylon `Rosea`Red IronbarkI 5 galLow28	
Eucalyptus sideroxylon `Rosea` Red Ironbark   5 gal Low 28	a
	5
Existing Tree To Remain Protect In Place Existing 27	7
Koelreuteria bipinnata Chinese Flame Tree Multi-Trunk 36"box Med 9	
Lagerstroemia x `Muskogee` Lavender Crape Myrtle Std. 24"box Med 21	I
Pinus eldarica Afghan Pine   5 Gal. \$ 24" Box Low 43	3
Platanus racemosa California Sycamore   5 gal Med 5	
Rhus lancea African Sumac 24"box Low 23	3

### ROOT BARRIER NOTE

ALL TREES WITHIN 8′ OF HARDSCAPE SHALL BE IN A SHAWTOWN LINEAR ROOT BARRIER 24″ HIGH (NOT WRAPPED AROUND). PLACE ROOT BARRIER ADJACENT TO HARDSCAPE AND CENTER ON TREE EXTENDING 5′ IN BOTH DIRECTIONS FOR AN OVERALL LENGTH OF 10′.

## SHRUB PALETTE

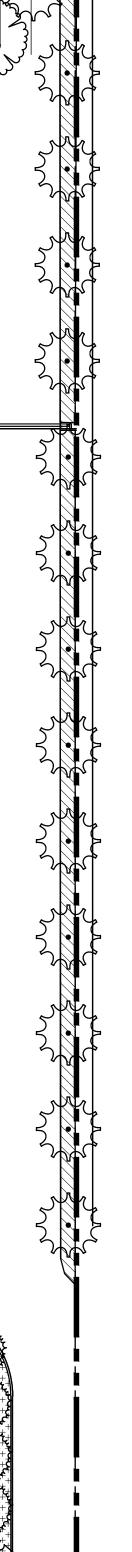
	SHRUB & GROUND COVER PALETTE - LOW WATER USE Acacia redolens `Desert Carpet` TM / Bank Catclaw Anigozanthos flavidus `Gold Velvet` / Kangaroo Paw Arbutus unedo / Strawberry Tree Shrub Baccharis pilularis `Pigeon Point` / Coyote Brush Callistemon citrinus / Lemon Bottlebrush Shrub Carex tumulicola / Berkeley Sedge Cassia artemisioides / Feathery Cassia Cistus x purpureus / Orchid Rockrose Elaeagnus pungens `Fruitlandii` / Silverberry Heteromeles arbutifolia / Toyon Macfadyena unguis-cati / Yellow Trumpet Vine Muhlenbergia capillaris `Autumn Blush` / Pink Muhly Muhlenbergia rigens / Deer Grass Myoporum parvifolium `Putah Creek` / Putah Creek Myoporum Pennisetum advena `Rubrum` / Fountain Grass Pennisetum messiacum `Fairy Tails` / Fountain Grass Rosmarinus officinalis `Huntington Blue` / Rosemary Rosmarinus officinalis `Tuscan Blue` / Tuscan Blue Rosemary Salvia greggii `Furmans Red` / Furman`s Red Salvia Westringia fruticosa / Coast Rosemary	35,611 sf
++++++++++++++++++++++++++++++++++++	SHRUB & GROUND COVER PALETTE - MEDIUM WATER USE Abelia x grandiflora `Edward Goucher` / Glossy Abelia Buxus x `Green Gem` / Green Gem Boxwood Dietes bicolor `Moraea` / Fortnight Lily Hemerocallis x `Lemon Yellow` / Daylily Ligustrum texanum / Texas Privet Nandina domestica / Heavenly Bamboo Photinia x fraseri / Photinia Podocarpus gracilior `Column` / Fern Pine Rhaphiolepis indica `Clara` / Indian Hawthorn Rosa floribunda `Iceberg` / Iceberg Rose Rosa x `Flower Carpet Pink` / Rose Xylosma congestum / Shiny Xylosma	7,012 sf

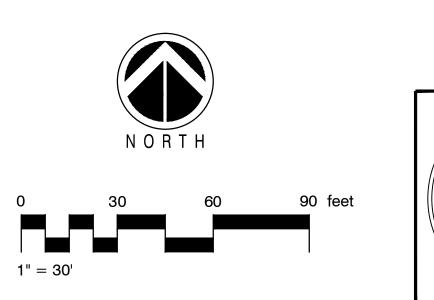
### EXISTING LANDSCAPE TO REMAIN

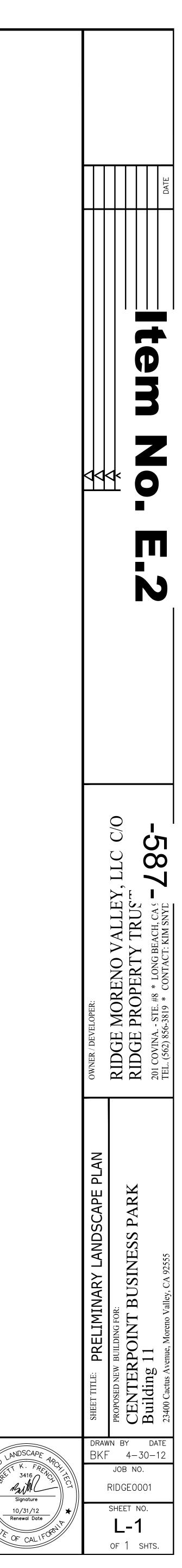


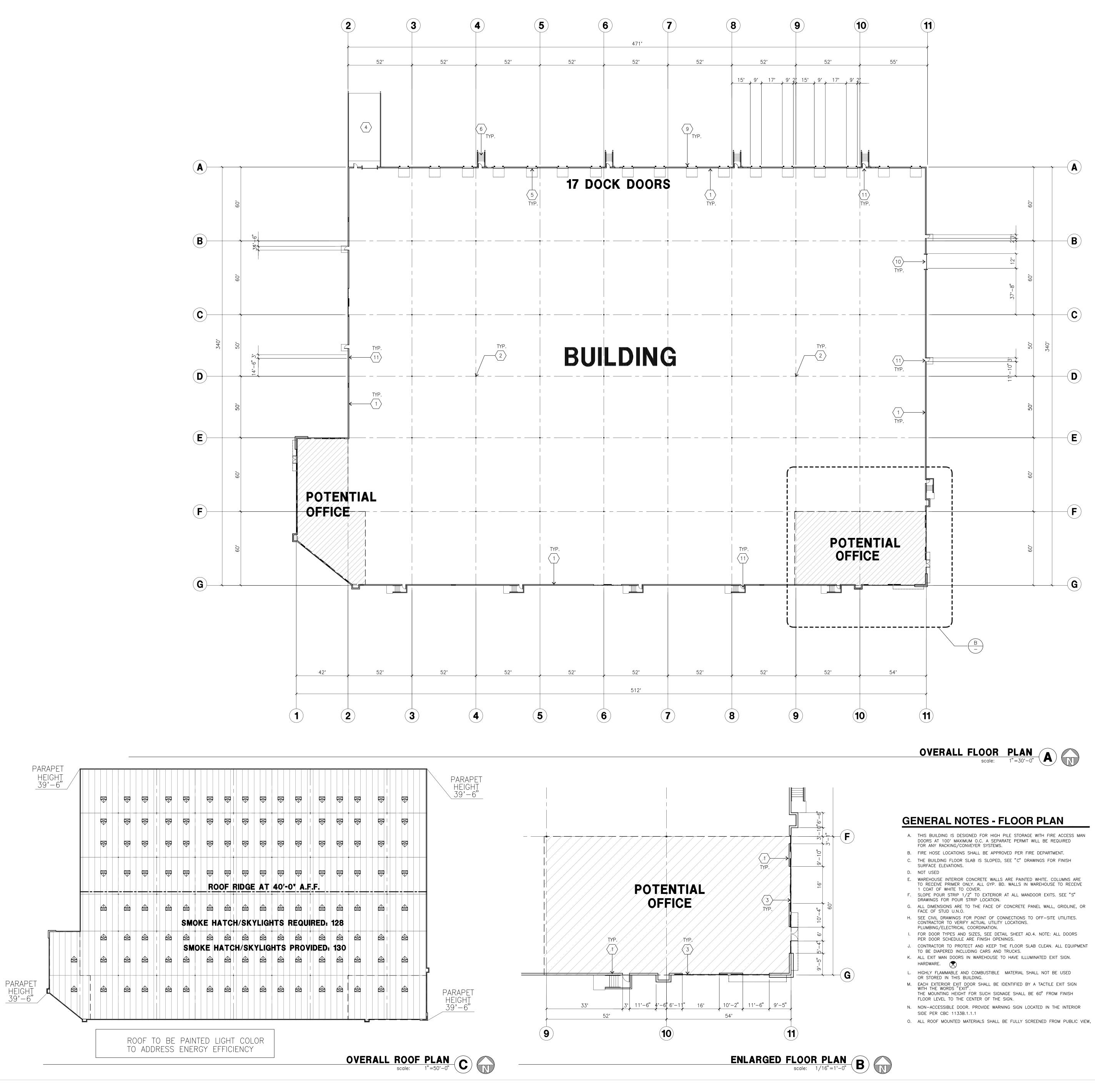
EXISTING LANDSCAPE TO REMAIN PROTECT IN PLACE

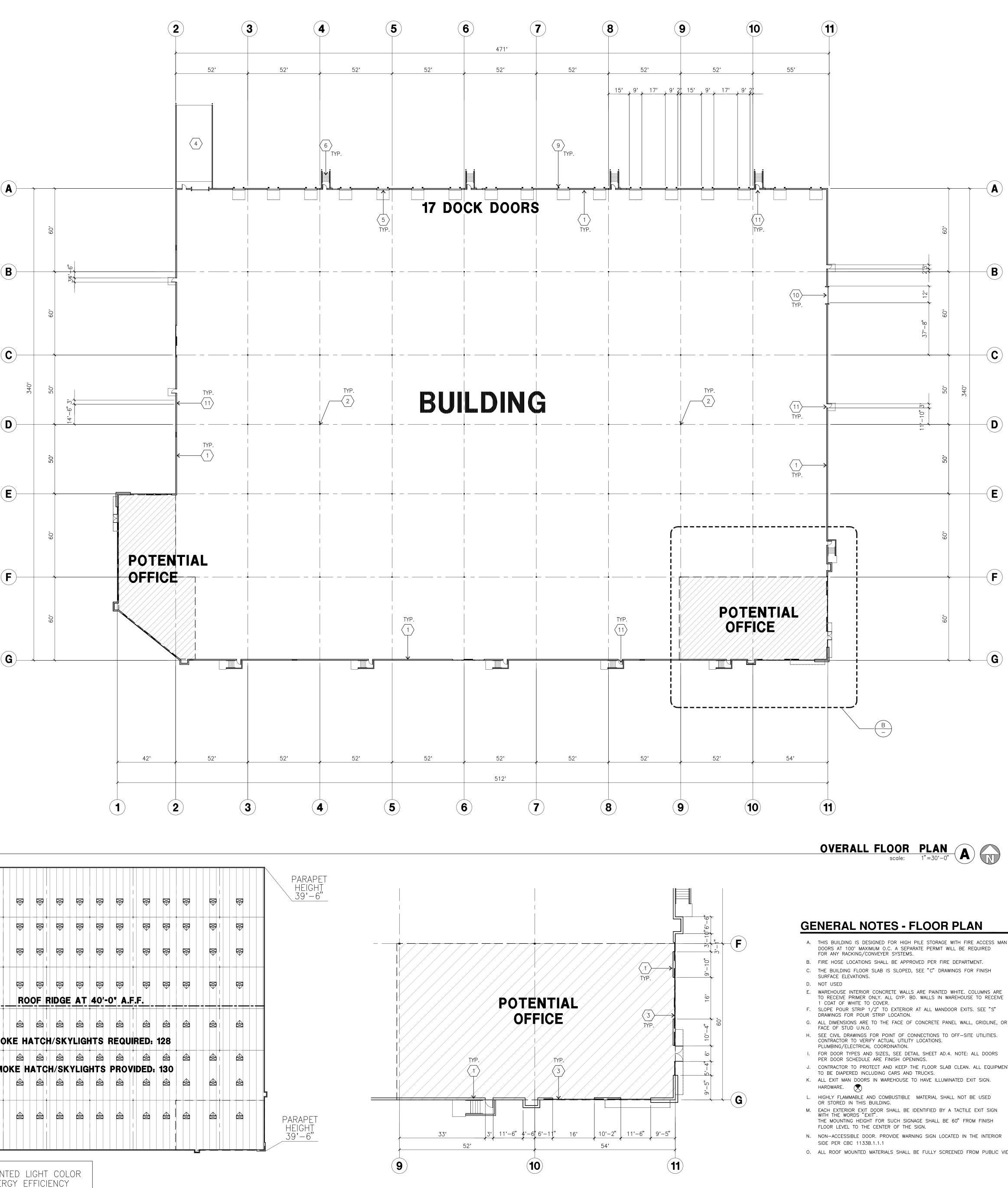
MULCH NOTE ALL PLANTER AREAS TO RECEIVE A 2" LAYER OF COVER MULCH AVAILABLE FROM EARTHWORKS (951) 270-0081











### **KEYNOTES - FLOOR PLAN**

- $\langle 1 \rangle$  concrete tilt-up panel. See "S" dwgs. For thickness and steel requirements.
- 2 STRUCTURAL STEEL COLUMN. SEE "S" DRAWINGS FOR SIZE.
- TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS  $\frac{3}{2}$  FOR SIZE, COLOR AND LOCATIONS.
- $\langle 4 \rangle$  Concrete RAMP W/ 42"High conc tilt-up guard wall or building wall on both side of RAMP, see "s" dwg for detail.
- $\langle 5 \rangle$  9'-0" X 10' TRUCK DOOR, SECTIONAL O'H., STANDARD GRADE.
- $\langle 6 \rangle$  exterior concrete stair
- 75'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR<br/>MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO<br/>BE 1/4" : 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
- $\langle 8 \rangle$  louvered opening for ventilation.
- 9 DOCK DOOR BUMPER
- \ 12' X 14' DRIVE THRU. SECTIONAL OH., STANDARD GRADE.
- DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C". 3'X7' HOLLOW METAL EXTERIOR MAN DOOR.
- DESIGNED TO RESIST WIN 90 MPH., EXPOSURE "C". 12 SOFFIT LINE ABOVE
- $\langle 13 \rangle$  brace frame, see "s" dwgs.
- $\langle 14 \rangle$  CONC. FILLED GUARD POST. 6" DIA. U.N.O.. 42"H.
- $\langle$ 15angle exterior downspout with overflow scupper,
- $\langle ^{16} \rangle$  z guard
- $\langle 17 \rangle$  approximate location of roof top unit.
- 18 TRASH COMPACTOR (N.I.C.) PROVIDE SPRINKLERS PER CODE REQUIREMENTS. INSTALLER SHOULD PAINT TO MATCH BUILDING

### FLOOR SLAB AND POUR STRIPS REQ.

THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS 1. FLOOR COMPACTION – 95%

- TRENCH COMPACTION 90% 3. BUILDING FLOOR SLAB:
- A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS
- B. 3/4" 16"LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS 3/4" - 16"LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS.
- C. 4,000 P.S.I. REQUIREMENT.
- D. SLUMP TO BE 4" +/- 1" E. JOINT SPACING PER A.C.I. 302-IR-96
- F. SAW-CUT DEPTH 1/4 T; SOFT SAW-CUTTING WITHIN 2 HRS OF FINISHING
- 4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-IR-96 5. NOT USED
- 6. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH.
- 7. CONTRACTOR TO CURE SLAB TO BE WET CURING USING BURLINE FOR 7 DAYS MIN. 8. ALL EQUIPMENT & MOVING VEHICLES SHALL BE DIAPERED.
- 9. NO CRANES, CONCRETE TRUCKS, OR ANYTHING HEAVIER WILL BE PLACED ON THE SLAB. 10. SLAB TO BE FF35 FL24 MEASURED WITHIN 24 HOURS. 11. NO FLY ASH IN THE CONCRETE
- 12. WHERE /////// INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION. CONCRETE SLAB IN FUTURE OFFICE AREAS, WHERE SAND OVER VIQUEEN ARE REQUIRED, SHALL BE NATURALLY HYDRATED WITHOUT USE OF BURLENE, CURING COMPOUND,
- OR RELEASE AGENTS. CONTROL/CONSTRUCTION JOINTS SHALL NOT BE FILLED WITH MM-80 JOINT FILLER IN FUTURE OFFICE AREAS.
- 13. SEAL CONCRETE SLAB W/ "LIPIDOLITH" SEALER



hpa, inc. 18831 bardeen avenue, - ste. #100 irvine, ca 92612 tel: 949 •863 •1770 fax: 949•863•0851 email: hpa@hparchs.com



RIDGE MORENO VALLEY, LLC C/O **RIDGE** PROPERTY TRUST 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

> PH: (562) 856-3819 FAX: (562) 856-3820



23400 Cactus Ave. Moreno Valley, CA 92555



Huitt-Zollars

Environs

Consultants:

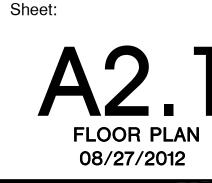
CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER

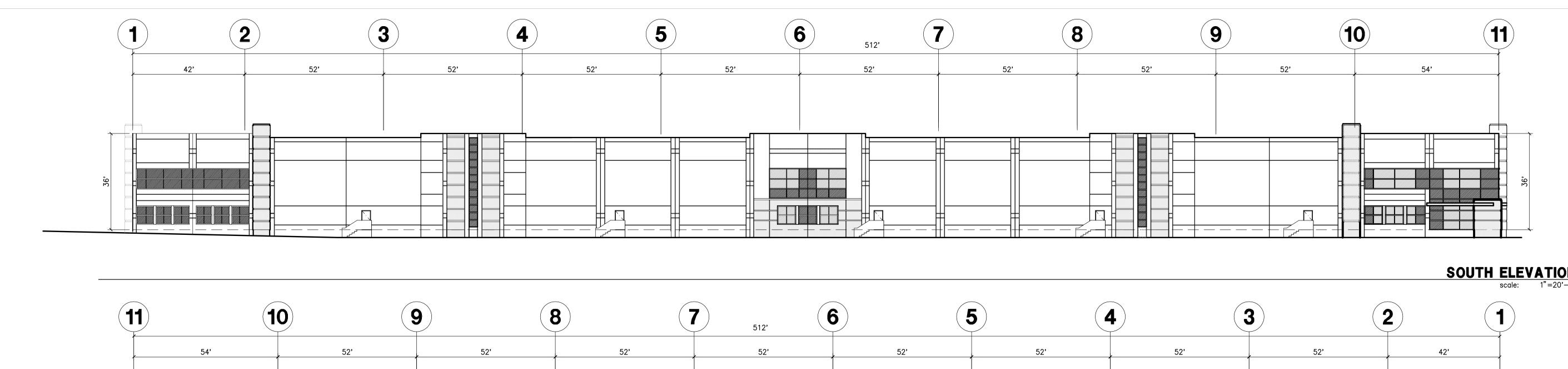
Title:

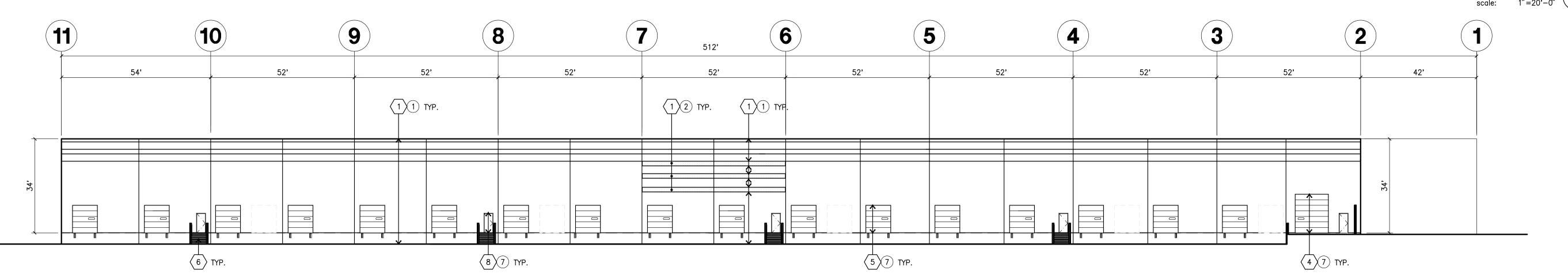
FLOOR PLAN

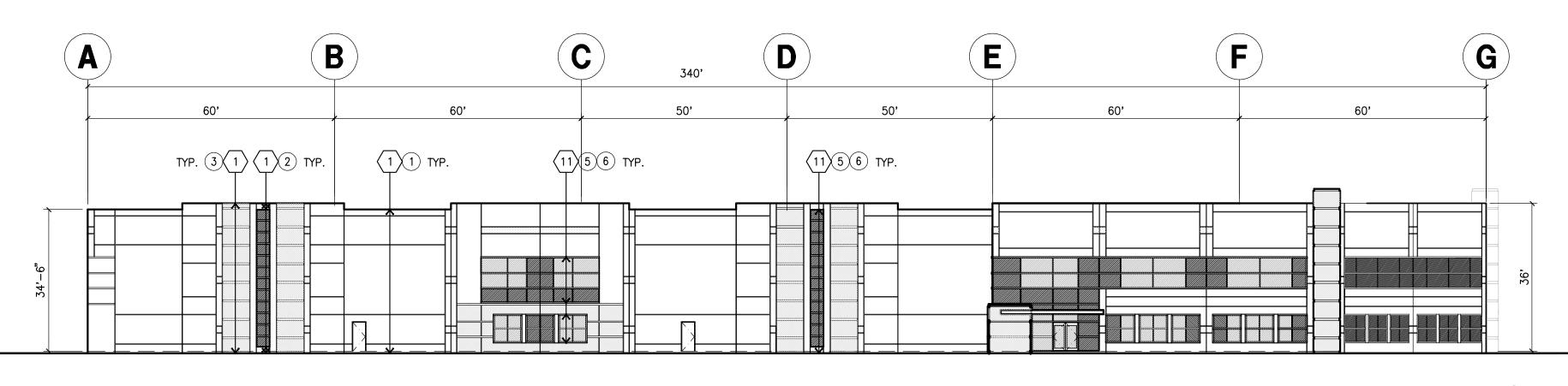
9231 Project Number: JAIME CRUZ Drawn by: OCTOBER 19, 2012 Date: Revision:

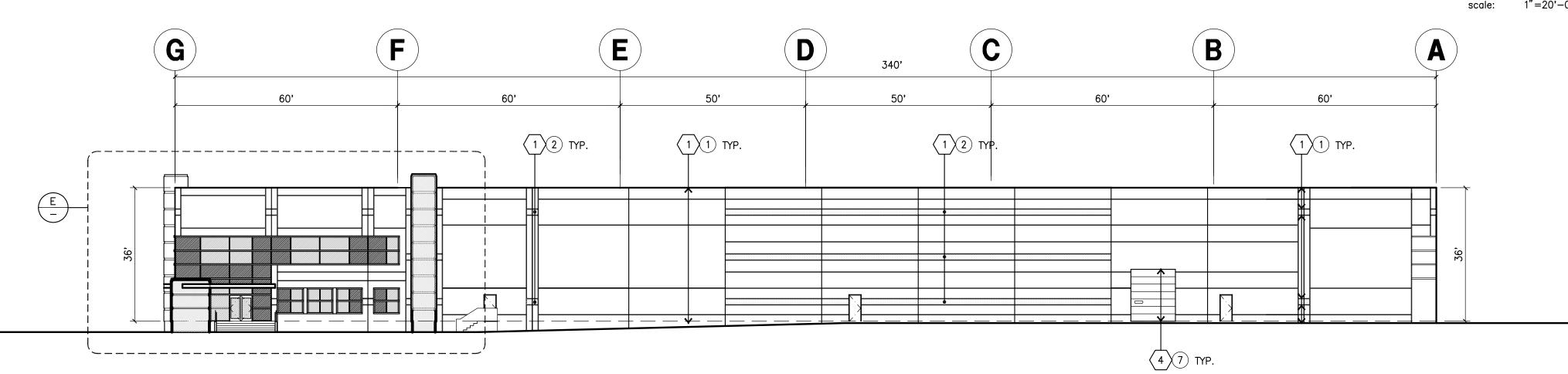
PA 12-0019

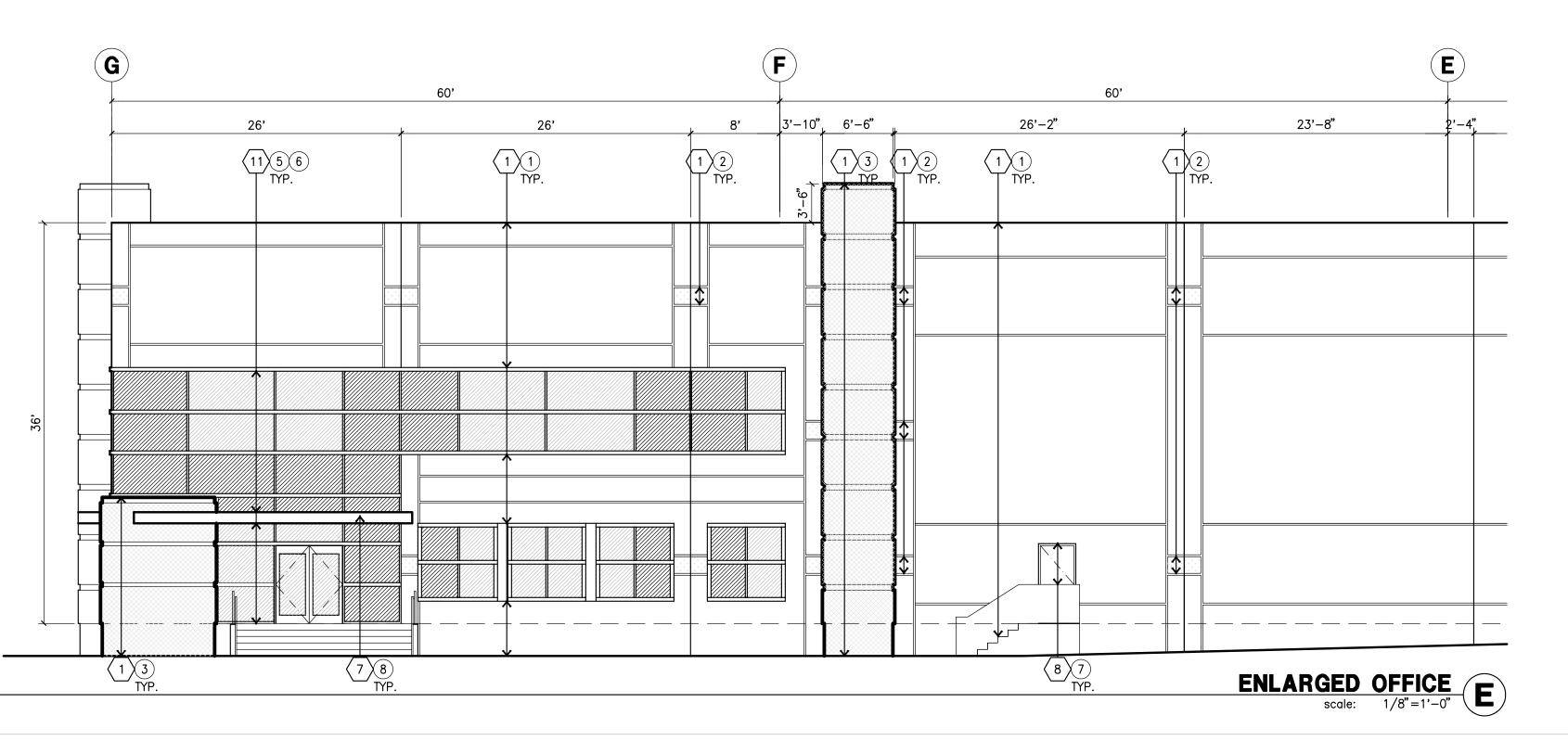












# SOUTH ELEVATION scale: 1"=20'-0"

## NORTH ELEVATION scale: 1"=20'-0"

WEST ELEVATION scale: 1"=20'-0"

EAST ELEVATION scale: 1"=20'-0"

## **KEYNOTES - ELEVATIONS**

- CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE "C" DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT RAMP WALLS.
- 2 PANEL JOINT.
- 3 PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
- 4 OVERHEAD DOOR @ DRIVE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 5 OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 6 CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
- $\langle 7 \rangle$  CANOPY
- 8 HOLLOW METAL DOORS. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR.
- $\langle 9 \rangle$  exterior downspout and overflow scupper
- 10 DOCK BUMPER
- 11 ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.

## **GENERAL NOTES - ELEVATIONS**

- A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE. B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
- C. T.O.P. EL.= TOP OF PARAPET ELEVATION.

TO BE SPRAYED-ON

- D. F.F. = FINISH FLOOR ELEVATION.
- E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 90 MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
- F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
- G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
- H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH. J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS. K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT

## **COLOR SCHED. - ELEVATIONS**

(1) CONCRETE TILT-UP PANEL F	PAINT BRANDFRAZEE_384_PEBBLE_GRAY				
2 CONCRETE TILT-UP PANEL F	PAINT BRANDFRAZEE 501 SHELL WHITE				
3 CONCRETE TILT-UP PANEL F	PAINT BRANDFRAZEE 553 STORMY SKY				
(4) NOT USED F	PAINT BRAND				
5 GLAZING	COLORBLUE_REFLECTIVE				
6 MULLIONS F	PAINT BRAND_CLEAR_ANODIZED				
7 DOORS F	PAINT BRANDFRAZEE_527_MARKET_BASKET				
8 CANOPY F	PAINT BRANDFRAZEE_527_MARKET_BASKET				

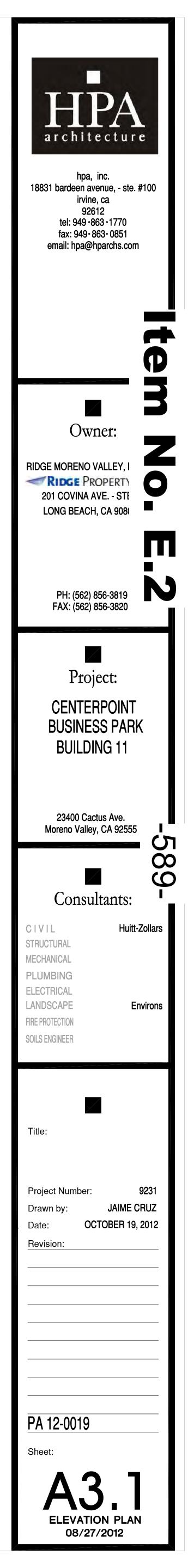
## GLAZING LEGEND

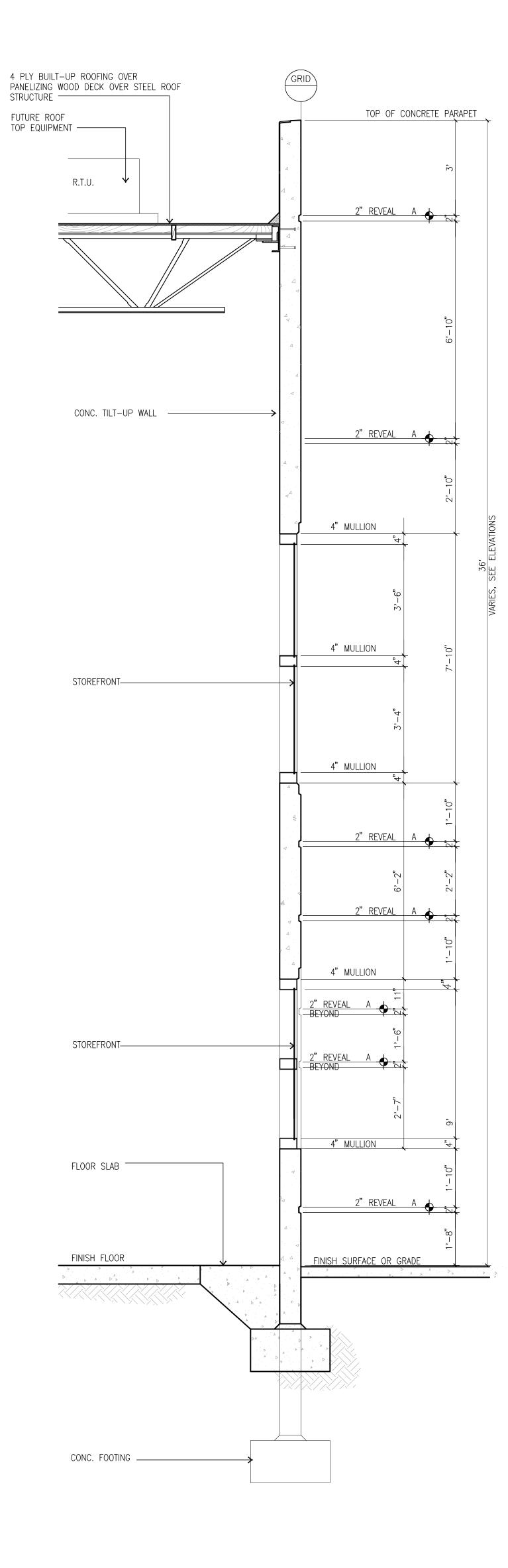
SPANDREL GLASS VISION GLASS

TEMPERED VISION GLASS

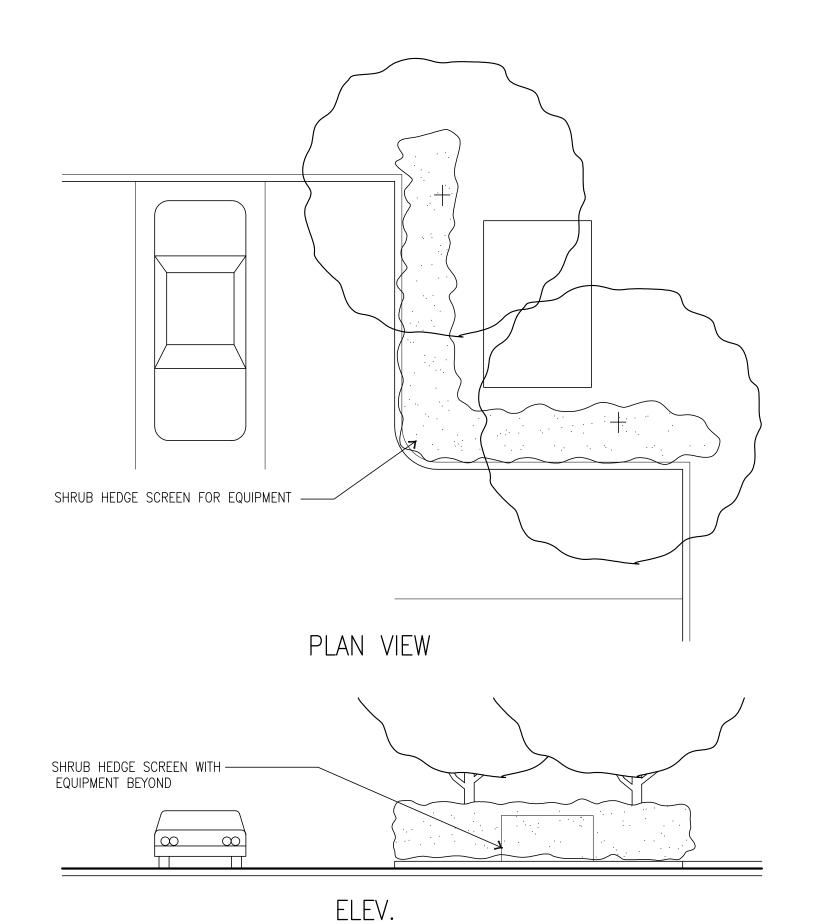
## PAINT AND MATERIAL LEGEND

	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$	
1	2	3

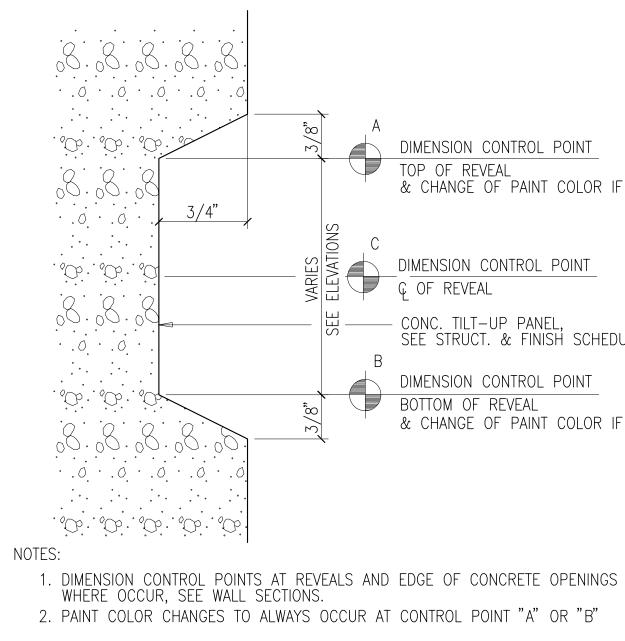


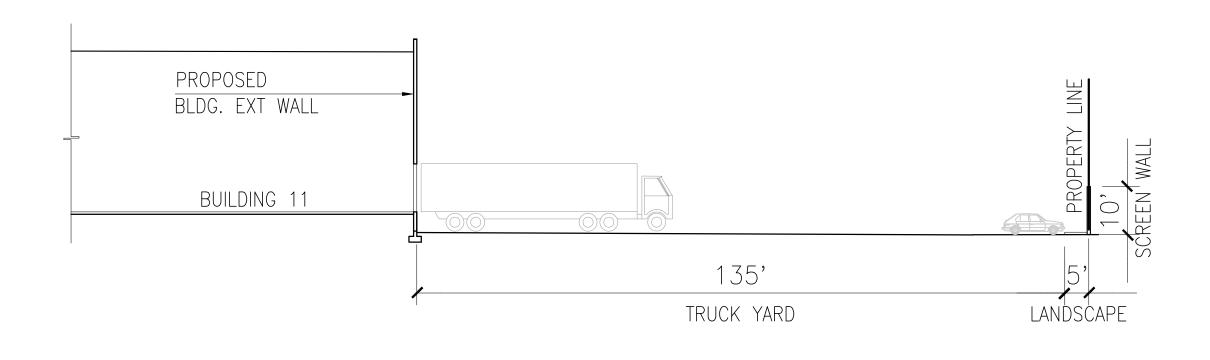


**TYP. STOREFRONT ELEVATION** scale: 1/2" = 1'-0"



## GROUND MOUNTED EQUIPMENT SCREENING, TYP. B scale:N.T.S.







DIMENSION CONTROL POINT TOP OF REVEAL & CHANGE OF PAINT COLOR IF OCCURS.

DIMENSION CONTROL POINT

DIMENSION CONTROL POINT BOTTOM OF REVEAL & CHANGE OF PAINT COLOR IF OCCURS.





### **GENERAL NOTES - ELEVATIONS**

- A. CONTRACTOR TO VERIFY ALL GRADES W/ CURRENT "C" PLAN & VERIFY SITE CONDITIONS. VERIFY ALL TOP OF WALL HEIGHTS(T.O.W.) & FINISH SURFACE GRADES.
- B. PROVIDE 2" DIA. P.V.C. WEEP HOLES @ 8' O.C. IN SCREEN WALLS @ GRADE GRADE LEVEL ON TRUCK YARD SIDE.
- C. CONTRACTOR TO PROVIDE WATER-PROOFING MEMBER TO SCREEN WALL AT ALL RETAINING/ BERMING CONDITIONS. PROVIDE WATERPROOFING @ HIGHSIDE OF WALL ONLY. CONTRACTOR TO SUBMIT WATERPROOFING SPECIFICATIONS TO ARCHITECT PRIOR TO INSTALLATION.
- D. SCREEN WALLS TO BE SUBMITTED UNDER SEPARATE PERMIT FROM BUILDING DEPARTMENT PER COUNTY STANDARD. E. GATE MANUFACTURER TO PROVIDE DETAILING OF GATES TO WITHSTAND
- 90 MPH. WINDS, EXPOSURE "C" AND VERIFY ALL DIMENSIONS, DETAILS AND SITE CONDITIONS W/ CONTRACTOR. ALL GATES TO BE WALL BRACED. SUB-CONTRACTOR TO SUBMIT SHOP DRAWINGS TO ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR TO VERIFY ALL CIVIL AND STRUCTURAL DRAWINGS FOR SCREEN-WALL HEIGHT. CONTRACTOR TO PROVIDE A MIN. OF 10'-0" HIGH SCREEN-WALL FROM FINISH GRADE @ STREET SIDE.
- CONTRACTOR TO ADJUST SCREEN-WALL HEIGHT AND FOOTING IN THE FIELD.



hpa, inc. 18831 bardeen avenue, - ste. #100 irvine, ca 92612 tel: 949 •863 •1770 fax: 949•863•0851 email: hpa@hparchs.com



RIDGE MORENO VALLEY, LLC C/O **RIDGE** PROPERTY TRUST 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

> PH: (562) 856-3819 FAX: (562) 856-3820



23400 Cactus Ave. Moreno Valley, CA 92555



Huitt-Zollars

Environs

Consultants:

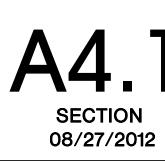
CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER

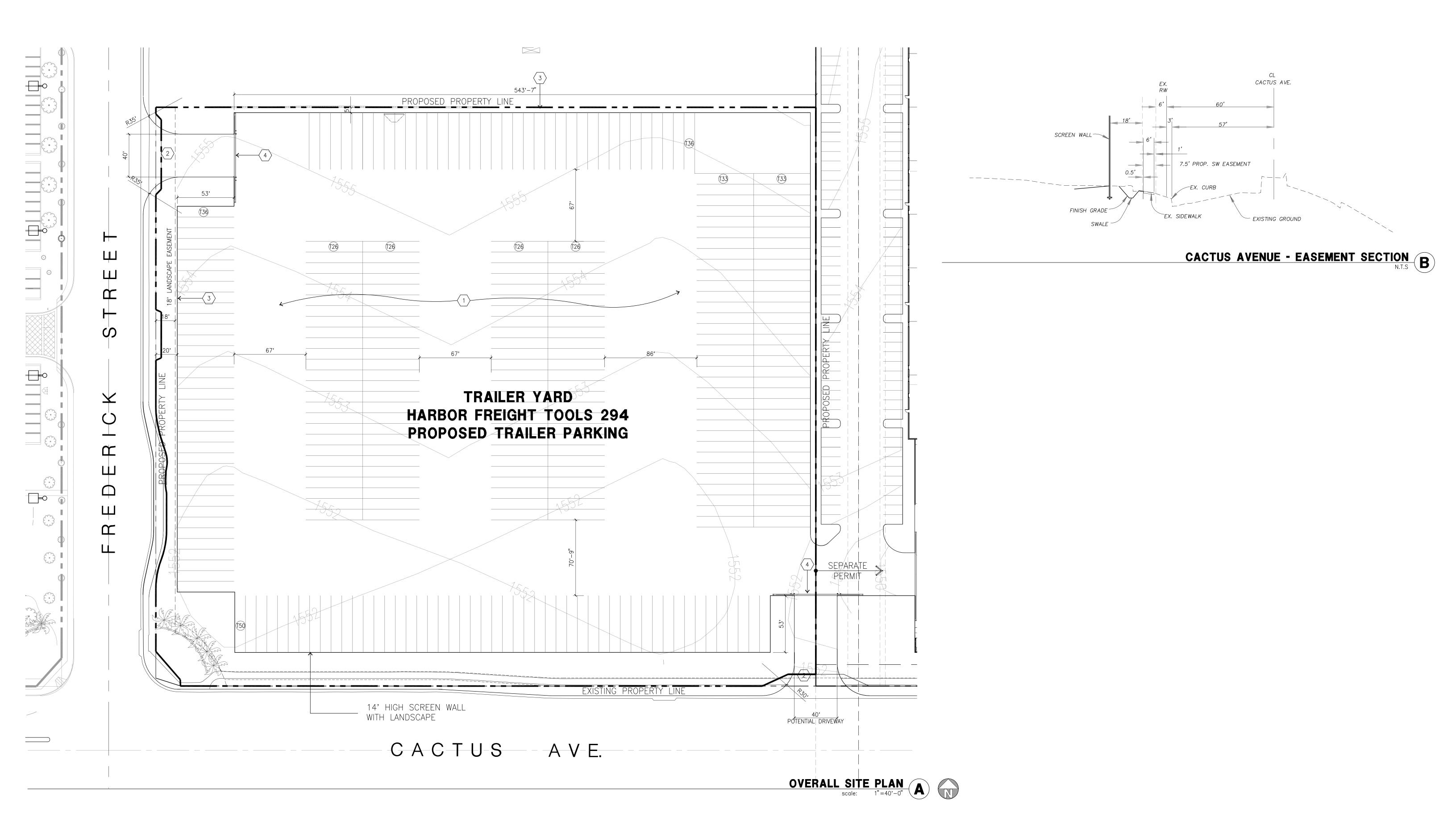
Title:

9231 Project Number: JAIME CRUZ Drawn by: OCTOBER 19, 2012 Date: Revision:

PA 12-0019

Sheet:





## site plan general notes

- 1. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING, IS TO BE A PART OF THESE CONTRACT DOCUMENTS.
- 2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE
- 3. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM.
- CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS.
- 5. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS.
- 6. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE
- PLANNING DIVISION AND APPROVED BY PUBLIC FACILITIES
- DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS. 7. PRIOR TO FINAL CITY INSPECTION. THE LANDSCAPE ARCHITECT SHALL
- SUBMIT A CERTIFICATE OF COMPLETION TO PLANNING DIVISION. 8. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM
- PLANNING DIVISION.
- 9. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB 10. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

## site plan keynotes

- (1) ASPHALT CONCRETE (AC) PAVING  $\langle 2 \rangle$  driveway approves to be constructed per City standard 118C modified. PROVIDE STAMPED CONCRETE W/ LIGHT BROOM FIN. AT ALL DRIVE LOCATIONS. PROVIDE VERTICAL & HORIZONTAL EXPANSION JOINTS AT A MAXIMUM OF 15' O.C. SPACING.
- (3) 14' HIGH CONCRETE TILT-UP SCREEN WALL
- $\langle 4 \rangle$  8'H WROUGHT IRON SLIDING GATE

PROPOSED SITE

# site legend

 $\langle 5 \rangle$  LANDSCAPE. SEE CONCEPTUAL LANDSCAPE PLAN.

- LANDSCAPED AREA AC. PAVING
- - EXISTING RIGHT OF WAY

## PROPOSED PROPERTY LINE

### vicinity map N.T.S. NORTH ALESSANDRO BOULEVAR AVENUĘ BRODIAEA AVENUE CACTUS

### Owner / Applicant RIDGE MORENO VALLEY, LLC 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

TEL: (562) 856–3819 CONTACT: DENNIS RICE Architect HPA, INC. IRVINE, CA 92612 TEL: (949) 863-1770 CONTACT: JAIME CRUZ Applicant's Representative INLAND EMPIRE DEVELOPMENT SERVICES, INC. 931 MONARCH COURT BEAUMONT, CA 92223 TEL: (951) 845-1003 CONTACT: GIL SAENZ

# utility information

- TELEPHONE: VERIZON 150 SO JUANITA ST. HEMET, CA 92543 PHONE: (951) 658–7305 CONTACT: PHIL BRILLINGER ELECTRIC MORENO VALLEY UTILITIES 14177 FREDERICK ST. MORENO VALLEY, CA 92552 PHONE: (951) 413–3480 CONTACT: MICHELLE PIERCE

## project information

WATER

**Civil Engineer** HUITT ZOLLARS

18831 BARDEEN AVE. SUITE #100

3990 CONCOURS STE 330 ONTARIO, CA 91764 TEL: (909) 941–7799 CONTACT: MAURICE MURAD Landscape Architect ENVIRONS 1746 N. BRIDGEPORT AVE. CLAREMONT, CA 91711

TEL: (909) 626-4663 CONTACT: BRETT FRENCH

Zoning LI (LIGHT INDUSTRIAL) Assessors Parcel Number 297-170-027

Legal Description LOT 5, BLK. 259 OF MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO. AS SHOWN BY MAP ON FILE IN BK. 11, PG. 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA

	tabulation			
TABULATION				
site area (in sq.ft.)	330,250	sf		
site area (in acres)	7.58	ac.		
Parking provided				

294 stalls

**34,209** sf

10.4%

Trailers (10'x53')

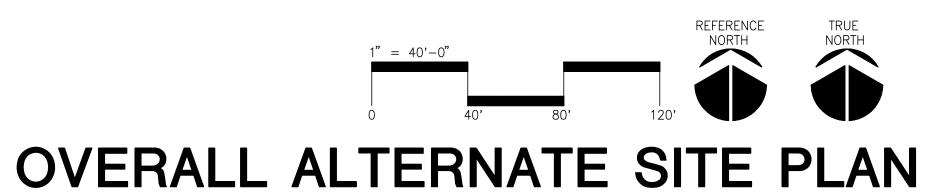
Landscape provided

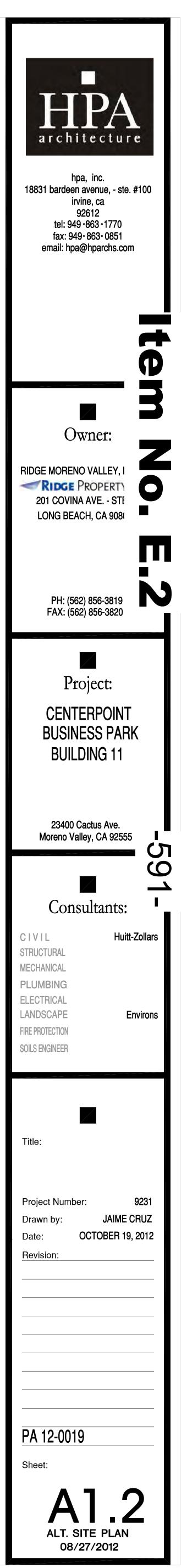
% of Landscape provided

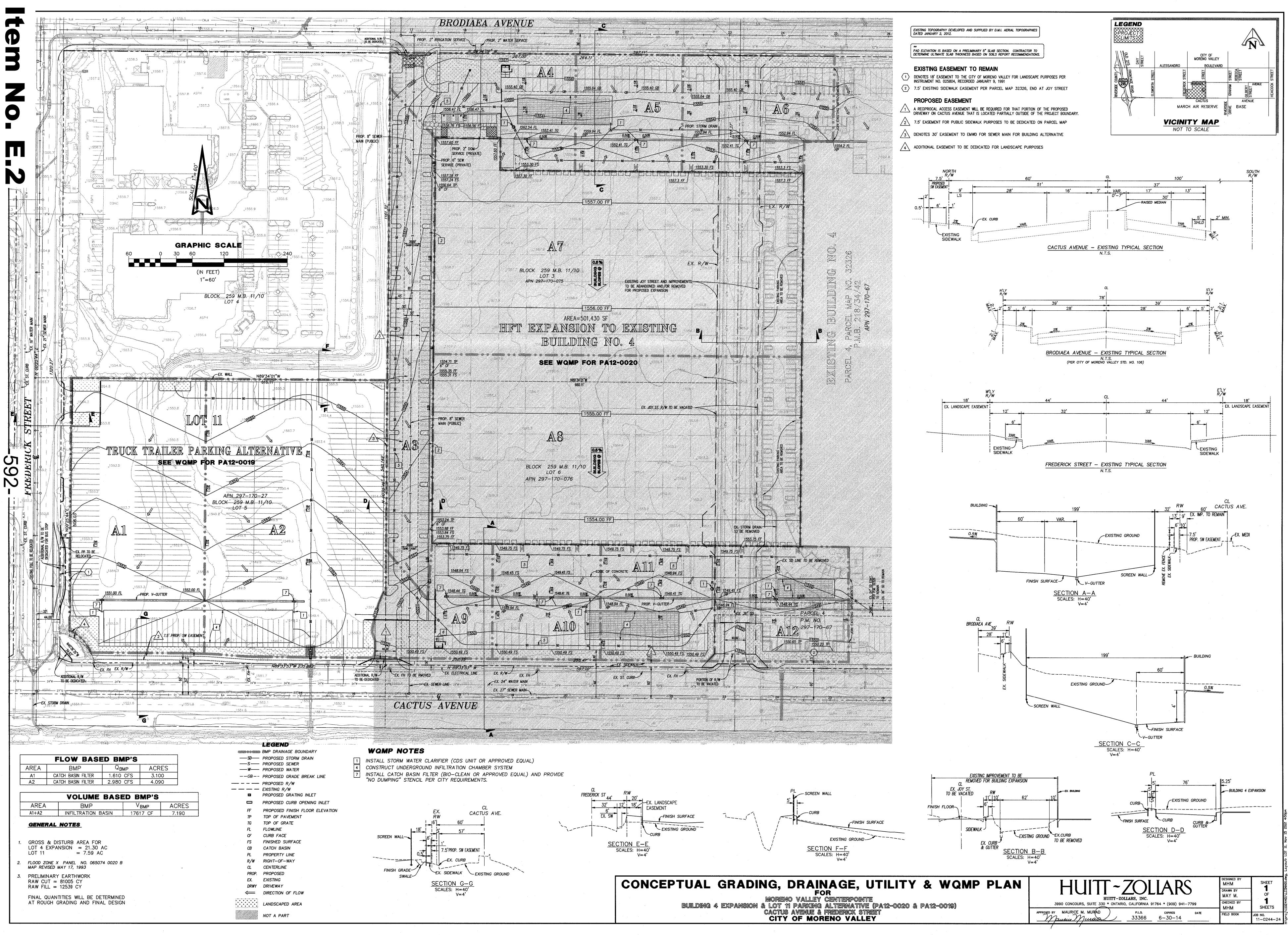
GAS THE GAS COMPANY 25200 TRUMBLE ROAD SC 8058 ROMOLAND, CA 92380 PHONE: (951) 335–3902 CONTACT: DAVE MULLIGAN

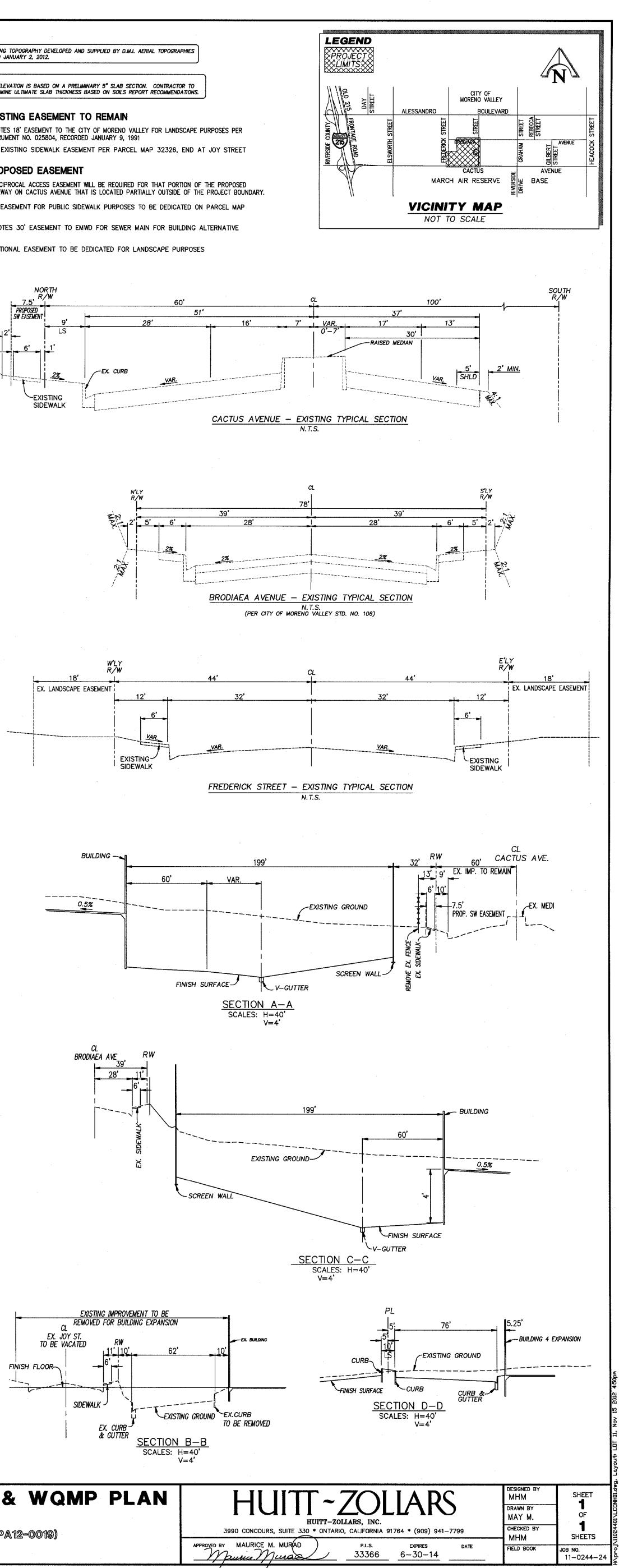
EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBLE ROAD PERRIS, CA 92571 PHONE: (951) 928 – 3777 CONTACT: NEW BUSINESS SEWER EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBLE ROAD PERRIS, CA 92571 PHONE: (951) 928–3777 CONTACT: NEW BUSINESS

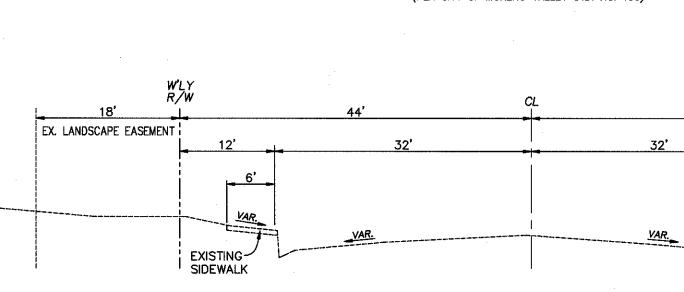
CABLE – TV TIME WARNER 1500 AUTO CENTER DR. ONTARIO, CA 91761 PHONE: (951) 975–3380 (951) 390–4777 CONTACT: MARK DAUENHAUER

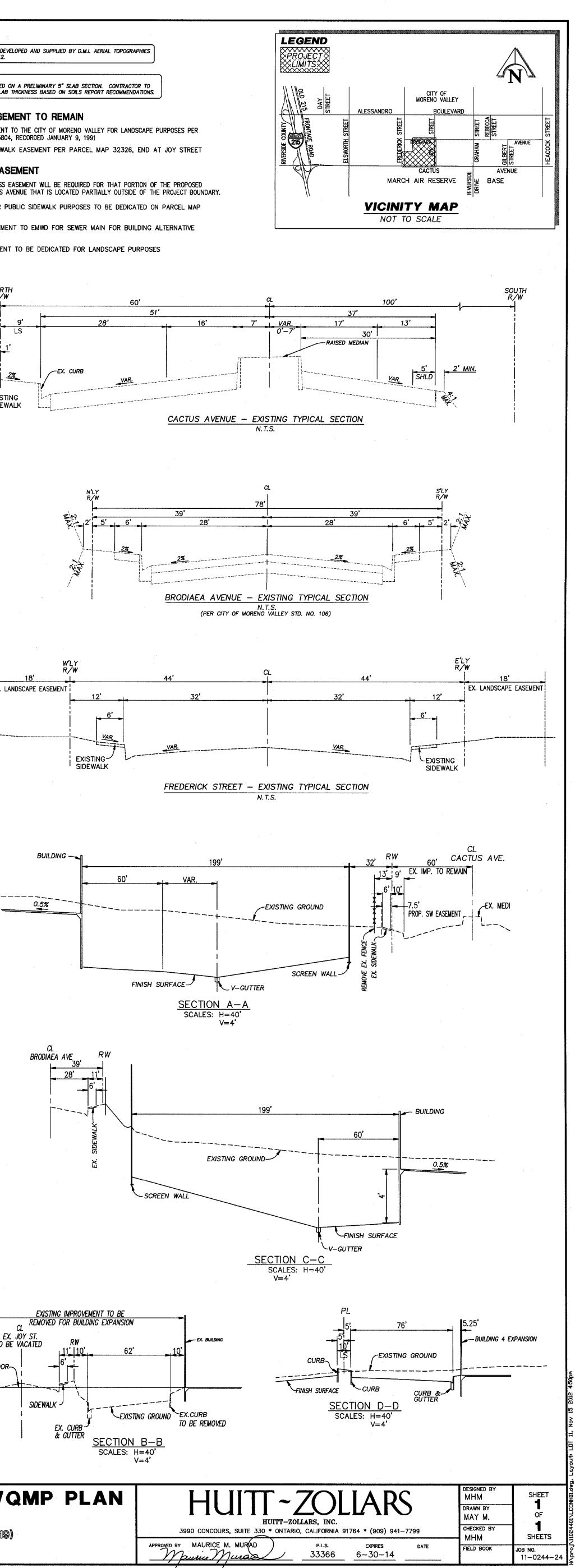


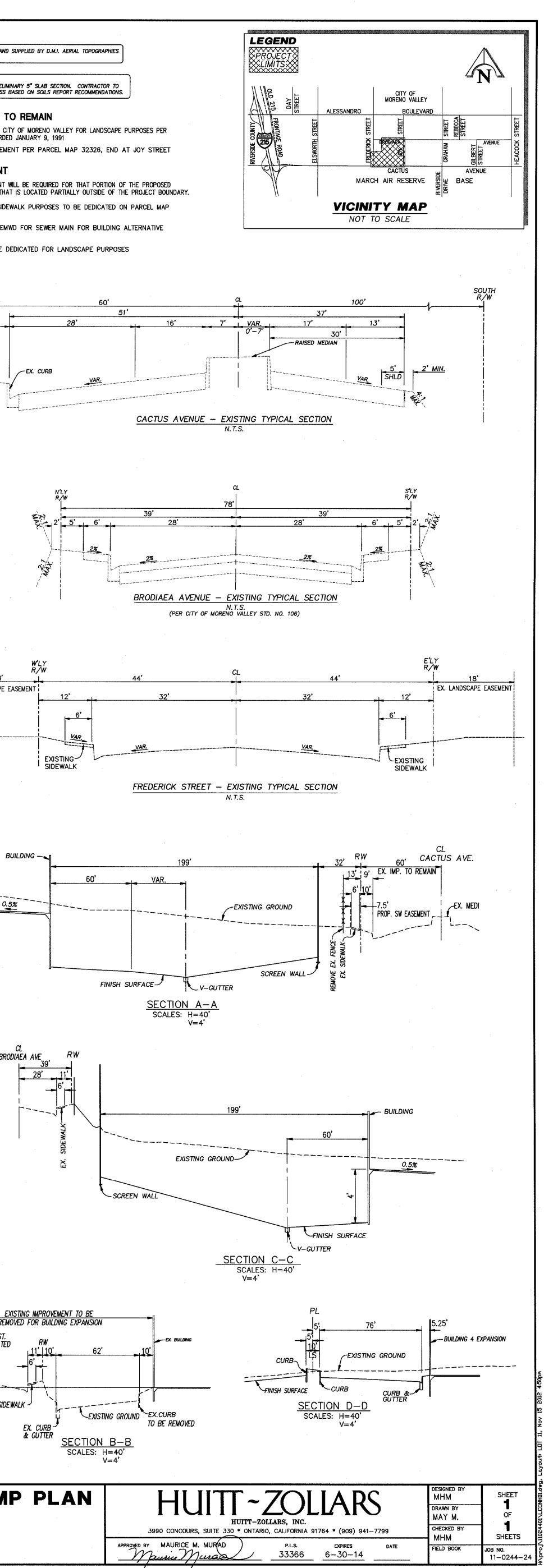


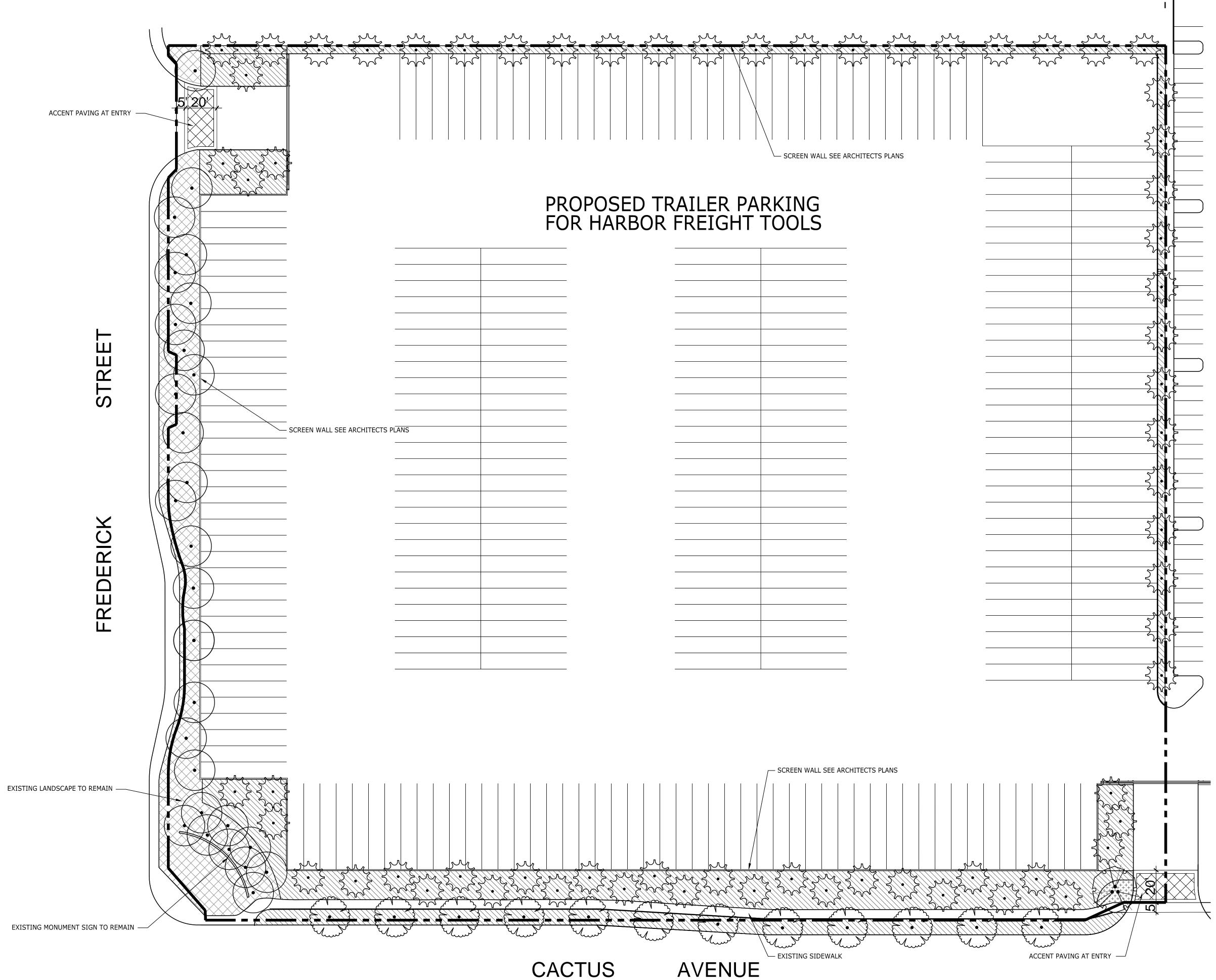












$(\underline{f})$	*// <u>\$</u> /_6_ <u>}</u> \$/_ <u>\$</u> /_\$/_\$/	K • K • K • K	<u> </u>	BURDIN BUR	V X X X V X	4 / <b>H</b> / H / H	<u> </u>
					ARCHITECTS PLANS		
	PR FC	ROPOSED TRA OR HARBOR F	AILER PA FREIGHT	RKING TOOLS	_		
					-		
					_		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
					-		
	Ι				-		

## TREES

TREE PALETTE

BOTANICAL NAME	COMMON NAME	CONT	CAL	QTY
Existing Tree To Remain	Protect In Place	Existing		32
Koelreuteria bipinnata	Chinese Flame Tree Multi-Trunk	36"box	Med	I
Pinus eldarica	Afghan Pine	5 Gal. \$ 24" Box	Low	66
Rhus lancea	African Sumac	24"box	Low	12

ROOT BARRIER NOTE

ALL TREES WITHIN 8' OF HARDSCAPE SHALL BE IN A SHAWTOWN LINEAR ROOT BARRIER 24" HIGH (NDT WRAPPED ARDUND). PLACE ROOT BARRIER ADJACENT TO HARDSCAPE AND CENTER ON TREE EXTENDING 5' IN BOTH DIRECTIONS FOR AN OVERALL LENGTH OF 10'.

## CONCEPT PLANT SCHEDULE

	SHRUB & GROUND COVER PALETTE - LOW WATER USE Acacia redolens `Desert Carpet` TM / Bank Catclaw Anigozanthos flavidus `Gold Velvet` / Kangaroo Paw Arbutus unedo / Strawberry Tree Shrub Baccharis pilularis `Pigeon Point` / Coyote Brush Callistemon citrinus / Lemon Bottlebrush Shrub Carex tumulicola / Berkeley Sedge Cassia artemisioides / Feathery Cassia Cistus x purpureus / Orchid Rockrose Elaeagnus pungens `Fruitlandii` / Silverberry Heteromeles arbutifolia / Toyon Macfadyena unguis-cati / Yellow Trumpet Vine Muhlenbergia capillaris `Autumn Blush` / Pink Muhly Muhlenbergia rigens / Deer Grass Myoporum parvifolium `Putah Creek` / Putah Creek Myoporum Pennisetum advena `Rubrum` / Fountain Grass Pennisetum messiacum `Fairy Tails` / Fountain Grass Rosmarinus officinalis `Huntington Blue` / Rosemary Rosmarinus officinalis `Tuscan Blue` / Tuscan Blue Rosemary Salvia greggii `Furmans Red` / Furman`s Red Salvia Westringia fruticosa / Coast Rosemary	21,154 sf
++++++++++++++++++++++++++++++++++++	SHRUB & GROUND COVER PALETTE - MEDIUM WATER USE Abelia x grandiflora `Edward Goucher` / Glossy Abelia Buxus x `Green Gem` / Green Gem Boxwood Dietes bicolor `Moraea` / Fortnight Lily Hemerocallis x `Lemon Yellow` / Daylily Ligustrum texanum / Texas Privet	273 sf



Nandina domestica / Heavenly Bamboo

Xylosma congestum / Shiny Xylosma

Priotinia x fraseri / Priotinia Podocarpus gracilior `Column` / Fern Pine Rhaphiolepis indica `Clara` / Indian Hawthorn Rosa floribunda `Iceberg` / Iceberg Rose Rosa x `Flower Carpet Pink` / Rose

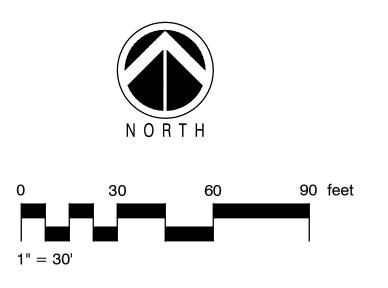
Photinia x fraseri / Photinia

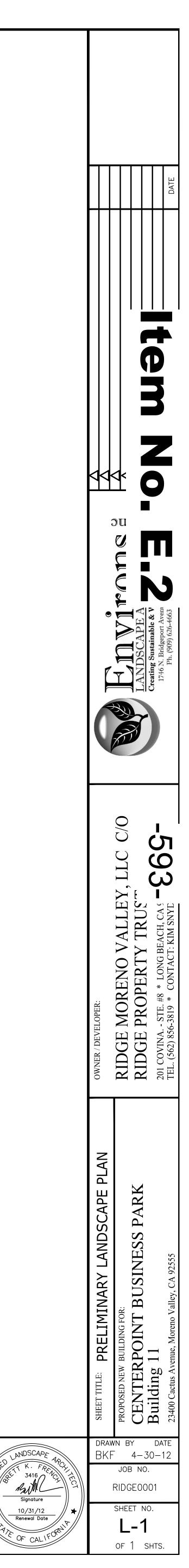


EXISTING LANDSCAPE TO REMAIN PROTECT IN PLACE ANY LANDSCAPE THAT IS DAMAGED DURING CONSTRUCTION MUST BE REPLACED WITH IN KIND

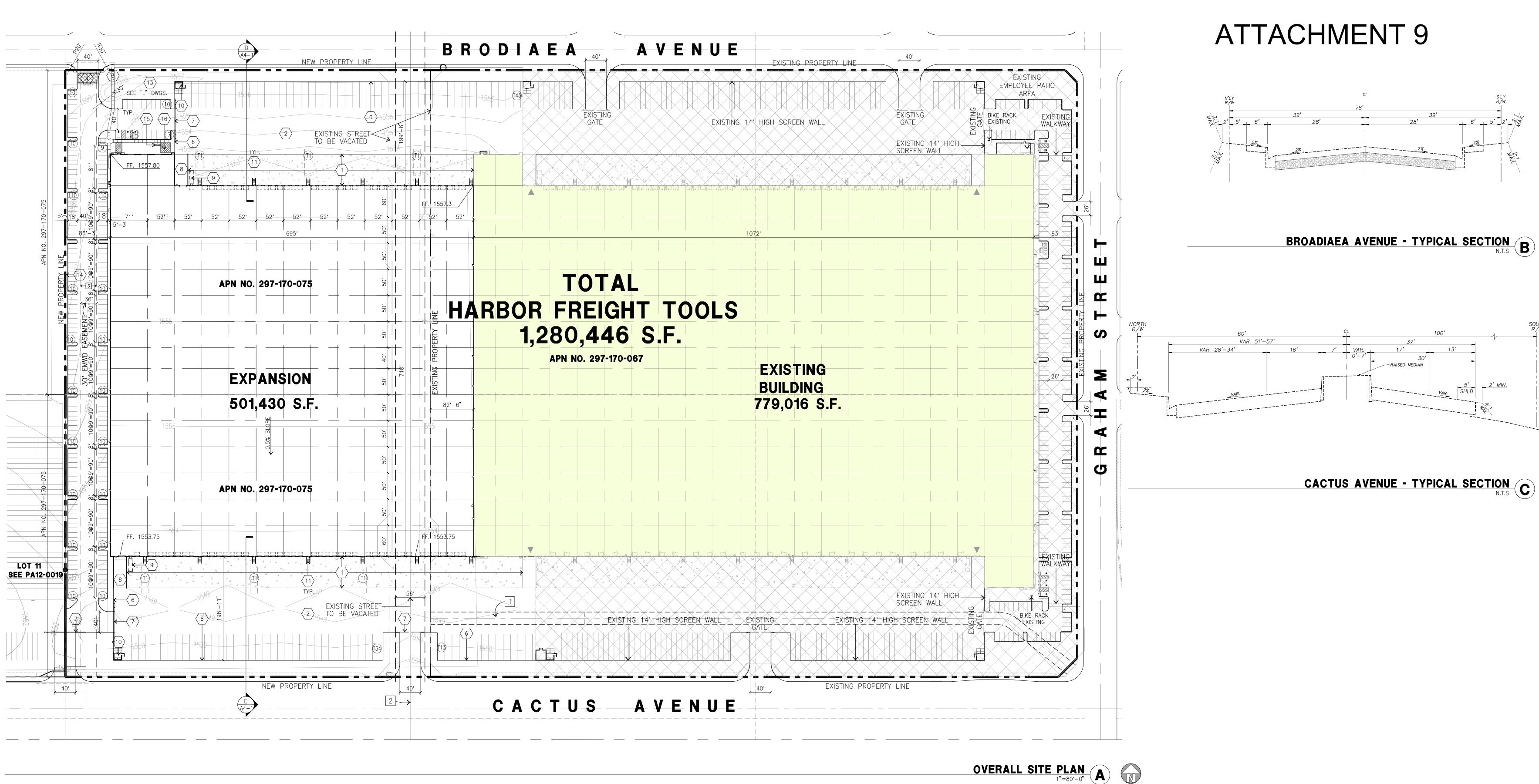
## MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 2″ LAYER OF COVER MULCH AVAILABLE FROM EARTHWORKS (951) 270-0081





This page intentionally left blank.



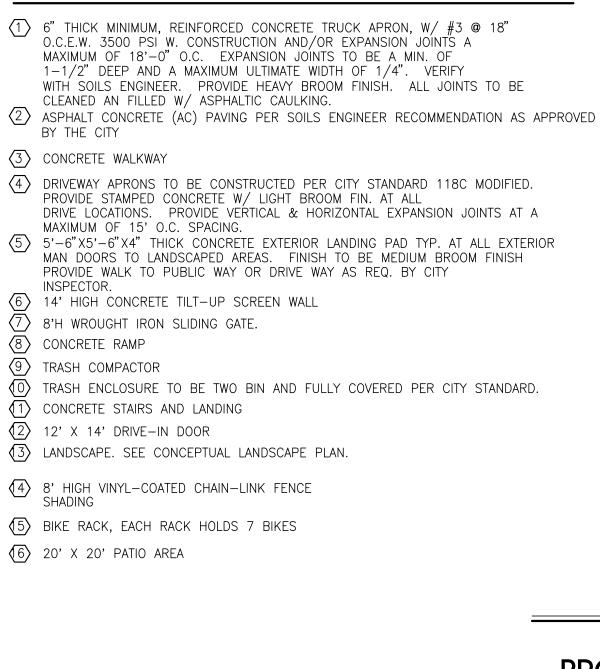
## site plan general notes

- 1. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING,
- IS TO BE A PART OF THESE CONTRACT DOCUMENTS. 2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE
- 3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
- 4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.
- 5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM. PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION. 6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES.
- CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS. 7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
- 8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS.
- 9. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS. 10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12'
- EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH. 11. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
- 12. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE PLANNING DIVISION AND APPROVED BY PUBLIC FACILITIES
- DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS. 13. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PLANNING DIVISION.
- 14. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM
- PLANNING DIVISION. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
- 16. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

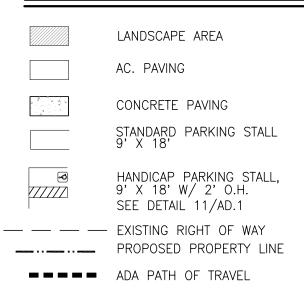
## 17. ALL ROOF DRAINS SHALL BE DIRECTED TO A LANDSCAPE AREA.

## site plan keynotes

- CLEANED AN FILLED W/ ASPHALTIC CAULKING. BY THE CITY
- (3) CONCRETE WALKWAY
- MAXIMUM OF 15' O.C. SPACING.
- INSPECTOR. 6 14' HIGH CONCRETE TILT-UP SCREEN WALL 8'H WROUGHT IRON SLIDING GATE.
- 8 CONCRETE RAMP (9) TRASH COMPACTOR
- (1) CONCRETE STAIRS AND LANDING
- 2 12' X 14' DRIVE-IN DOOR
- (4) 8' HIGH VINYL-COATED CHAIN-LINK FENCE
- $\langle 5 \rangle$  BIKE RACK, EACH RACK HOLDS 7 BIKES
- (6) 20' X 20' PATIO AREA



# site legend



## easement notes

- ] DENOTES FLOOD CONTROL EASEMENTS OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, PER INSTR NO. 2006-0437088, RECORDED JUNE 16, 2006 AND INSTR NO. 2006-043089, RECORDED JUNE 16, 2006. A RECIPROCAL ACCESS EASEMENT WILL BE REQUIRED FOR A PORTION OF THE PROPOSED DRIVEWAY ON CACTUS AVENUE LOCATED OUTSIDE OF THE PROJECT
- BOUNDARY 3 30' EMWD EASEMENT

ALESSANDRO

CACTUS

## vicinity map N.T.S. NORTH PROPOSED SITE AVENUĘ

AVENUE

EXISTING SITE TO REMAIN

EXISTING BUILDING TO REMAIN

Owner / RIDGE MOREN 201 COVINA LONG BEACH, TEL: (562) 85 CONTACT: DEN Architect HPA, INC. 18831 BARDE IRVINE, CA 92 TEL: (949) 8 CONTACT: JAIM Applicant INLAND EMPIR 931 MONARCH BEAUMONT, C TEL: (909) 84 CONTACT: GIL

# utility

TELEPHONE: VERIZON 150 SO JI HEMET, CA PHONE: ( CONTACT: ELECTRIC MORENO VAI 14177 FREE MORENO PHONE: CONTACT:

GAS THE GAS CO. 25200 TRUME ROMOLAND, CA PHONE: (951) CONTACT: DAVE

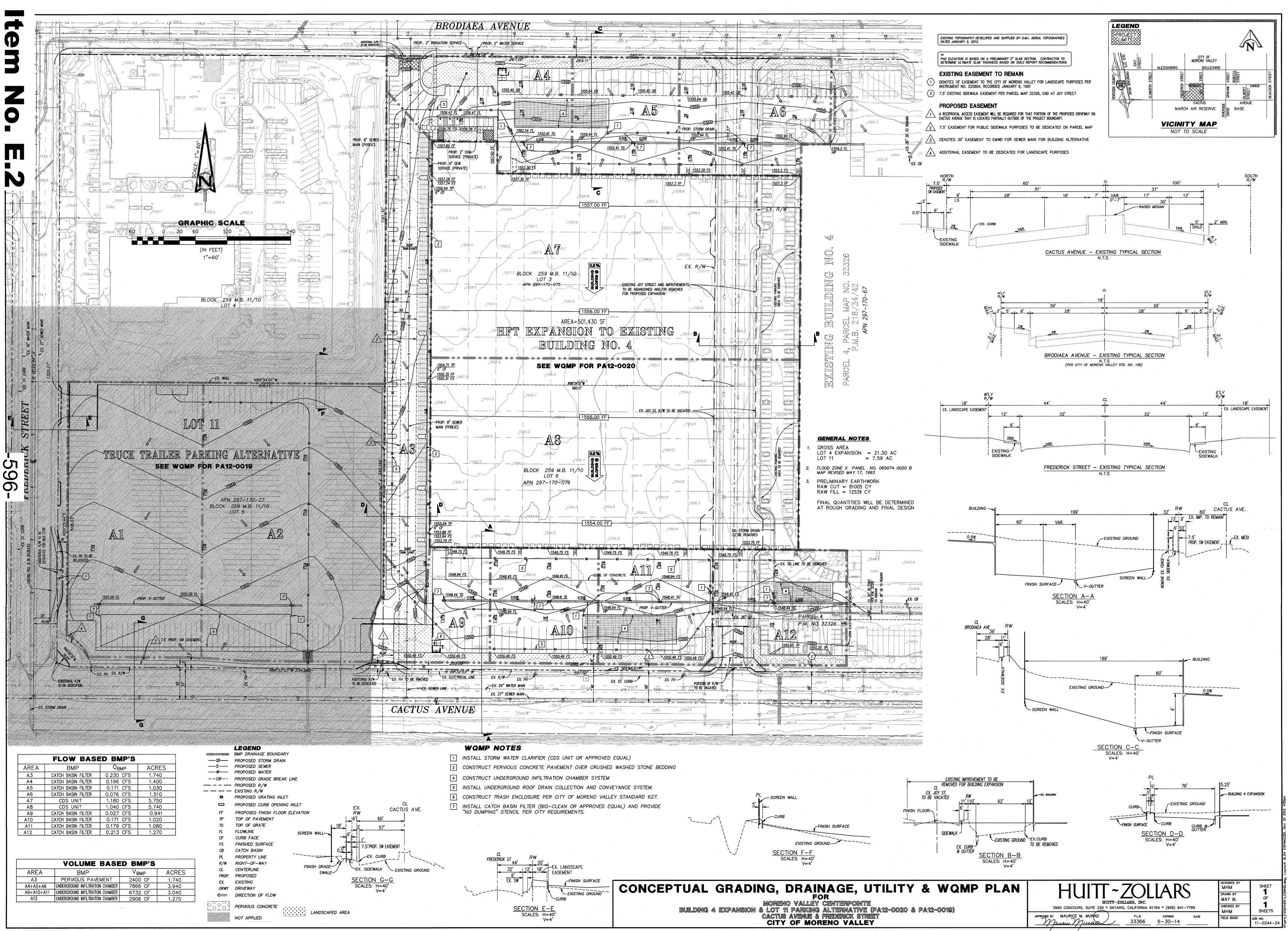
## project information

Applicant NO VALLEY, LLC AVE. – STE. #8 4, CA 90803 856–3819 ENNIS RICE WEEN AVE. SUITE #100 92612 863–1770 IME CRUZ <b>YS Representativ</b> RE DEVELOPMENT SERV CH COURT CA 92223 845–1003 L SAENZ	Civil Engineer HUITT ZOLLARS 3990 CONCOURS STE 330 ONTARIO, CA 91764 TEL: (909) 941-7799 CONTACT: MAURICE MURAD Landscape Architect ENVIRONS 1746 N. BRIDGEPORT AVE. CLAREMONT, CA 91711 TEL: (909) 626-4663 CONTACT: BRETT FRENCH E /ICES, INC.	Zoning LI (LIGHT INDUSTRIAL) Assessors Parcel Number 297–170–067 297–170–075 297–170–076 Legal Description PARCEL 4, OF PARCEL MAP No. 32326, AS SHOWN ON MAP FILED IN BK. 218, PGS. 34 THRU 42. OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA TOGETHER WITH LOTS 3 AND 6, BLK 259, OF MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO. AS SHOWN BY MAP ON FILE IN BK. 11, PG. 10 OF MAPS RECORDS OF SAN BERNANDINO COUNTY. CALIFORNIA	Site in a in a Build off w a Tota Cove Park
<sup>r</sup> inform	ation		off w a
ANITA ST. 92543 951) 658–7305 PHIL BRILLINGER	WATER EASTERN MUNICIPAL WATER DIS 2270 TRUMBLE ROAD PERRIS, CA 92571 PHONE: (951) 928 – 3777 CONTACT: NEW BUSINESS	TRICT	wa wa Tota
ALLEY UTILITIES DERICK ST. ALLEY, CA 92552 951) 413-3480 MICHELLE PIERCE	SEWER EASTERN MUNICIPAL WATER DIS 2270 TRUMBLE ROAD PERRIS, CA 92571 PHONE: (951) 928–3777 CONTACT: NEW BUSINESS	TRICT	Park sta ha Tota
OMPANY MBLE ROAD SC 8058 CA 92380 951) 335–3902 DAVE MULLIGAN	CABLE – TV TIME WARNER 1500 AUTO CENTER DR. ONTARIO, CA 91761 PHONE: (951) 975–3380 (951) 390–4777 CONTACT: MARK DAUENHAUER		Trai (1 tra New
1" = 80'-0"		REFERENCE TRUE NORTH NORTH	Trai exi ne
	80 160 240		Tota Land % of
OVE	RALL S	ITE PLAN	NOT *Bik

## tabulation

	Building
Site Area	
in s.f.	2,247,8
in acres	51.0
Building Area	
office	11,69
warehouse	<u>1,268,7</u>
Total Building Area	1,280,44
Coverage	57.0
Parking Required	
office @ 1/250	
w arehouse 1st 20K sf @ 1/1,000	:
warehouse 2nd 20K sf @ 1/2,000	
w arehouse above 20k sf @ 1/4,000	<u>3</u> (
Total Parking Required	30
Parking Provided	
standard (9'x18')	4:
handicap (9'X18')	
Total Parking Provided	4:
Trailer Parking Required	
(1 trailer parking per dock door)	
New Dock Doors	
Trailer Parking Provided (14'x50')	
existing trailer (10'x53')	1:
new trailer (14'x50')	
Total trailer parking provided	22
Landscape Provided	180,1
% of Landscape Provided	8.0
NOTE:	
*Bike rack - 5% of total parking req	uired 22 Bike

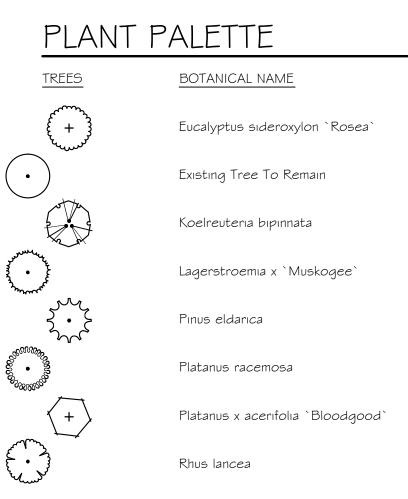




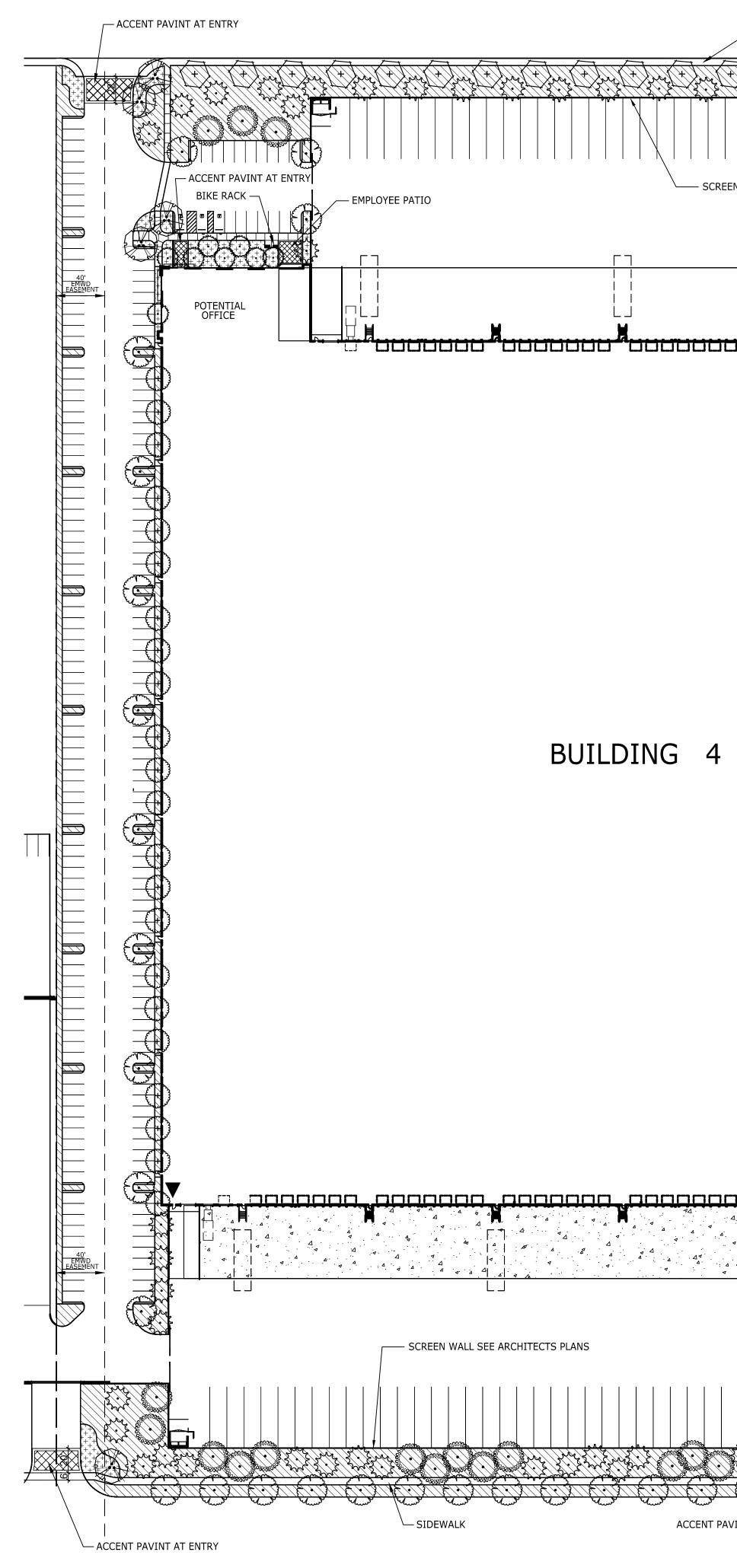
	FLOW BASE	ED BMP'S	
AREA	BMP	Q <sub>BMP</sub>	ACRES
A3	CATCH BASIN FILTER	0.230 CFS	1.740
A4	CATCH BASIN FILTER	0.196 CFS	1.400
A5	CATCH BASIN FILTER	0.171 CFS	1.030
A6	CATCH BASIN FILTER	0.076 CFS	1.510
Α7	CDS UNIT	1.180 CFS	5.750
A8	CDS UNIT	1.040 CFS	5.740
A9	CATCH BASIN FILTER	0.027 CFS	0.941
A10	CATCH BASIN FILTER	0.171 CFS	1.020
A11	CATCH BASIN FILTER	0.179 CFS	1.080
A12	CATCH BASIN FILTER	0.213 CFS	1.270

	VOLUME BASE	D BMP'S	
AREA	BMP	V <sub>BMP</sub>	ACRES
A3	PERVIOUS PAVEMENT	2400 CF	1.740
A4+A5+A6	UNDERGROUND INFILTRATION CHAMBER	7866 CF	3.940
A9+A10+A11	UNDERGROUND INFILTRATION CHAMBER	6732 CF	3.040
A12	UNDERGROUND INFILTRATION CHAMBER	2906 CF	1.270

		Ŷ
	LEGEND	
	BMP DRAINAGE BOUNDARY	
	PROPOSED STORM DRAIN	
	PROPOSED SEWER	
<u> </u>	PROPOSED WATER	
3	PROPOSED GRADE BREAK LINE	
	PROPOSED R/W	
	EXISTING R/W	
[##	PROPOSED GRATING INLET	
	PROPOSED CURB OPENING INLET EX.	
FF	PROPOSED FINISH FLOOR ELEVATION RW	
TP	TOP OF PAVEMENT	
TG	TOP OF GRATE	
7	FLOWLINE SCREEN WALL	
CF	CURB FACE	
FS	FINISHED SURFACE	
CB	CATCH BASIN 0.5	. •
민	PROPERTY LINE	-
R/W	RIGHT-OF-WAY	-
CL	CENTERLINE FINISH GRADE EX.	S
PROP.	PROPOSED	T
EX.	EXISTING SEC	
DRWY	DRIVEWAY SCAL	_
<u></u>	DIRECTION OF FLOW	
	PERVIOUS CONCRETE	
un sine 199 Suuri nage Pa-un cuis	NOT APPLIED	



### ROOT BARRIER NOTE ALL TREES WITHIN 8' OF HARDSCAPE SHALL BE IN A SHAWTOWN LINEAR ROOT BARRIER 24" HIGH (NOT WRAP AROUND) PLACE ROOT BARRIER ADJACENT TO HARDSCAPE AND CENTER ON TREE EXTENDING 5' IN BOTH DIRECTIONS FOR AN OVERALL LENGTH OF 10'



COMMON NAME	CONT	WULCOL	QTY				SHRUB & GROUND COVER F	
Red Ironbark	15 gal	Low	22				Acacia redolens `Desert Car Anigozanthos flavidus `Gold ' Arbutus unedo / Strawberry <sup>-</sup>	Velvet` / Kangaroo Paw Tree Shrub
Protect In Place	Existing		304				Baccharis pilularis `Pigeon Po Callistemon citrinus / Lemon E Carex tumulicola / Berkeley S	Bottlebrush Shrub
Chinese Flame Tree Multi-Trunk	36"box	Med	5				Cassia artemisioides / Feathe Cistus x purpureus / Orchid R Elaeagnus pungens `Fruitland	ery Cassia Rockrose
Lavender Crape Myrtle Std.	24"box	Med	8				Heteromeles arbutifolia / Toy Macfadyena unguis-cati / Yell	on ow Trumpet Vine
Afghan Pine	5 Gal. <b>¢</b> 24" Box	Low	42					rass Creek` / Putah Creek Myoporum
California Sycamore	15 gal	Med	22				Pennisetum advena `Rubrum` Pennisetum messiacum `Fairy Rosmarinus officinalis `Huntin	/ Fountain Grass Tails` / Fountain Grass
London Plane Tree	24"box		16				Rosmarınus officinalis `Tuscar Salvia greggii `Furmans Red`	1 Blue` / Tuscan Blue Rosemary / Furman`s Red Salvia
						7	Westringia fruticosa / Coast	
African Sumac	24"box	Low	25		++++++++++++++++++++++++++++++++++++	- + +	Abelia x grandiflora `Edward Buxus x `Green Gem` / Green	1 Gem Boxwood
							Dietes bicolor `Moraea` / Fo Hemerocallis x `Lemon Yellow Ligustrum texanum / Texas Pri	/` / Daylily
GH E							Nandına domestica / Heavenly Photinia x fraseri / Photinia Podocarpus gracılıor `Columi	/ Bamboo
							Rhaphiolepis indica `Clara` / Rosa floribunda `Iceberg` / I	Indian Hawthorn ceberg Rose
							Rosa x `Flower Carpet Pink` Xylosma congestum / Shiny X	/ Kose ylosma
				BROD	DIAEA		AVENUE	
	EXISTING LANDSCA	PE TO REMAI				Ι	/// _//0 _	
+ June + June + June +	free Stree	K ( )				$\times \mathbb{R}$		
		ΥT	PPP			X		
EEN WALL SEE ARCHITECTS PLANS					$\times$	$\overline{\langle}$	$\times \times \times \times \times$	
					$\times$	$\searrow$		$\times\!\!\times\!\!\times\!\!\times\!\!\times$
ГЛ					$\times$	$\langle \rangle \rangle$		$\times\!\!\times\!\!\times\!\!\times\!\!\times$
			$\langle \rangle \langle \rangle$		$\times$	$\langle \rangle \langle$		$\times\!\!\times\!\!\times\!\!\times$
LJ M M								
			$\langle \rangle \langle \rangle$					
			$\langle \rangle \langle$	$\times$	$\times$	$\times$		
			$\langle \rangle \langle \rangle$	$\times$	$\sim$	$\times$	$\times \times \times \times$	
			$\langle \rangle \langle \rangle$	$\times$	$\times$	$\times$		
			$\times$		$\times$	$\searrow$	$\times\!\!\!\times\!\!\times\!\!\times$	
			$\times$	$\times$	$\times$		$\times\!\!\times\!\!\times\!\!\times$	$\times\!\!\times\!\!\times\!\!\times\!\!\times$
			$\times$	$\times$	$\times$	$\langle \rangle \langle$	$\times$	$\times$
			$\times$	$\times$		$\langle \rangle \langle$	$\times$	$\times$
			$\times$	$\times$	$\times$	$\langle \rangle \langle \rangle$	$\times$	$\times$
			$\rightarrow$	$\longrightarrow$	$\rightarrow$	$\langle \rangle \langle \rangle$	$\times$	$\times \times \times \times \times$
			$\rightarrow$	$\longrightarrow$	$\rightarrow$	$\langle \rangle \langle \rangle$	$\times$	$\times \times \times \times \times$
			$\times$	$\sim$	$\times$	$\langle \rangle \langle \rangle$	$\times$	$\times \times \times \times \times$
			$\times$	$\sim$	$\sim$	$\langle \rangle \rangle$	$\times$	EXISTING
			$\sim$	$\times$	$\times$	$\times$	$\times$	
			$\sim$	$\times$	$\sim$	$\times \times$		
				$\times$	$\times$	$\times \times$		
				$\times$	$\times$	$\times \times$		
			$\langle \rangle \langle \rangle$	$\times$		$\times \times$		
			$\langle \rangle \langle \rangle$	$\times$	$\times$	$\times$	$\times \times \times \times$	
			$\langle \rangle \langle$	$\times$	$\times$	$\times$	$\times \times \times$	
			$\langle \rangle \langle$	$\times$	$\times$	$\times$		
			$\langle \rangle \langle \rangle$	$\times$	$\times$	$\times \times$		
			$\langle \rangle \langle \rangle$	$\times$	$\times$	$\times \times$		
			$\times$	$\times$	$\times$	$\times$		
			$\times$		$\times$			$\times \times \times \times \times$
					੶੶੶੶੶੶੶			
		4 \$ A	  ₹			$\times$		
	-4		 ∢		$\langle \rangle \rangle \langle \rangle$	XX		
					$\langle \rangle \langle \rangle$	$\times \times$	$\times$	
					$\langle \times \rangle$	$\times \times$	$\overset{\prime}{\longrightarrow}$	
		1 1 1 1	1 1 1			$\times \times$	$\times \times \times$	
						$\times$	$\times \times \times \times$	
Nourse in the						$\mathbf{X}$		
A CONTRACTOR	1 . ) 3 . E . E	<u>UIA</u>	<u>KeX</u>					
AVINT AT ENTRY	SIDEWALK –	Y ( ).	y W		– EXISTING LANDSCA			
	JUEWALK —	I	CAC			VEN		
					A	v LIN	<b>UL</b>	

15,220 sf

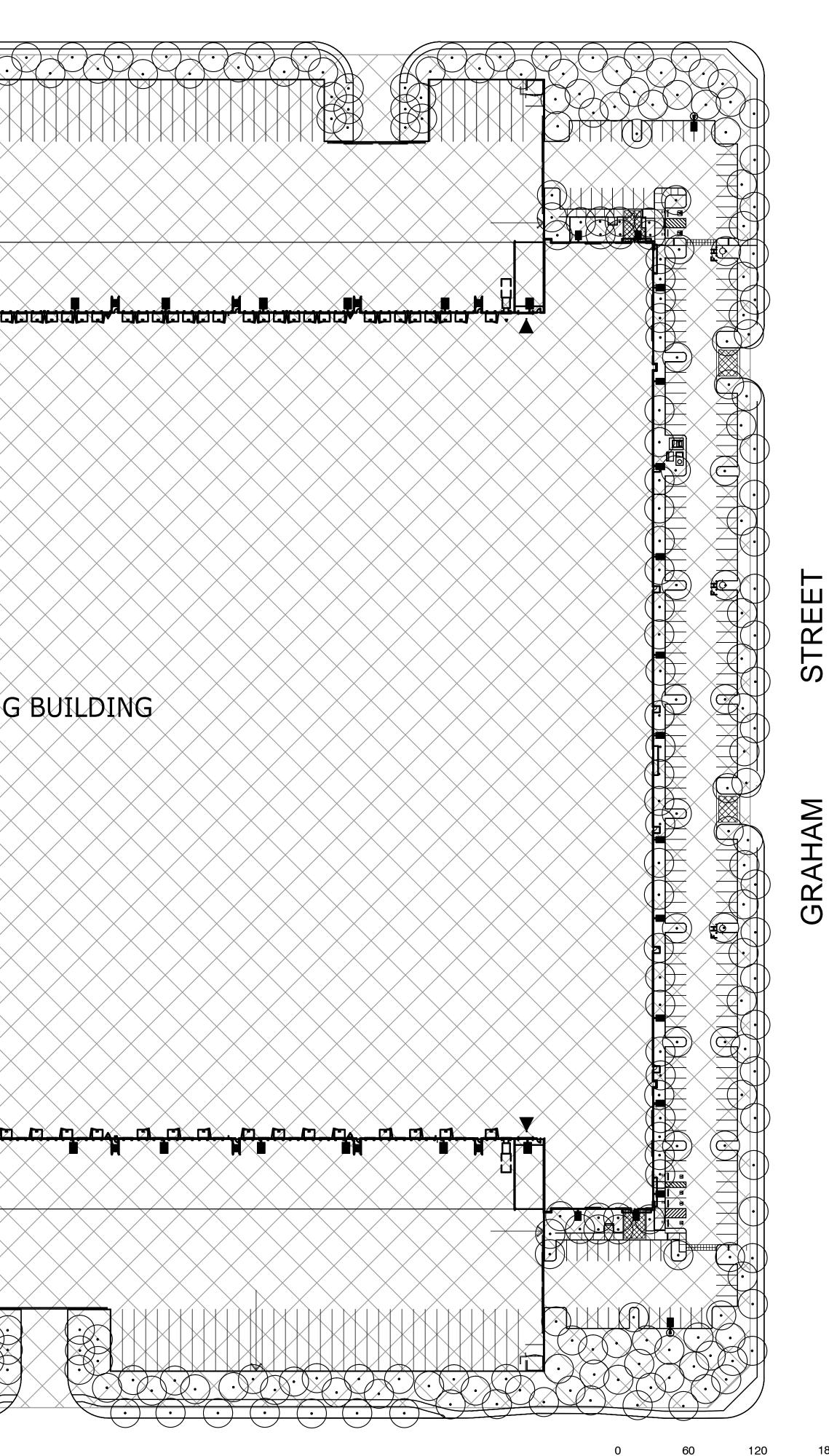
SHRUB & GROUND COVER PALETTE

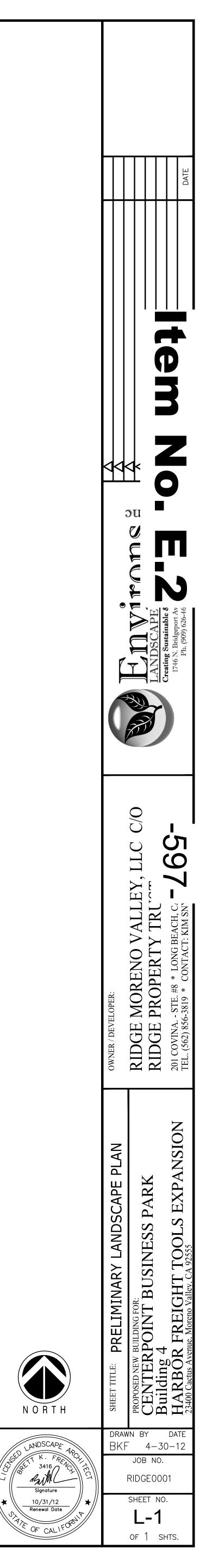
## MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 2″ LAYER OF COVER MULCH AVAILABLE FROM EARTHWORKS (951) 270-0081

EXISTING LANDSCAPE TO REMAIN PROTECT IN PLACE

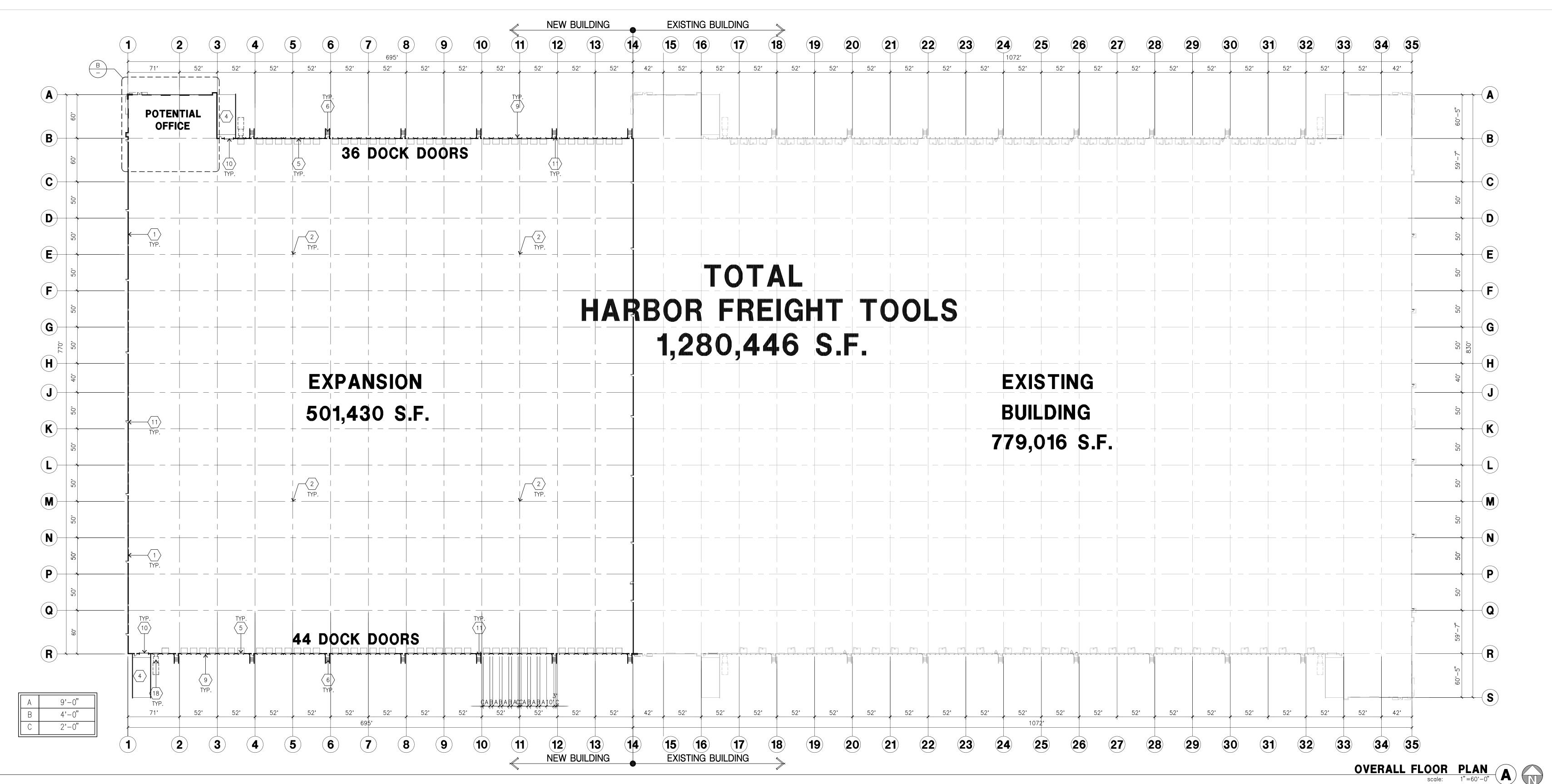
3,332 sf





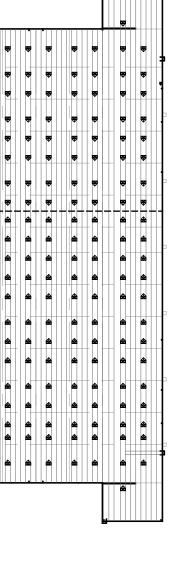
180 feet

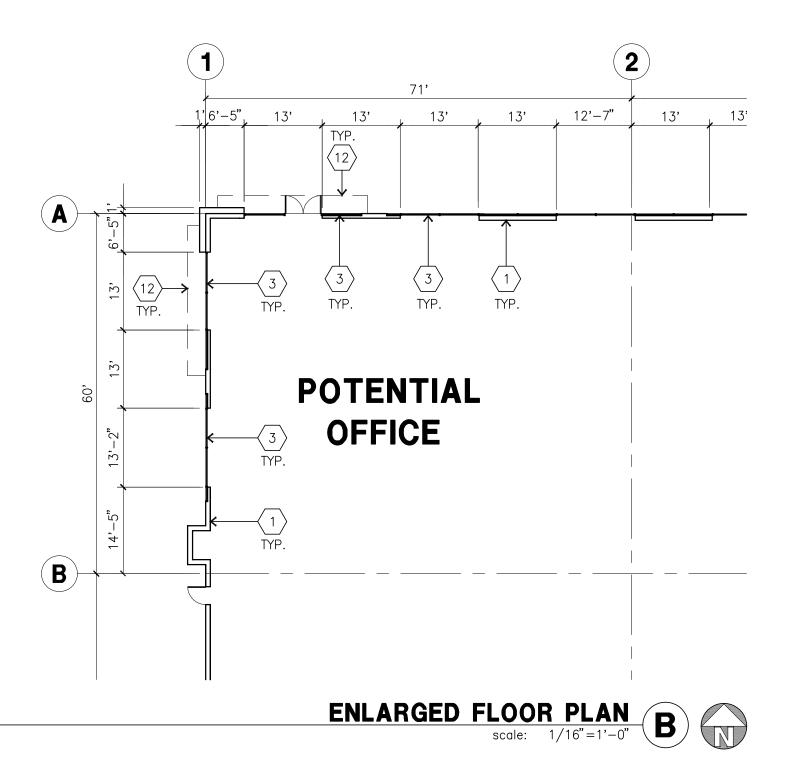
1" = 60'



PARAPET HEIGHT <u>39'-6"</u>																							PAF HEI 39'	GHT	T																					
		₩	<b>\$</b>																					<b>\$</b>			 	•					•													
		<b>8</b>	₩.	<b>.</b>	<b>8</b>	<b>8</b> 9	<b>8</b>	8	<b>8</b>			•		<b>8</b>	<b>9</b>	₩ ₩				<b>\$</b> 7	<b>8</b>						<b>*</b>	♥	₩	₩	₽	₩	\$	•	₩			<b>\$</b>	8	8			\$		9 <del>9</del> 9	
		<b>8</b>	₩.		₩ ₩	<b>\$</b>	<b>8</b>	8	4						₩ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$				₩ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	<b>8</b>		<b>\$</b>	₩ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		4	\$ 7	₽	₽	<b>₽</b>	\$7 10 10 10 10 10 10 10 10 10 10 10 10 10	<b>8</b>	₽	\$	<b>8</b>	4 4		<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>		<b>A</b>	9 <del>9</del>		
	<u>\$</u>	<b>\$</b>	₩ •	89 1	<b>8</b>	<b>8</b>	<b>4</b> 9	<b>8</b>	89 89	<b>4</b>		- T		•₩	<b>4</b> 7	<b>₽</b>	- <b>1</b>	• • •		<b>₽</b>	<b>\$</b>	•	<b>\$</b>	4		4	-	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>8</b>	<b>₽</b> ₽	<b>\$</b>	<b>\$</b>	ę ę		<b>\$</b>	<b>6</b>	<b>&amp;</b>	<b>\$</b>	- - - - -	<b>\$</b>		9 99 9 99	- -
	<b>\$</b>	<b>8</b>	·	₩	<b>₽</b>	<b>8</b> 9	<b>8</b>							æ	₩.	<b>8</b>				<b>\$</b>	<b>\$</b>	•	<b>\$</b>	<b>8</b>				\$	₩ ₩	<b>\$</b>	<b>\$</b>	<b>₽</b>	<b>6</b>	<b>\$</b>	<b>\$</b>			<b>\$</b>	<b>&amp;</b>	<b>\$</b>	<b>\$</b>		\$			
						ŢĘ F	00 •		RI	DG		AT				<b>∖.F</b> .	F.		╇╧	₹7 			- <del>-</del>	\$ \$			 	┝┿┝┿	₩ 	₹ 200	₹ 2	₹ •	_₹.				┝┝┽┝╸	₹ 	₹ •		₹ 	, ₩		┽┿┝┿┝	┝┿┝┥┿	╺╵┿┝┿┾
	\$	 			2 2	2 2	<b>&amp;</b>	*	<b>a</b>	<u></u>				\$ \$	26 26	<b>&amp;</b>		&		<b>≙</b>	<b>æ</b>		<b>&amp;</b>	<b>a</b>	&	4		<b>A</b>	<b>&amp;</b>	<b>≙</b>	<b>&amp;</b>	æ æ	2 2	æ	æ	e e		<b>≙</b>	<u>به</u>	<b>&amp;</b>	<b>&amp;</b>		£			
	<u></u>	<u>≙</u>			<b>\$</b>	<u>≙</u>	<b>a</b>	<b>a</b>	<b>a</b>	<u></u>				\$ \$	≜a (a)	<b>≙</b>		&	" ++	<b>≙</b>	<b>≙</b>		<b>a</b>	<b>a</b>		&		28 28	<b>a</b>	<b>≙</b>	<b>≙</b>	<b>æ</b>	<b>4</b>	2 2	æ	<u>é</u>		<b>≙</b>	<u>ہ</u>	<b>&amp;</b>	2 2		£			
	<u>&amp;</u>	<b>æ</b>	 23		2 2	\$3 (\$3)	<b>&amp;</b>	<b>A</b>	4							<b>≙</b>		 &		عطم مط	<b>æ</b>		£		£			æ –	æ	<b>≙</b>	æ	æ	£	<b>A</b>	æ	Ê		<b>≙</b>	£	<b>£</b>	æ		£			
		<b>æ</b>			â	ŝ	æ	\$ \$	â	<b>A</b>				\$	<b>æ</b>	<b>æ</b>		<b>*</b>		<b>æ</b>	æ			<b>a</b>	<b>*</b>	4			<b>æ</b>	<b>æ</b>	æ	æ	2		æ	Ê		<b>\$</b>	<u>ہ</u>				2	• 🗠	. 2	
	<b>£</b>	\$2 \$2				<b>æ</b>			*		<b>é</b>			\$	≗ ⊛						<b>æ</b>	- 6-	<b>æ</b>	<b>*</b>					20 20	<b>₽</b>	<b>æ</b>	<b>₽</b>			\$	£		<b>æ</b>	<b>æ</b>	æ	<b>£</b>		£			
		\$ \$			 	\$ \$		*		2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2				\$	≙ 28	≙ ≙				<u>≙</u>	& &		2 2						 		& &	& &	2 2		£	£		<b>≙</b> ▲	<b>&amp;</b>	2 2 2						-
PARAPET /		Â	8											\$	<b>a</b>						<b>≙</b>		PA	RAP	ET			2	<b>a</b>			8				4										
PARAPET HEIGHT <u>39</u> –'6"																						١	HE 39	RAP IGH 1'-6	Ţ																					
						NOTE	E: R T(	00F 0 A	TC. DDR	) BE RESS	E P. S El	AINT NER(	ED GY	LIG EFF	HT ICIE	COL NCY	_OR																													

OVERALL ROOF PLAN scale: 1"=150'-0"





### **KEYNOTES - FLOOR PLAN**

- $\langle 1 \rangle$  concrete tilt-up panel. See "S" dwgs. For thickness and steel requirements.
- $\langle 2 \rangle$  structural steel column. See "S" drawings for size.
- TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
- CONCRETE RAMP W/ 42"HIGH CONC TILT-UP GUARD WALL OR BUILDING WALL ON BOTH SIDE OF RAMP, SEE "S" DWG FOR DETAIL.
- both side of ramp, see "S" dwg for detail. 5 9'-0" X 10' TRUCK DOOR, SECTIONAL O'H., STANDARD GRADE.
- $\left< \begin{array}{c} 6 \end{array} \right>$  Exterior concrete stair
- $\langle 7 \rangle$  5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
- $\langle 8 \rangle$  LOUVERED OPENING FOR VENTILATION.
- 9 DOCK DOOR BUMPER
- $\langle 10 \rangle$  12' X 14' DRIVE THRU. SECTIONAL OH., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
- Image: Designed to resist wind 90 mph., exposure c

   3'X7' HOLLOW METAL EXTERIOR MAN DOOR.

   DESIGNED TO RESIST WIN 90 MPH., EXPOSURE "C".
- DESIGNED TO RESIST WIN 90 MPH., EXPOS  $\overline{12}$  SOFFIT LINE ABOVE
- $\langle 13 \rangle$  BRACE FRAME, SEE "S" DWGS.
- $\overline{\langle 14 \rangle}$  Conc. Filled guard post. 6" dia. U.N.O.. 42"H.
- $\overline{\langle 15 \rangle}$  EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER,
- $\langle 16 \rangle$  Z GUARD
- (17) APPROXIMATE LOCATION OF ROOF TOP UNIT.
- $\langle 18 \rangle$  TRASH COMPACTOR (N.I.C.) PROVIDE SPRINKLERS PER CODE REQUIREMENTS. INSTALLER SHOULD PAINT TO MATCH BUILDING

- GENERAL NOTES FLOOR PLAN
- A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.
- B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWINGS FOR FINISH
- SURFACE ELEVATIONS. D. NOT USED
- E. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL GYP. BD. WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
- F. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOOR EXITS. SEE "S" DRAWINGS FOR POUR STRIP LOCATION.
   G. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR
- FACE OF STUD U.N.O.
  H. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS.
- PLUMBING/ELECTRICAL COORDINATION. I. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET AD.4. NOTE: ALL DOORS
- PER DOOR SCHEDULE ARE FINISH OPENINGS. J. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT
- TO BE DIAPERED INCLUDING CARS AND TRUCKS. K. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN.
- HARDWARE.
- OR STORED IN THIS BUILDING. M. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
- N. NON-ACCESSIBLE DOOR. PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 1133B.1.1.1
- 0. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW,

### FLOOR SLAB AND POUR STRIPS REQ.

- THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS 1. FLOOR COMPACTION – 95%
- TRENCH COMPACTION 90%
   BUILDING FLOOR SLAB:
- A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS B. 3/4" – 16"LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS
- 3/4" 16"LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS. C. 4,000 P.S.I. REQUIREMENT.
- D. SLUMP TO BE 4" +/– 1" E. JOINT SPACING PER A.C.I. 302–IR–96
- F. SAW-CUT DEPTH 1/4 T; SOFT SAW-CUTTING WITHIN 2 HRS OF FINISHING
- 4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-IR-96
  5. NOT USED
- 6. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH.
- 7. CONTRACTOR TO CURE SLAB TO BE WET CURING USING BURLINE FOR 7 DAYS MIN.
- 8. ALL EQUIPMENT & MOVING VEHICLES SHALL BE DIAPERED.
  9. NO CRANES, CONCRETE TRUCKS, OR ANYTHING HEAVIER WILL BE PLACED ON THE SLAB.
  10. SLAB TO BE FF35 FL24 MEASURED WITHIN 24 HOURS.
- 11. NO FLY ASH IN THE CONCRETE
- 12. WHERE INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION.
- ENGINEER OR MANUFACTURER'S RECOMMENDATION. CONCRETE SLAB IN FUTURE OFFICE AREAS, WHERE SAND OVER VIQUEEN ARE REQUIRED, SHALL BE NATURALLY HYDRATED WITHOUT USE OF BURLENE, CURING COMPOUND, OR RELEASE AGENTS.
- CONTROL/CONSTRUCTION JOINTS SHALL NOT BE FILLED WITH MM-80 JOINT FILLER IN FUTURE OFFICE AREAS.
- 13. SEAL CONCRETE SLAB W/ "LIPIDOLITH" SEALER



hpa, inc. 18831 bardeen avenue, - ste. #100 irvine, ca 92612 tel: 949 • 863 • 1770 fax: 949 • 863 • 0851 email: hpa@hparchs.com



RIDGE MORENO VALLEY, LLC C/O **RIDGE** PROPERTY TRUST 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

> PH: (562) 856-3819 FAX: (562) 856-3820



23400 Cactus Ave. Moreno Valley, CA 92555



Huitt-Zollars

Environs

CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION

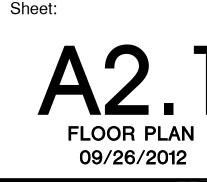
SOILS ENGINEER

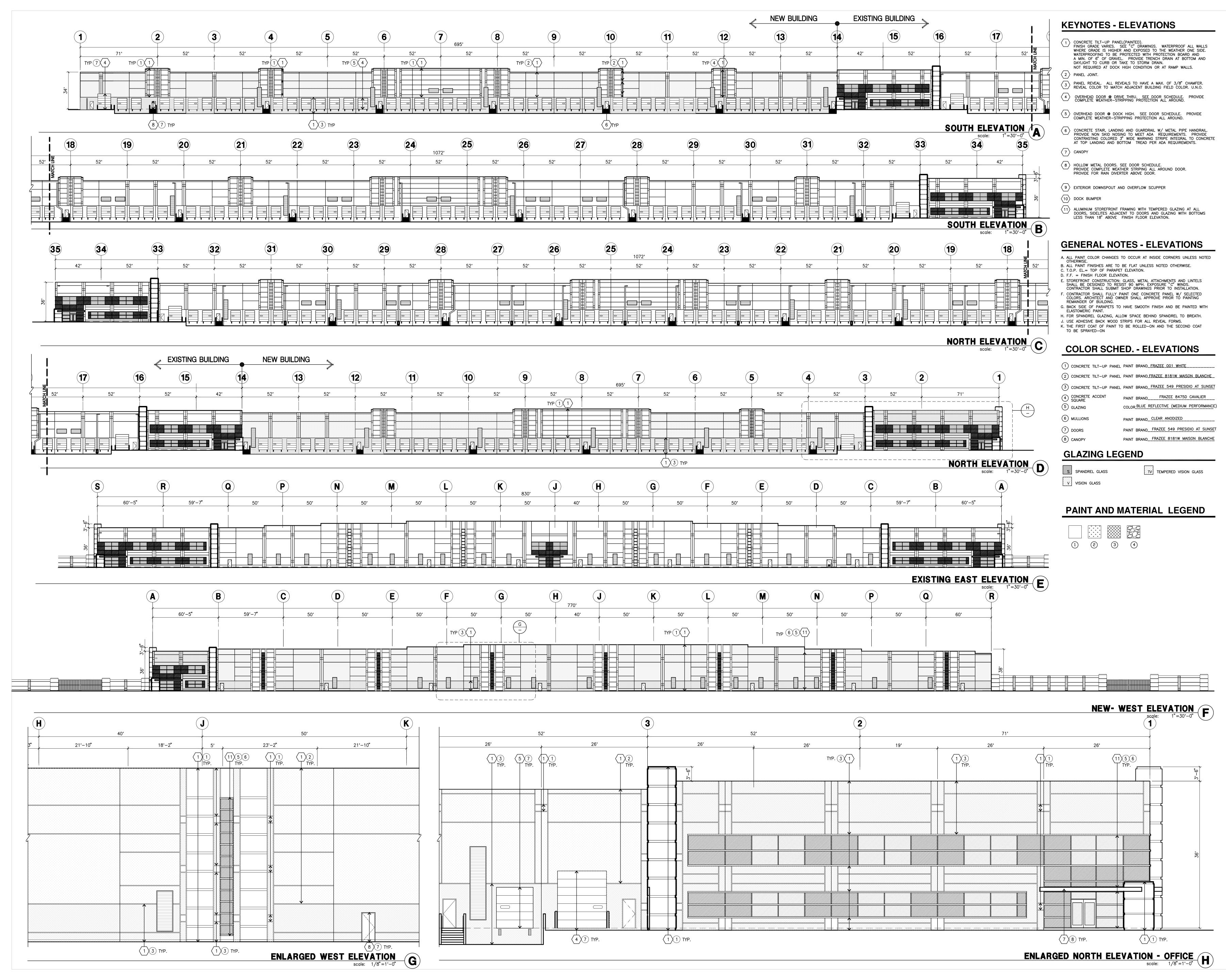
FLOOR PLAN

Title:

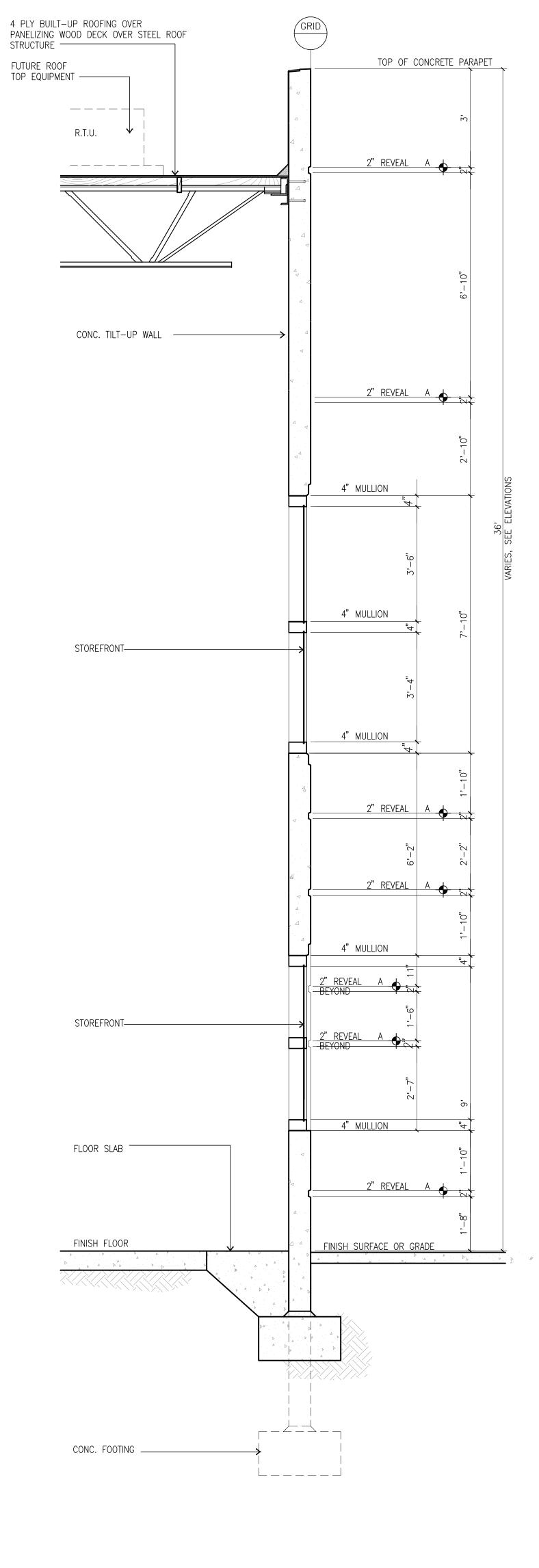
Project Number:12022Drawn by:JAIME CRUZDate:OCTOBER 19, 2012Revision:

PA 12-0020

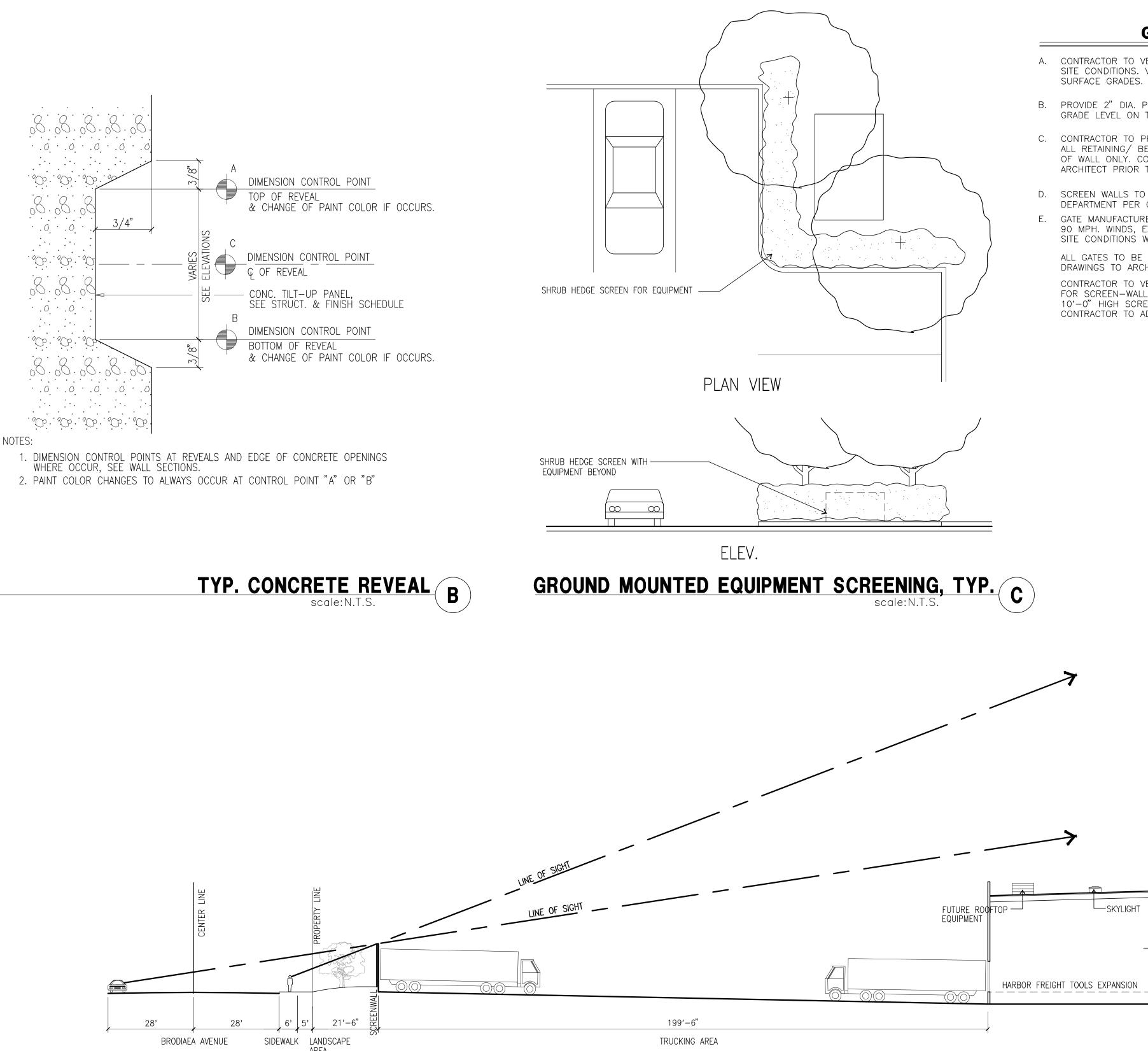


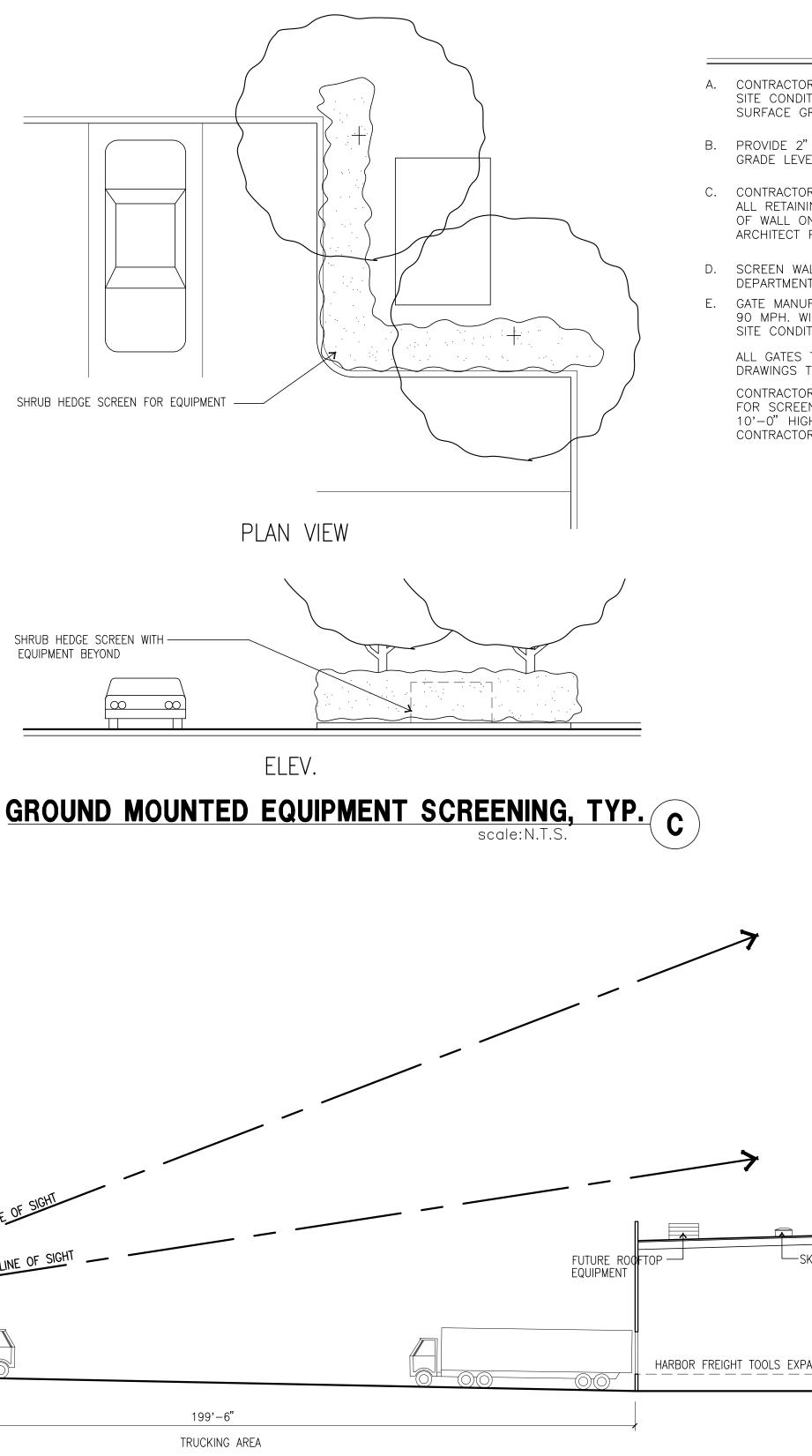


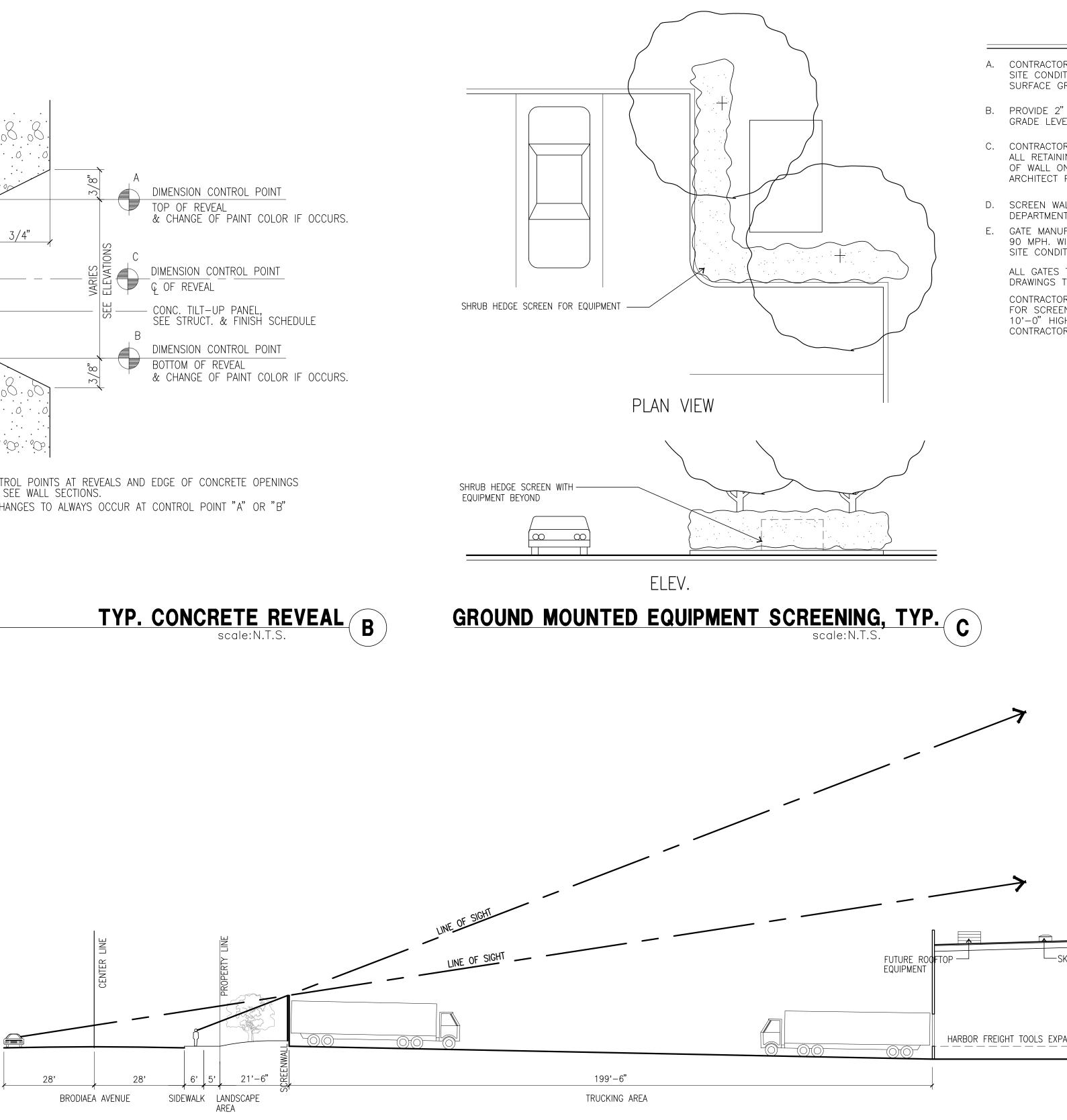


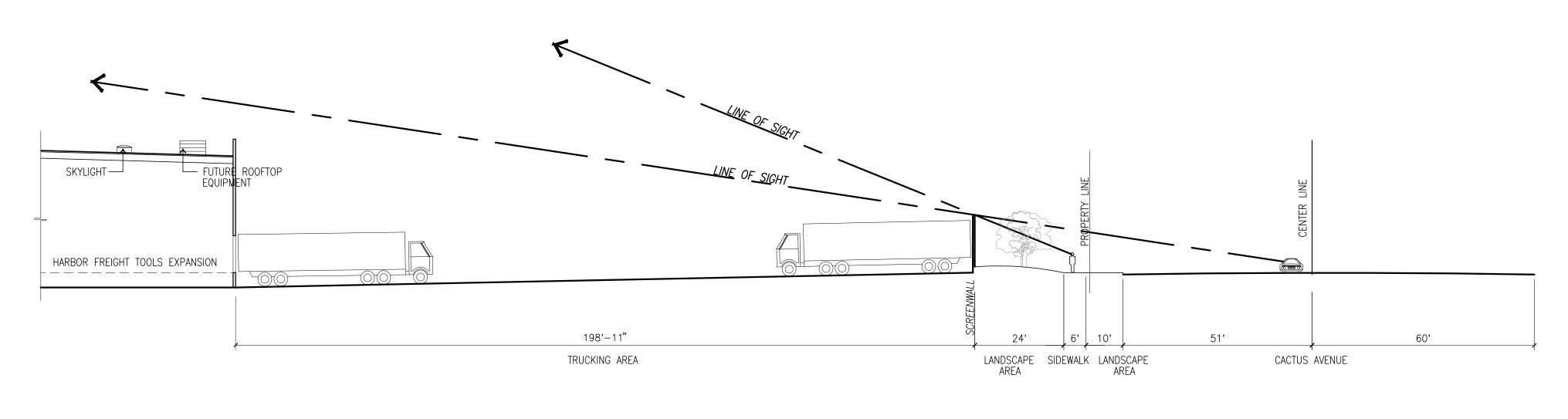


**TYP. STOREFRONT ELEVATION** scale:  $1/2^{"} = 1'-0^{"}$ 









### **GENERAL NOTES - ELEVATIONS**

- A. CONTRACTOR TO VERIFY ALL GRADES W/ CURRENT "C" PLAN & VERIFY SITE CONDITIONS. VERIFY ALL TOP OF WALL HEIGHTS(T.O.W.) & FINISH
- B. PROVIDE 2" DIA. P.V.C. WEEP HOLES @ 8' O.C. IN SCREEN WALLS @ GRADE GRADE LEVEL ON TRUCK YARD SIDE.
- C. CONTRACTOR TO PROVIDE WATER-PROOFING MEMBER TO SCREEN WALL AT ALL RETAINING/ BERMING CONDITIONS. PROVIDE WATERPROOFING @ HIGHSIDE OF WALL ONLY. CONTRACTOR TO SUBMIT WATERPROOFING SPECIFICATIONS TO ARCHITECT PRIOR TO INSTALLATION.
- D. SCREEN WALLS TO BE SUBMITTED UNDER SEPARATE PERMIT FROM BUILDING DEPARTMENT PER COUNTY STANDARD.
- E. GATE MANUFACTURER TO PROVIDE DETAILING OF GATES TO WITHSTAND 90 MPH. WINDS, EXPOSURE "C" AND VERIFY ALL DIMENSIONS, DETAILS AND SITE CONDITIONS W/ CONTRACTOR. ALL GATES TO BE WALL BRACED. SUB-CONTRACTOR TO SUBMIT SHOP
- DRAWINGS TO ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR TO VERIFY ALL CIVIL AND STRUCTURAL DRAWINGS FOR SCREEN-WALL HEIGHT. CONTRACTOR TO PROVIDE A MIN. OF
- 10'-0" HIGH SCREEN-WALL FROM FINISH GRADE @ STREET SIDE. CONTRACTOR TO ADJUST SCREEN-WALL HEIGHT AND FOOTING IN THE FIELD.

# SCALE: 1" = 20'-0"

SECTION STUDY OF ROOF SCREEN SCALE: 1" = 20'-0" (E)



hpa, inc. 18831 bardeen avenue, - ste. #100 irvine, ca 92612 tel: 949 •863 •1770 fax: 949•863•0851 email: hpa@hparchs.com



RIDGE MORENO VALLEY, LLC C/O **RIDGE** PROPERTY TRUST 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

> PH: (562) 856-3819 FAX: (562) 856-3820



Moreno Valley, CA 92555



 $\bigcirc$ 

0

Huitt-Zollars

Environs

CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER

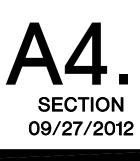
Title:

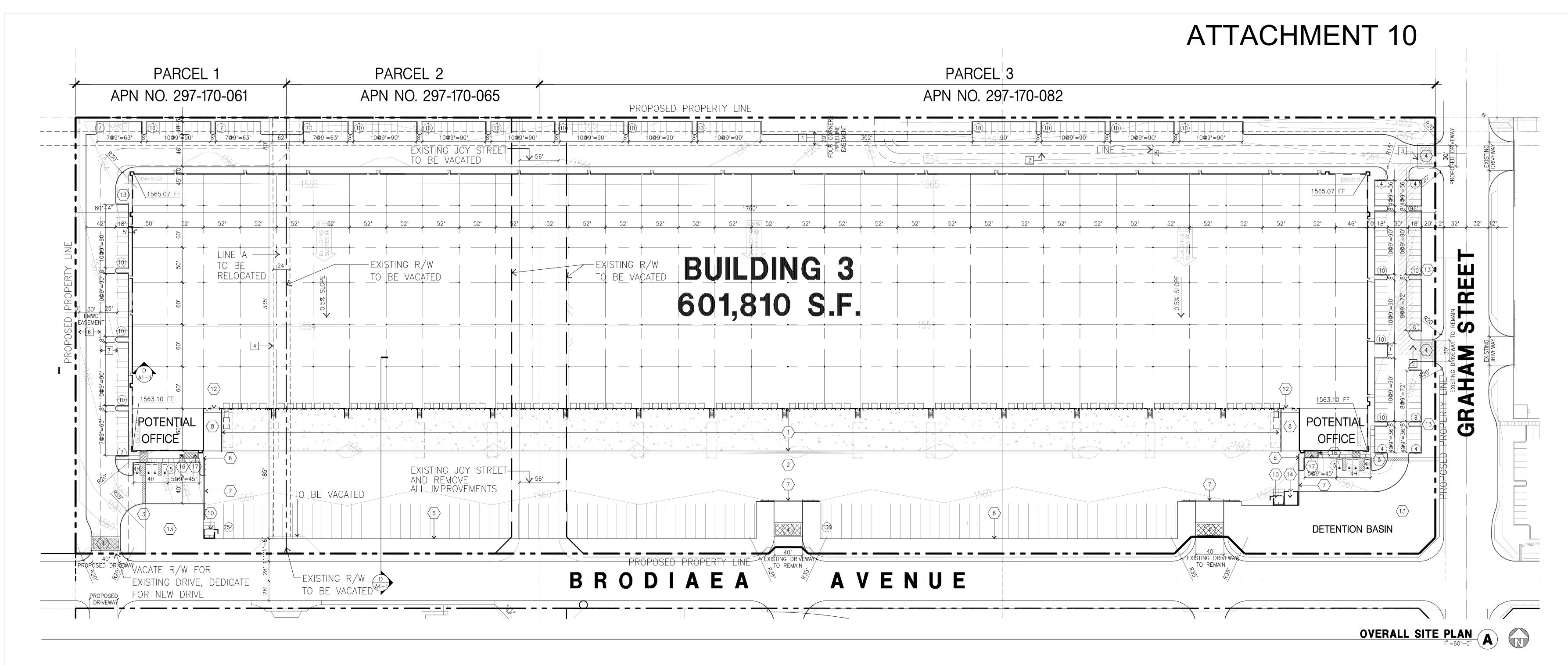
SECTION

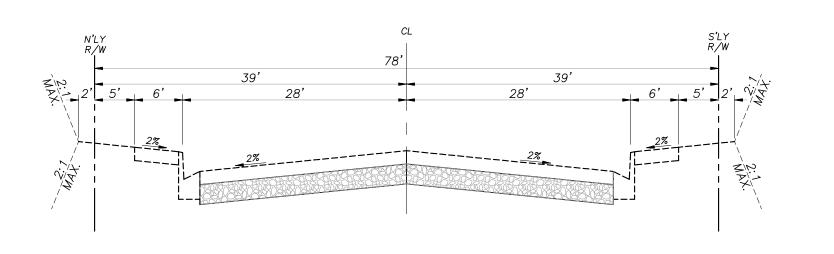
12022 Project Number: JAIME CRUZ Drawn by: OCTOBER 19, 2012 Date: Revision:

PA 12-0020









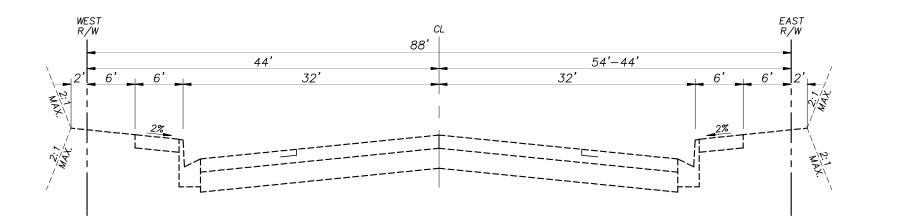
# BRODIAEA AVENUE - TYPICAL SECTION N.T.S

## site plan general notes

- 1. THE SOILS REPORT IS TO BE PART OF THESE CONTRACT DOCUMENTS
- IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE
- 3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
- 4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.
- THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM.
- PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES.
- CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
- 8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS.
- 9. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS.
- CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6 14' HIGH CONCRETE TILT-UP SCREEN WALL 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
- 12. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE PLANNING DIVISION AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
- 13. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PLANNING DIVISION. 14. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM
- PLANNING DIVISION. 15. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES
- (6") HIGH CURB 16. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT
- 17. ALL ROOF DRAINS SHALL BE DIRECTED TO A LANDSCAPE AREA.

## site plan keynotes

- $\langle 1 \rangle$  6" THICK MINIMUM, REINFORCED CONCRETE TRUCK APRON, W/ #3 @ 18" O.C.E.W. 3500 PSI W. CONSTRUCTION AND/OR EXPANSION JOINTS A MAXIMUM OF 18'-0" O.C. EXPANSION JOINTS TO BE A MIN. OF 1-1/2" DEEP AND A MAXIMUM ULTIMATE WIDTH OF 1/4". VERIFY WITH SOILS ENGINEER. PROVIDE HEAVY BROOM FINISH. ALL JOINTS TO BE CLEANED AN FILLED W/ ASPHALTIC CAULKING.
- $\langle 2 \rangle$  asphalt concrete (ac) paving per soils engineer recommendation as approved by the City.
- (3) CONCRETE WALKWAY
- (4) DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C MODIFIED. PROVIDE STAMPED CONCRETE W/ LIGHT BROOM FIN. AT ALL DRIVE LOCATIONS. PROVIDE VERTICAL & HORIZONTAL EXPANSION JOINTS AT A MAXIMUM OF 15' O.C. SPACING.  $\langle 5 \rangle$  5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR
- MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY AS REQ. BY CITY INSPECTOR.
- (8) CONCRETE RAMP
- (9) NOT USED
- $\langle 0 \rangle$  trash enclosure to be two bin and fully covered per city standard.  $\langle 1 \rangle$  concrete stairs and landing
- (3) LANDSCAPE. SEE CONCEPTUAL LANDSCAPE PLAN.
- (4) 20' X 20' PUMP ROOM
- (5) 8' HIGH VINYL-COATED CHAIN-LINK FENCE
- $\langle 6 \rangle$  BIKE RACK, EACH RACK HOLDS 7 BIKES
- (7) 10' X 20' PATIO AREA



GRAHAM STREET - TYPICAL SECTION N.T.S

## site legend

	LANDSCAPED AREA		EXISTING	DRIVEWAY	TO REMAIN	N
	AC. PAVING					
	CONCRETE PAVING					
	STANDARD PARKING ST. 9'X 18'	ALL				
	HANDICAP PARKING ST/ 9' X 18' W/ 2' O.H.	ALL,				
	EXISTING RIGHT OF WA	Y				
	PROPOSED PROPERTY	LINE				
	ADA PATH OF TRAVEL					
ease	ment nc	otes				

### EXISTING EASEMENT TO REMAIN

1 20' EASEMENT OF FOUR CORNERS PIPELINE COMPANY (NOW KNOWN AS QUESTAR) FOR PIPELINE PURPOSES PER DOCUMENT RECORDED JANUARY 10, 1958 IN BOOK 2205 PAGE 147 AND FEBRUARY 11, 1958 IN BOOK 2221, PAGE 126, BOTH OF OFFICIAL RECORDS, RECORDS OF RIVERSIDE COUNTY.

- 2 LINE E PARCEL "A" STORM DRAIN EASEMENT TO CITY MORENO VALLEY PER DOC. REC. 8/2/10 AS NO.2010-0359735
- 3 STORM DRAIN EASEMENT TO RCFCD PER DOCUMENT RECORDED 11/18/09 AS NO. 2009-0597445.

### EXISTING EASEMENT TO BE VACATED

4 EASEMENT TO BE QUIT CLAIMED FOR STORM DRAIN RECORDED 11-18-09 AS DOC # 2009-0597446

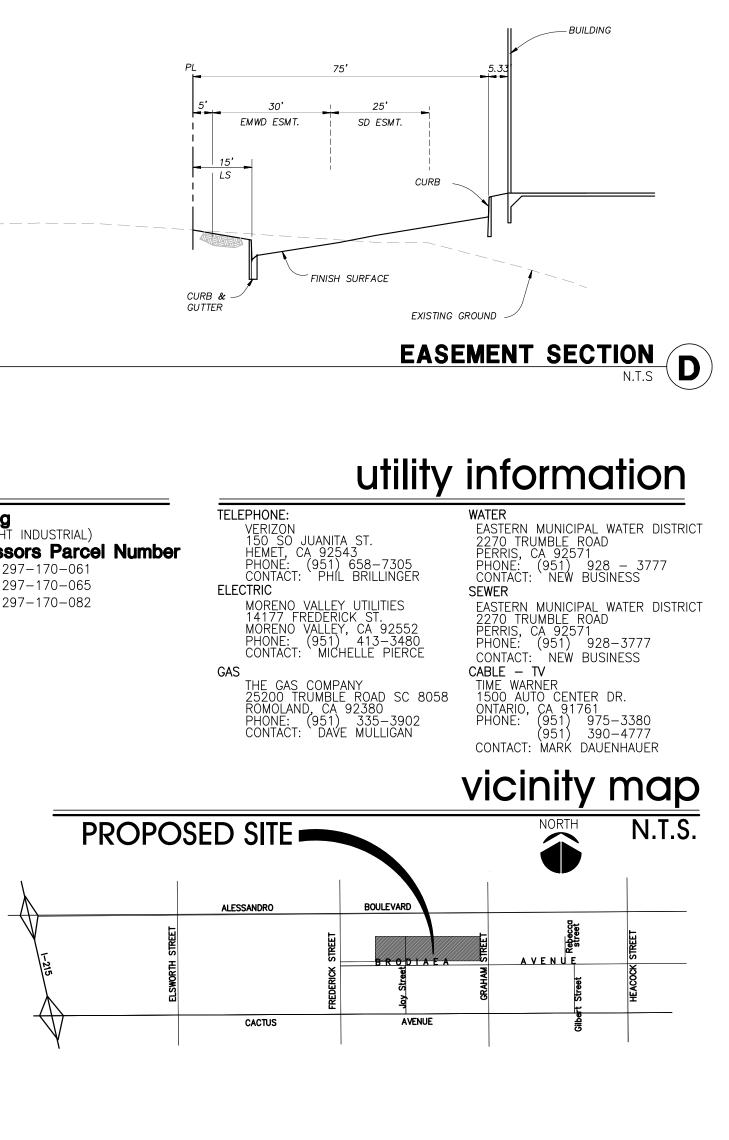
5 PARCEL B OF THE LINE E EASEMENT

## UTILITIES TO BE RELOCATED

- 6 EMWD 30' SEWER EASEMENT
- 7 STORM DRAIN LINE A 25' EASEMENT

# project information

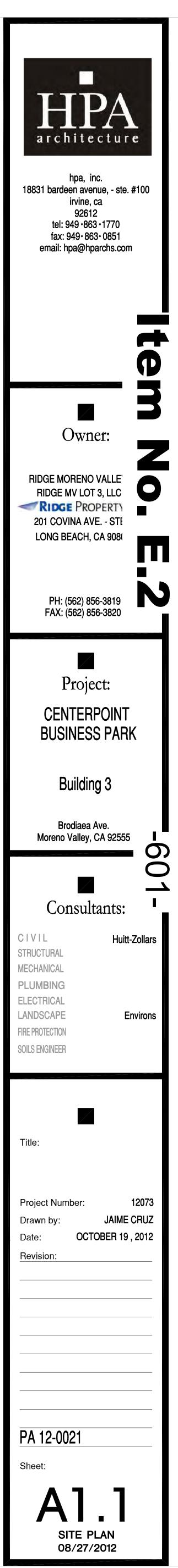
_			
	Cowner / Applicant RIDGE MORENO VALLEY, LLC RIDGE MV LOT 3, LLC 201 COVINA AVE. – STE. #8 LONG BEACH, CA 90803 TEL: (562) 856–3819 CONTACT: DENNIS RICE Architect HPA, INC. 18831 BARDEEN AVE. SUITE #100 IRVINE, CA 92612 TEL: (949) 863–1770 CONTACT: JAIME CRUZ Applicant's Representative INLAND EMPIRE DEVELOPMENT SERVIC 931 MONARCH COURT BEAUMONT, CA 92223 TEL: (951) 845–1003 CONTACT: GIL SAENZ		Zoning LI (LIGHT Assess LOT 1: 29 LOT 2: 29 LOT 3: 29
	Legal Description		
	PARCEL 1,2, AND 3 OF PM 32326, TO 42, REC. OF RIVERSIDE COUNTY, BLK. 242 OF MAP NO. 1 BEAR VALL AS SAID LOT 8 IS NOW SHOWN MER ON THAT LOT LINE ADJUSTMENT NO. COMPLIANCE REC. APRIL 28,2011 IN RECORDS OF RIVERSIDE COUNTY.	TOGETHER WITH LOT 8 EY ALESSANDRO DEV. CO. GED WITH SAID PARCEL 3 1011 AND CERTIFICATE OF	_

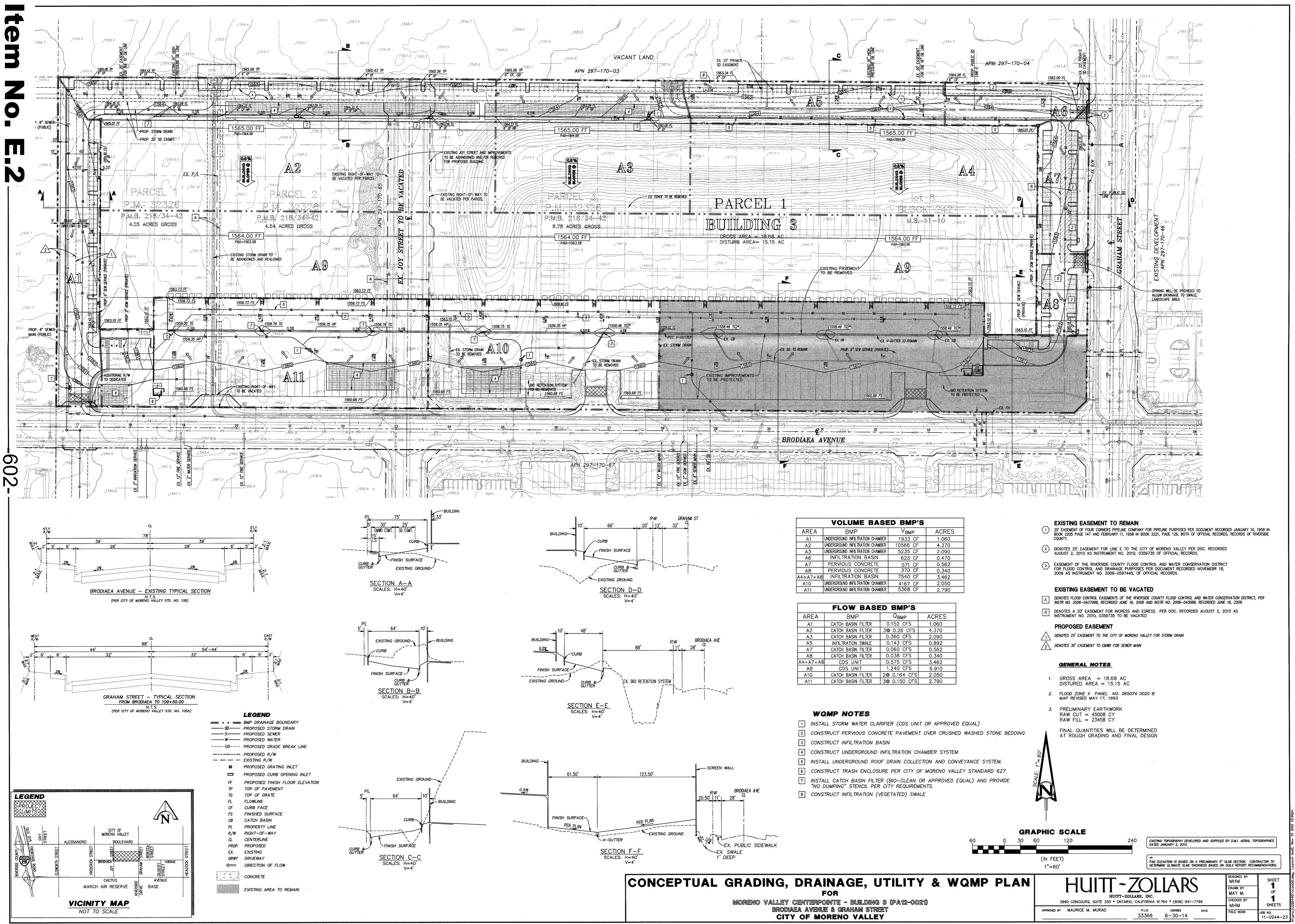


# tabulation

TABULATION	BUILDING	
Site area (in sq.ft.)	1,200,351	sf
Site area (in acres)	27.56	ac
		ac
Warehouse area	591,810	sf
Office area	10,000	sf
Total building area	601,810	sf
Coverage (Gross)	50%	
Parking required		
1st. 20k@1/1,000 s.f.	20	stalls
2nd. 20k@1/2,000 s.f.	10	stalls
above 40k @1/4,000 s.f.	138	stalls
office @1/250	40	stalls
Total parking required	208	stalls
Parking provided		
Standard (9'x18')	252	stalls
Handicap (9'x18')	8	stalls
Total parking provided	260	stalls
Trailer parking required		
(1 trailer parking per dock door)		
Total dock doors	100	
Trailer parking provided (14'x50')	101	stalls
Landscape provided	135,090	sf
% of Landscape provided	11%	
NOTE:		
* Bike rack - 5% of total parking re	equired 13	BIKE
1"	REFERENCE TR NORTH NO	UE RTH
$ \begin{array}{cccccccccccccccccccccccccccccccccccc$		D

**OVERALL SITE PLAN** 

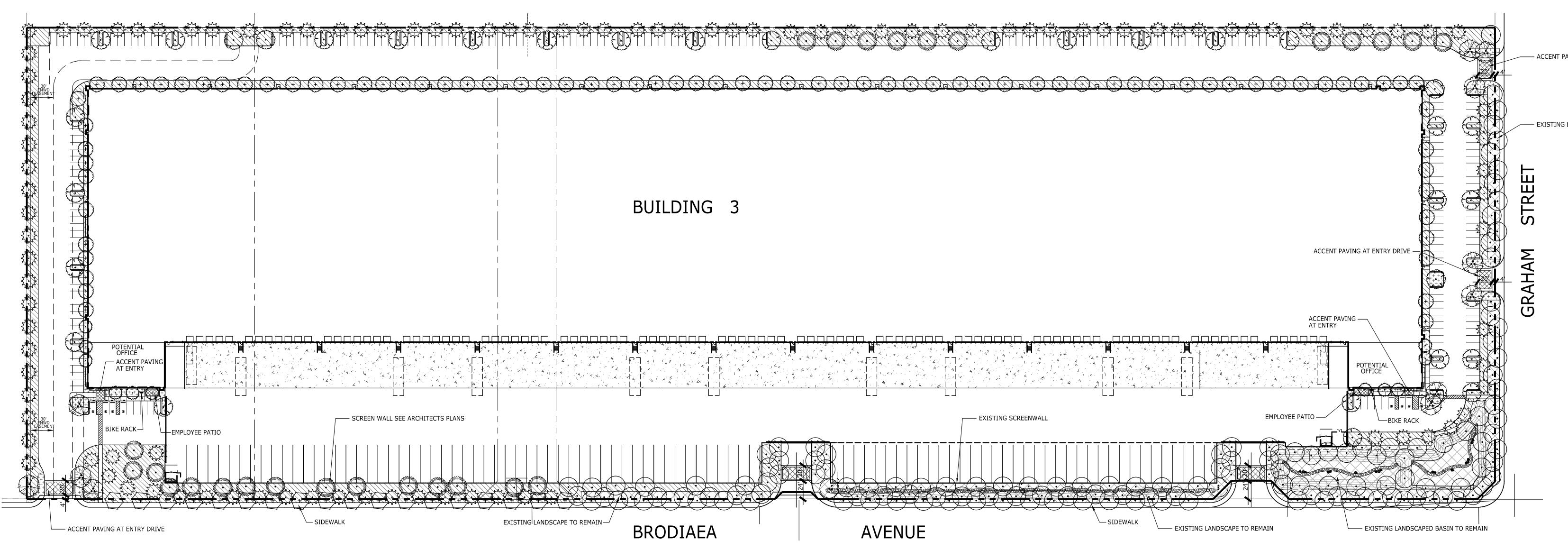




	VOLUME BASE	ED BMP'S	
AREA	BMP	V <sub>BMP</sub>	ACRES
A1	UNDERGROUND INFILTRATION CHAMBER	1933 CF	1.060
A2	UNDERGROUND INFILTRATION CHAMBER	10566 CF	4.370
A3	UNDERGROUND INFILTRATION CHAMBER	5235 CF	2.090
A6	INFILTRATION BASIN	623 CF	0.470
A7	PERVIOUS CONCRETE	571 CF	0.562
A8	PERVIOUS CONCRETE	370 CF	0.340
A4+A7+A8	INFILTRATION BASIN	7540 CF	3.462
A10	UNDERGROUND INFILTRATION CHAMBER	4167 CF	2.050
A11	UNDERGROUND INFILTRATION CHAMBER	5368 CF	2.790

	FLOW BASE	D BMP'S	
AREA	BMP	Q <sub>BMP</sub>	ACRES
A1	CATCH BASIN FILTER	0.152 CFS	1.060
A2	CATCH BASIN FILTER	30 0.26 CFS	4.370
A3	CATCH BASIN FILTER	0.360 CFS	2.090
A5	INFILTRATION SWALE	0.143 CFS	0.892
A7	CATCH BASIN FILTER	0.060 CFS	0.562
A8	CATCH BASIN FILTER	0.038 CFS	0.340
A4+A7+A8	CDS UNIT	0.575 CFS	3.462
A9	CDS UNIT	1.240 CFS	6.910
A10	CATCH BASIN FILTER	20 0.164 CFS	2.050
A11	CATCH BASIN FILTER	3@ 0.150 CFS	2.790



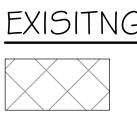


TREE PA	LETTE				
TREES	BOTANICAL NAME	COMMON NAME	CONT	CAL	QTY
	Eucalyptus sideroxylon `Rosea`	Red Ironbark	l 5 gal	Low	79
$(\cdot)$	Existing Tree To Remain	Protect In Place	Existing		148
	Koelreuteria bipinnata	Chinese Flame Tree Multi-Trunk	З6"box	Med	
Jur Contraction of the second	Lagerstroemia x `Muskogee`	Lavender Crape Myrtle Std.	24"box	Med	
	Pinus eldarica	Afghan Pine	5 Gal. ∉ 24" Box	Low	107
Second Contraction of the second seco	Platanus racemosa	California Sycamore	15 gal	Med	26
×+	Platanus x acerifolia `Bloodgood`	London Plane Tree	24"box		18
E	Rhus lancea	African Sumac	24"box	Low	32

## ROOT BARRIER NOTE

ALL TREES WITHIN 8' OF HARDSCAPE SHALL BE IN A SHAWTOWN LINEAR ROOT BARRIER 24" HIGH (NOT WRAP AROUND) PLACE ROOT BARRIER ADJACENT TO HARDSCAPE AND CENTER ON TREE EXTENDING 5' IN BOTH DIRECTIONS FOR AN OVERALL LENGTH OF 10'





MULCH NOTE EARTHWORKS (951) 270-0088

## SHRUB / GROUND COVER PALETTE

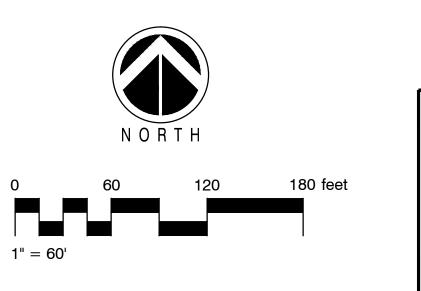
SHRUB & GROUND COVER PALETTE - LOW WATER USE Acacia redolens `Desert Carpet` TM / Bank Catclaw Anigozanthos flavidus `Gold Velvet` / Kangaroo Paw Arbutus unedo / Strawberry Tree Shrub Baccharis pilularis `Pigeon Point` / Coyote Brush Callistemon citrinus / Lemon Bottlebrush Shrub Carex tumulicola / Berkeley Sedge Cassia artemisioides / Feathery Cassia Cistus x purpureus / Orchid Rockrose Elaeagnus pungens `Fruitlandii` / Silverberry Heteromeles arbutifolia / Toyon Macfadyena unguis-cati / Yellow Trumpet Vine Muhlenbergia capillaris `Autumn Blush` / Pink Muhly Muhlenbergia rigens / Deer Grass Myoporum parvifolium `Putah Creek` / Putah Creek Myoporum Pennisetum advena `Rubrum` / Fountain Grass Rosmarinus officinalis `Huntington Blue` / Rosemary Rosmarinus officinalis `Tuscan Blue` / Tuscan Blue Rosemary Salvia greggii `Furmans Red` / Furman`s Red Salvia Westringia fruticosa / Coast Rosemary	90,656 sf
SHRUB & GROUND COVER PALETTE - MEDIUM WATER USE Abelia x grandiflora `Edward Goucher` / Glossy Abelia Buxus x `Green Gem` / Green Gem Boxwood Dietes bicolor `Moraea` / Fortnight Lily Hemerocallis x `Lemon Yellow` / Daylily Ligustrum texanum / Texas Privet Nandina domestica / Heavenly Bamboo Photinia x fraseri / Photinia Podocarpus gracilior `Column` / Fern Pine Rhaphiolepis indica `Clara` / Indian Hawthorn Rosa floribunda `Iceberg` / Iceberg Rose Rosa x `Flower Carpet Pink` / Rose	6,398 sf

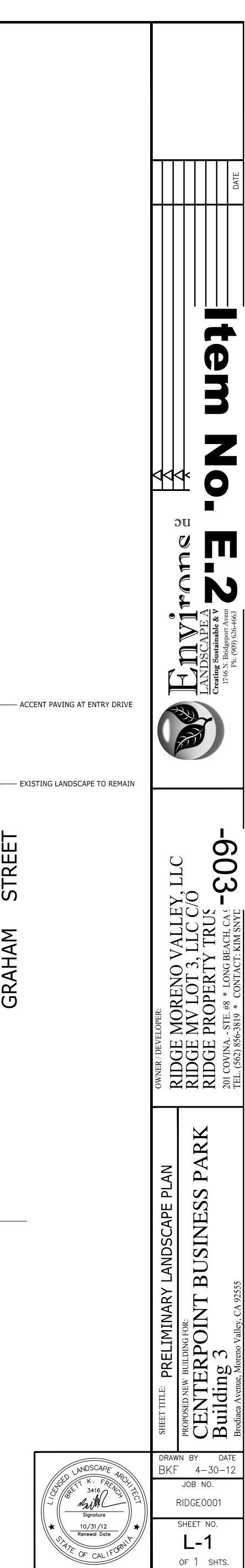
Xylosma congestum / Shiny Xylosma

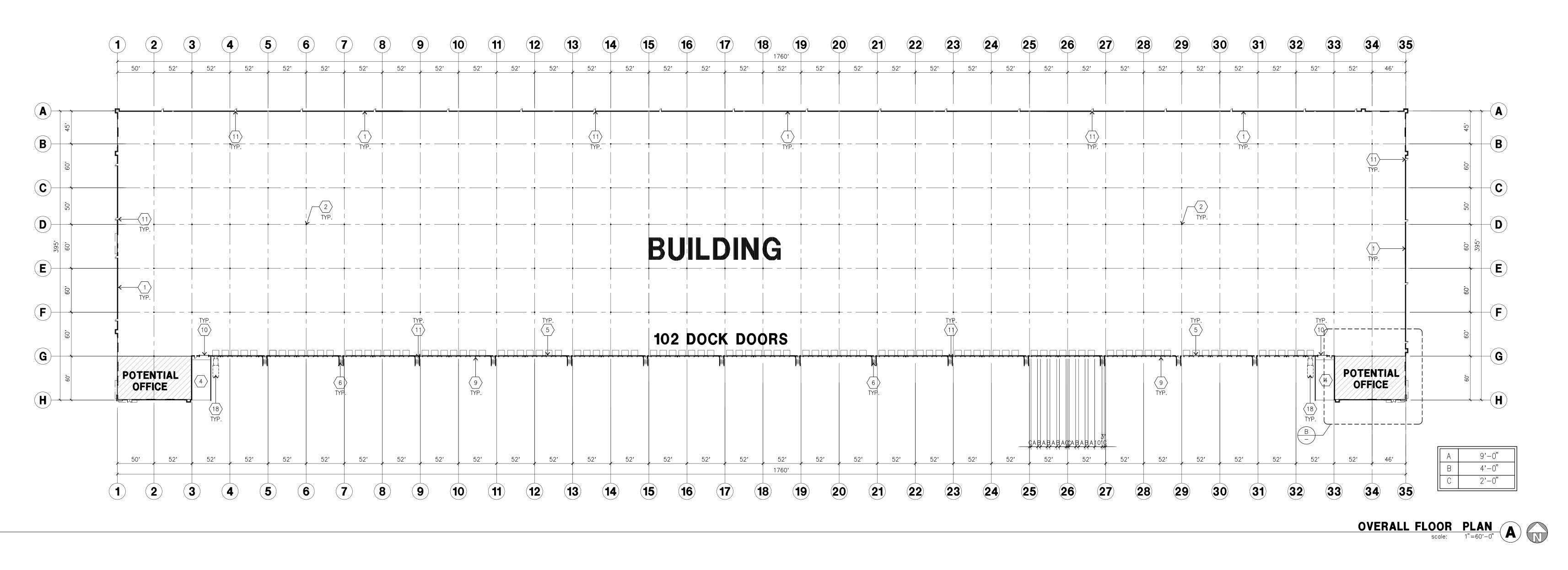
EXISITNG LANDSCAPE TO REMAIN

EXISTING LANDSCAPE TO REMAIN PROTECT IN PLACE

ALL PLANTER AREAS TO RECEIVE A 2" LAYER OF COVER MULCH AVAILABLE FROM



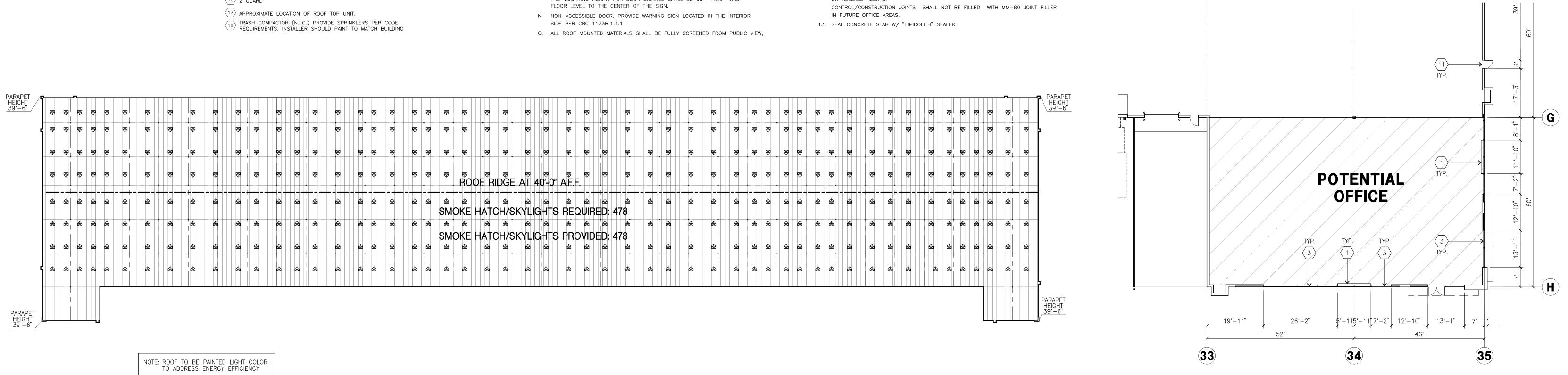




### **KEYNOTES - FLOOR PLAN**

- $\langle$  1  $\rangle$  concrete tilt-up panel. See "S" dwgs. For thickness and steel requirements.
- 2 STRUCTURAL STEEL COLUMN. SEE "S" DRAWINGS FOR SIZE. TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS
- $\overset{\circ}{\frown}$  for size, color and locations.
- $\checkmark$  Concrete RAMP W/ 42"High conc tilt-up guard wall or building wall on both side of RAMP, see "s" dwg for detail.
- $\langle 5 \rangle$  9'-0" X 10' TRUCK DOOR, SECTIONAL O'H., STANDARD GRADE.
- $\langle 6 \rangle$  EXTERIOR CONCRETE STAIR
- 7
   5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR

   MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO
- BE 1/4" : 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
- $\langle 8 \rangle$  LOUVERED OPENING FOR VENTILATION.  $\langle 9 \rangle$  dock door bumper
- 12' X 14' DRIVE THRU. SECTIONAL OH., STANDARD GRADE.
- DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
- 3'X7' HOLLOW METAL EXTERIOR MAN DOOR. DESIGNED TO RESIST WIN 90 MPH., EXPOSURE "C".  $\langle 12 \rangle$  SOFFIT LINE ABOVE
- $\langle 13 \rangle$  brace frame, see "s" dwgs.
- $\langle 14 \rangle$  conc. Filled guard post. 6" dia. U.N.O.. 42"H.
- $\langle 15 \rangle$  EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER,
- $\langle 16 \rangle$  Z GUARD



### **GENERAL NOTES - FLOOR PLAN**

- A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.
- B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT. C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWINGS FOR FINISH
- SURFACE ELEVATIONS.
- D. NOT USED WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL GYP. BD. WALLS IN WAREHOUSE TO RECEIVE
- 1 COAT OF WHITE TO COVER. F. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOOR EXITS. SEE "S"
- DRAWINGS FOR POUR STRIP LOCATION. G. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR
- FACE OF STUD U.N.O. H. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES.
- CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS. PLUMBING/ELECTRICAL COORDINATION.
- I. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET AD.4. NOTE: ALL DOORS
- PER DOOR SCHEDULE ARE FINISH OPENINGS. J. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DIAPERED INCLUDING CARS AND TRUCKS.
- K. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HARDWARE.
- L. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
- M. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT".
- THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH

### FLOOR SLAB AND POUR STRIPS REQ.

- 1. FLOOR COMPACTION 95%
- 2. TRENCH COMPACTION 90% 3. BUILDING FLOOR SLAB:
- A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS
- B. 3/4" 16"LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS 3/4" - 16"LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS. C. 4,000 P.S.I. REQUIREMENT.

THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS

- D. SLUMP TO BE 4" +/- 1"
- E. JOINT SPACING PER A.C.I. 302–IR–96
- F. SAW-CUT DEPTH 1/4 T; SOFT SAW-CUTTING WITHIN 2 HRS OF FINISHING 4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-IR-96
- 5. NOT USED
- 6. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH. 7. CONTRACTOR TO CURE SLAB TO BE WET CURING USING BURLINE FOR 7 DAYS MIN.
- 8. ALL EQUIPMENT & MOVING VEHICLES SHALL BE DIAPERED.
- 9. NO CRANES, CONCRETE TRUCKS, OR ANYTHING HEAVIER WILL BE PLACED ON THE SLAB. 10. SLAB TO BE FF35 FL24 MEASURED WITHIN 24 HOURS. 11. NO FLY ASH IN THE CONCRETE
- 12. WHERE /////// INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION. CONCRETE SLAB IN FUTURE OFFICE AREAS, WHERE SAND OVER VIQUEEN ARE REQUIRED, SHALL BE NATURALLY HYDRATED WITHOUT USE OF BURLENE, CURING COMPOUND,
  - OR RELEASE AGENTS.

OVERALL ROOF PLAN scale: 1"=80'-0"



hpa, inc. 18831 bardeen avenue, - ste. #100 irvine, ca 92612 tel: 949 •863 •1770 fax: 949•863•0851 email: hpa@hparchs.com



RIDGE MORENO VALLEY, LLC RIDGE MV LOT 3, LLC C/O **RIDGE** PROPERTY TRUST 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

> PH: (562) 856-3819 FAX: (562) 856-3820



Building 3

Brodiaea Ave. Moreno Valley, CA 92555



Huitt-Zollars

Environs

Consultants:

CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER

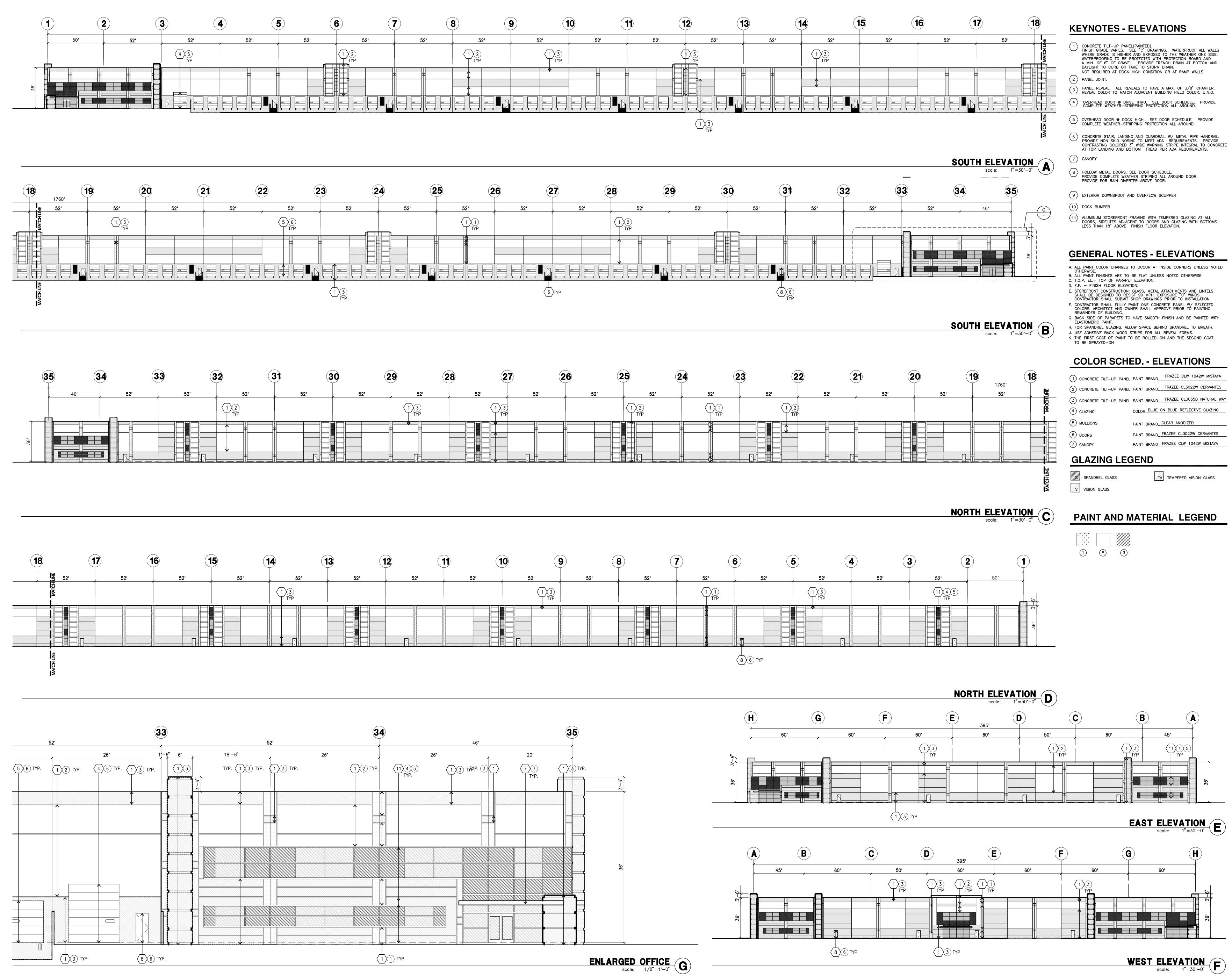
Title:

12073 Project Number: JAIME CRUZ Drawn by: OCTOBER 19, 2012 Date: Revision:

PA 12-0021

Sheet:

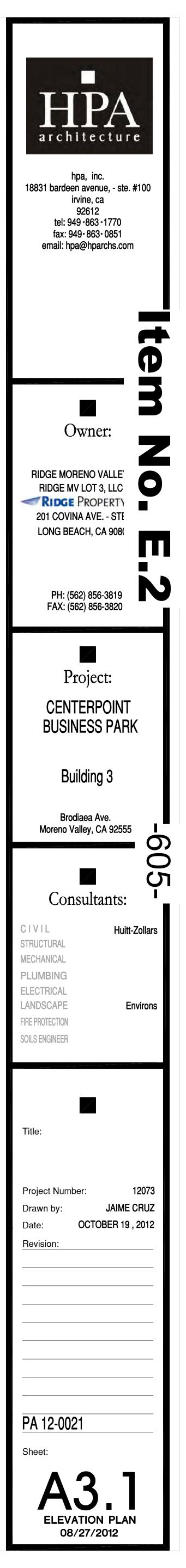


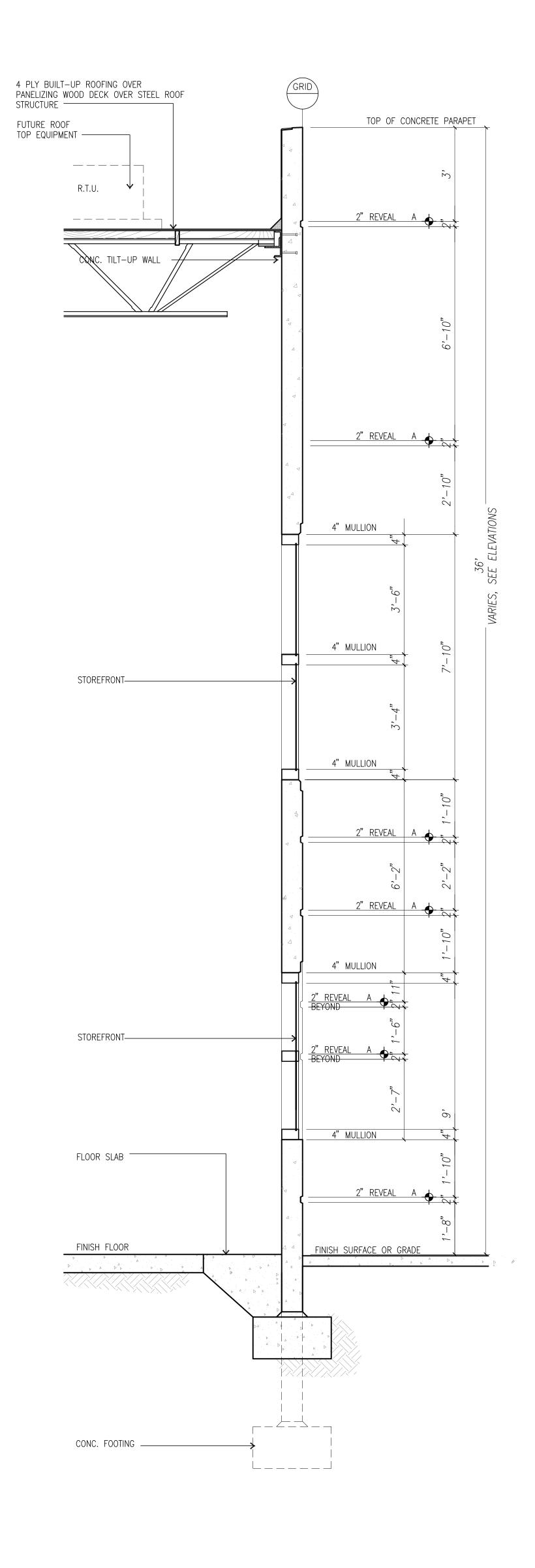


() CONCRETE TILT-UP PANEL	PAINT BRANDFRAZEE CLW 1042W MISTAYA
(2) concrete tilt-up panel	PAINT BRAND
•	PAINT BRANDFRAZEE_CL3035D_NATURAL_WA
4 GLAZING	COLOR_BLUE ON BLUE REFLECTIVE GLAZING
5 MULLIONS	PAINT BRAND_CLEAR_ANODIZED
6 DOORS	PAINT BRAND_FRAZEE_CL3022W_CERVANTES
	PAINT BRAND_FRAZEE_CLW_1042W_MISTAYA

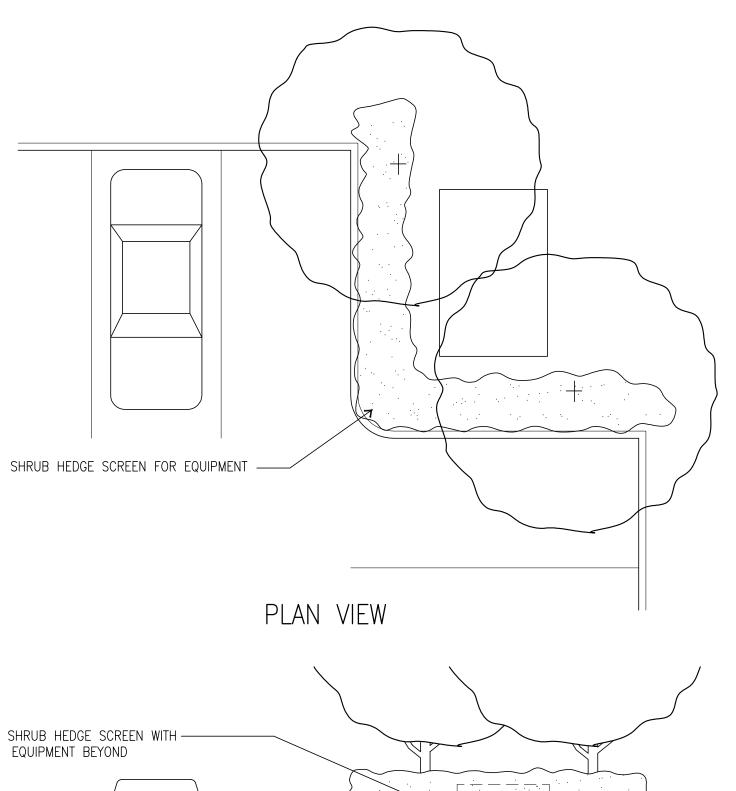
	SPANDREL GLASS	
N	VISION GLASS	

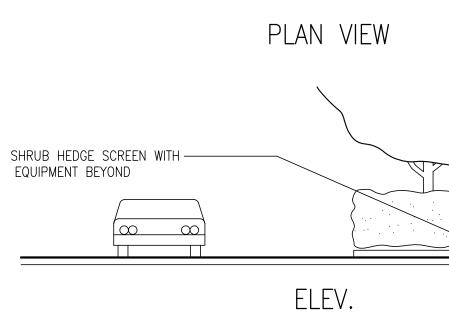
$\begin{array}{c} + & + & + \\ + & + & + \\ + & + & + \\ + & + &$		
1	2	3

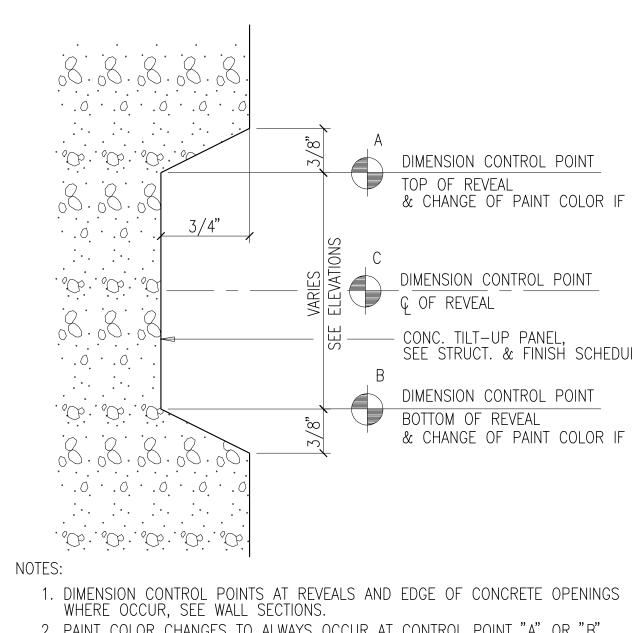


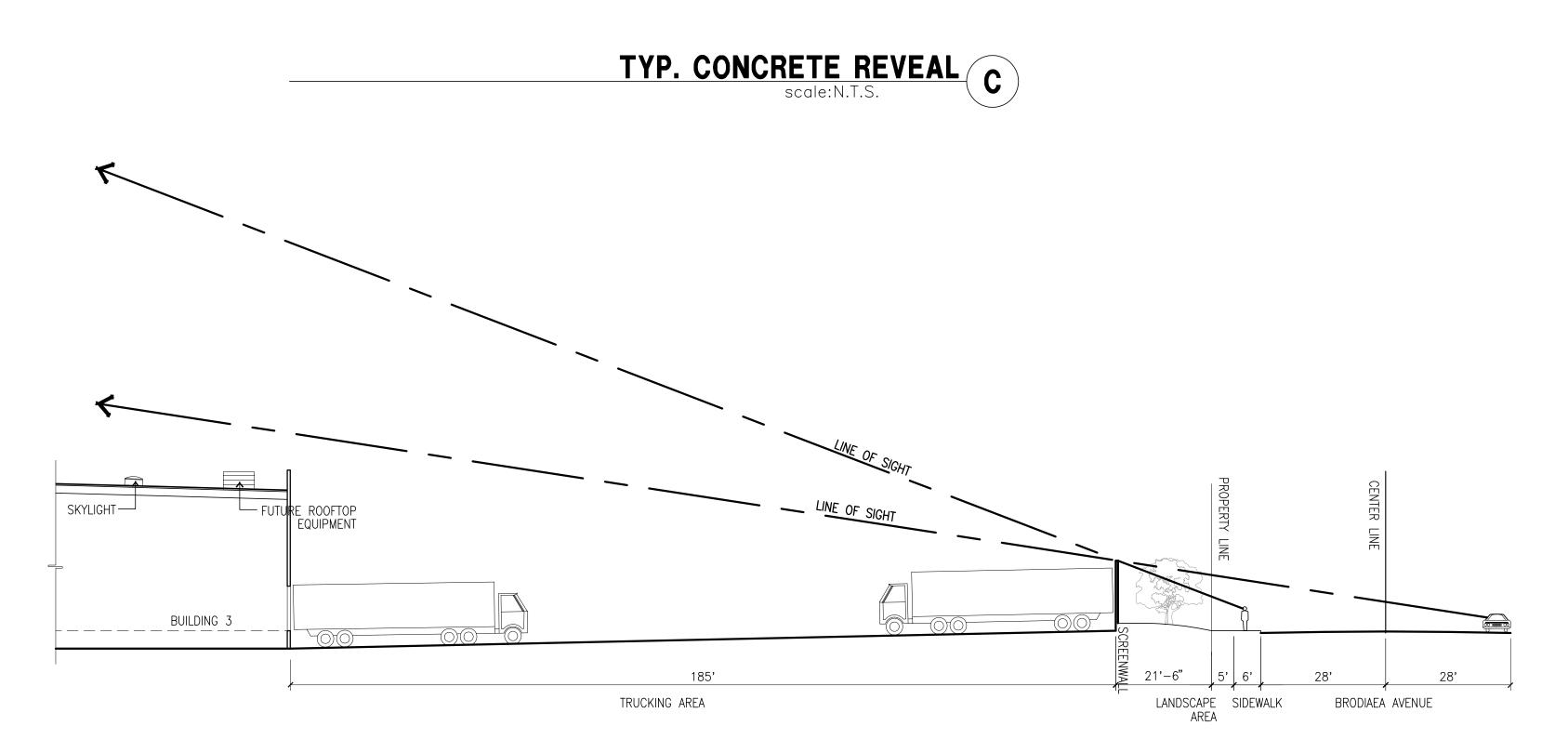


**TYP. STOREFRONT ELEVATION** scale:1/2" = 1'-0"











- DIMENSION CONTROL POINT TOP OF REVEAL & CHANGE OF PAINT COLOR IF OCCURS.
- DIMENSION CONTROL POINT G OF REVEAL - CONC. TILT-UP PANEL, SEE STRUCT. & FINISH SCHEDULE
- DIMENSION CONTROL POINT
- BOTTOM OF REVEAL & CHANGE OF PAINT COLOR IF OCCURS.

2. PAINT COLOR CHANGES TO ALWAYS OCCUR AT CONTROL POINT "A" OR "B"

- A. CONTRACTOR TO VERIFY ALL GRADES W/ CURRENT "C" PLAN & VERIFY SITE CONDITIONS. VERIFY ALL TOP OF WALL HEIGHTS(T.O.W.) & FINISH SURFACE GRADES.
- B. PROVIDE 2" DIA. P.V.C. WEEP HOLES @ 8' O.C. IN SCREEN WALLS @ GRADE GRADE LEVEL ON TRUCK YARD SIDE.
- C. CONTRACTOR TO PROVIDE WATER-PROOFING MEMBER TO SCREEN WALL AT ALL RETAINING/ BERMING CONDITIONS. PROVIDE WATERPROOFING @ HIGHSIDE OF WALL ONLY. CONTRACTOR TO SUBMIT WATERPROOFING SPECIFICATIONS TO ARCHITECT PRIOR TO INSTALLATION.
- D. SCREEN WALLS TO BE SUBMITTED UNDER SEPARATE PERMIT FROM BUILDING DEPARTMENT PER COUNTY STANDARD. E. GATE MANUFACTURER TO PROVIDE DETAILING OF GATES TO WITHSTAND 90 MPH. WINDS, EXPOSURE "C" AND VERIFY ALL DIMENSIONS, DETAILS AND
- SITE CONDITIONS W/ CONTRACTOR. ALL GATES TO BE WALL BRACED. SUB-CONTRACTOR TO SUBMIT SHOP DRAWINGS TO ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR TO VERIFY ALL CIVIL AND STRUCTURAL DRAWINGS FOR SCREEN-WALL HEIGHT. CONTRACTOR TO PROVIDE A MIN. OF
- 10'-0" HIGH SCREEN-WALL FROM FINISH GRADE @ STREET SIDE. CONTRACTOR TO ADJUST SCREEN-WALL HEIGHT AND FOOTING IN THE FIELD.



hpa, inc. 18831 bardeen avenue, - ste. #100 irvine, ca 92612 tel: 949 •863 •1770 fax: 949 • 863 • 0851 email: hpa@hparchs.com



**RIDGE MORENO VALLEY, LLC** RIDGE MV LOT 3, LLC C/O **RIDGE** PROPERTY TRUST 201 COVINA AVE. - STE. #8 LONG BEACH, CA 90803

> PH: (562) 856-3819 FAX: (562) 856-3820



Building 3

Brodiaea Ave. Moreno Valley, CA 92555



Huitt-Zollars

Environs

Consultants:

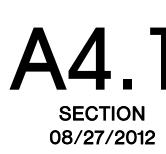
CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER

Title:

Project Number: 12073 JAIME CRUZ Drawn by: OCTOBER 19, 2012 Date: Revision:

PA 12-0021

Sheet:



1 2 3 4 5	ATTACHMENT 11 CITY OF MORENO VALLEYPLANNING COMMISSION REGULAR MEETING NOVEMBER 29 <sup>TH</sup> , 2012
6 7 8 9	CALL TO ORDER Chair Van Natta convened the Regular Meeting of the City of Moreno Valley
10 11 12	Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.
13 14	ROLL CALL
14 15 16 17 18 19 20 21 22	Commissioners Present: Chair Van Natta Vice Chair Salas Commissioner Baker Commissioner Crothers Commissioner Giba
22 23 24 25 26 27	<u>Excused:</u> Commissioner Owings Commissioner Ramirez
28 29 30	<u>Staff Present:</u> John Terell, Planning Official Jeff Bradshaw, Associate Planner
31	Suzanne Bryant, Assistant City Attorney
32 33	Barry Foster, Economic Development Director Michael Lloyd, Traffic Consultant Engineer
34 35 36	Clement Jimenez, Land Development Engineer
37 38 39	PLEDGE OF ALLEGIANCE
40 41 42	APPROVAL OF AGENDA
43 44	

CHAIR VAN NATTA - Okay, we have the Agenda in front of us. Has everyone 1 had a chance to take a look at it? Okay, anyone move for approval of the 2 3 Agenda? 4 5 COMMISSIONER GIBA - I move that we approve the Agenda 6 7 VICE CHAIR SALAS - I'll second 8 9 CHAIR VAN NATTA – Thank you, moved and seconded...all in favor? 10 11 12 Opposed -013 14 Motion carries 5 - 0, with two absent (Commissioner Ramirez and 15 Commissioner Owings) 16 17 18 **PUBLIC HEARING ITEMS** 19 20 21 CHAIR VAN NATTA – The public is advised of the procedures to be followed in 22 the meeting which is on display in the rear of the room. 23 24 25 **PUBLIC COMMENTS** 26 27 28 **CHAIR VAN NATTA** – And we going to begin the meeting with comments by any 29 member of the public on any matter which is not listed on the Agenda but which is within the subject matter jurisdiction of the Commission and I do have one 30 31 Speaker Slip here for George Hague. Can you please state your name and 32 address and then proceed. 33 34 **SPEAKER HAGUE** – My name is George Hague, resident of Moreno Valley. 35 You should have this in front of you. As you know I am a retired teacher and I hope all the time that you are here that you do an excellent job of educating 36 yourself and reach out just for that reason. Looking at page one on this 37 38 document. This is from City of Riverside. Actually WRCOG put it together seven 39 years ago. The City of Riverside modified it a little and adopted it in 2008 and I'm wondering where Moreno Valley has something like this to help the residents and 40 41 the developers. It explains what sensitive preceptors are as far as warehousing development is concerned. I'm looking at page 2 right now. You can't go 42 through this entire thing; that is why I hope you will read this later, but on page 2 43 44 and I have highlighted, it says that diesel exhaust is responsible for 70 percent of the total cancer risk from air pollution. Once again diesel exhaust is responsible 45 for 70 percent of the total cancer risk from air pollution. I think most of that 46

1 comes from the diesel trucks that we are inviting into our community. It is very 2 sad to think that your job is to protect the health, safety and welfare of our 3 residents and yet it seems like what we are doing is supplying jobs where they 4 are going to be breathing this diesel exhaust at least 8 hours a day and I don't believe you are protecting the health, safety and welfare of the residents and 5 especially those who work at these locations. When you have a situation where 6 7 they are breathing this in, you might as well go out and ask them and encourage 8 them to be smoking as to develop these and encourage them to work at these 9 warehousing. It is very toxic; they breathe it in and there is usually no air 10 conditioning or other at these warehouses. Flipping over to page 5... a health risk assessment is required when traffic area of an industrial project located 11 12 within 1,000 feet. Workers are right there within 1,000 feet. They are standing 13 right next to these belching diesel emitting trucks and yet they are saying for the 14 safety of residents you should have 1,000 feet. No, once again you are not protecting the health, safety and welfare of the residents. 15 Required trip 16 reductions plans submitted for all businesses including warehouses to reduce by 6 ½ percent. That would be wonderful in this City if we had something similar to 17 this... 2c down below, require warehouse distribution centers to provide onsite 18 19 signage or directional guidance of trucks entering and exiting... require 20 warehouse distribution centers to provide signage and flyers for the closest 21 restaurants and refueling. The next page...

22 23

24

CHAIR VAN NATTA – Mr. Hague, you have about 30 seconds left.

**SPEAKER HAGUE** – With the 50 truck trips per day, you need to provide 25 electrical hookups. Additional future tenants approving a warehouse needing 26 27 refrigeration, likewise. No idling for 5 minutes, but I ask you when you put that condition into a project, do you know who is supposed to be enforcing that and 28 29 has anybody ever enforced that in our City? Please check on that and finally page 7, risk as expressed, says estimated increased chances of getting cancer in 30 a million. Whether it is one in a million or 100 in a million it does happen and I 31 thank you very much and I hope you will read this at your leisure and maybe 32 33 push for something very similar in our own City. I thank you very much.

34 35

36

- CHAIR VAN NATTA I thank you for your comments.
- 37 <u>PLANNING OFFICIAL TERELL</u> Oh Chair Van Natta, just for everyone's 38 information the City did adopt good neighbor guidelines into its Code about six 39 months ago and it was tailored on the WRCOG plan as well as we did refer to the 40 City of Riverside, so it is not exactly the same but it is very similar to Riverside in 41 our Code. We don't have a handout about it. We do have it in our Code.
- 42
- 43 <u>SPEAKER HAGUE</u> And I hope all the residents get to see that. Thank you
   44 very much.
- 45

Item No. E.2

1 **<u>CHAIR VAN NATTA</u>** – Thank you. Okay we have another Speaker Slip here...

2 Tom Thornsley.

4 **SPEAKER THORNSLEY** – Good evening Commissioners. I've come to the City tonight because I have lived in the City about 15 years; participated in a number 5 of Hearings over the years and haven't been to the Commission in a couple of 6 7 years now. I do watch what goes on. I do read Staff Reports. Once in a while I 8 will tune in and catch what goes on here. What I have come to realize is the City 9 is in transition right now. We are going extremely heavy industrial. We are going 10 to have probably the largest warehouse distribution center in the City. The City is I think the second to the largest city in Riverside County, yet we are the City 11 12 some of the lowest development standards when it comes to just about 13 everything that is developed in this City. Sadly to say industrial buildings are 14 some of the saddest designs I've ever seen and I do have a planning 15 background. I would really encourage all of you to get out of town and go look at 16 stuff in other communities. Look at what is being done and start pushing for our City to have greater standards. As I fear the east end of town turning into a 17 massive warehouse area, if we are going to give it up as mixed uses out there, 18 19 then I want it to be the highest end use we can have and the same goes when 20 you are looking at the specific plans. You want to make sure they are fully 21 detailed. You want it to have stuff that gives you good guidelines and gets you 22 good things for your community. When you look at the environmental 23 documents, look at the mitigation measures and make sure they are really getting you something for your City. Don't let them be vague comments. Don't 24 25 let them say "could" and let them say "should". Don't let them try to second guess what you might get. Make sure they are very, very definitive. I've been 26 27 recently been looking through a number of documents and environmental reports and participated in some meet and confer projects and I'm kind of dismayed. 28 29 There is very little in there that is saying that we should get all of the good things that we want and not just enough of them to get us by and I sadly feel that that is 30 31 the way the City has been going. You know we are the easiest game in town for developers. The vast majority of what I've seen come to the City has been spec 32 33 buildings. For spec buildings, the developer will spend the littlest amount 34 possible to build something to then get someone into it, whereas if you actually 35 have known tenants they want to promote themselves. They want to look good and they will bring that to the City and they will offer it to you. So if you don't 36 have standards that encourage high end development, you'll just keep getting 37 38 what I'll speak on later tonight about, but as a whole I applaud you for your 39 effort... I mean I gave up my day to read the environmental document; the draft, the final EIR and the Specific Plan... 40

41

43

Item No. E.2

42 CHAIR VAN NATTA – You have about 20 seconds sir

44 **SPEAKER THORNSLEY** – And Staff Reports for both items tonight, so it is a big 45 challenge to do that much reading to keep up with it let alone actually be involved

1 in the whole process, so I hope you guys can all start making a better effort on behalf of the citizens. Thank you. 2 3 4 **CHAIR VAN NATTA** – Thank you for your comments. Okay I believe that is the end of our Non-Public Hearing Items and we will now go into our Public Hearing 5 6 Items. 7 8 9 10 **PUBLIC HEARING ITEMS** 11 12 13 2. Case Number: P12-057 **Environmental Impact Report** 14 PA12-0019 Plot Plan Plot Plan 15 PA12-0020 16 PA12-0021 **Plot Plan** 17 PA12-0022 Zone Change 18 19 20 21 Case Planner: Jeff Bradshaw 22 23 24 25 26 CHAIR VAN NATTA – Okay, ladies and gentleman we're back from our short 27 break and we are ready for our second item on the Agenda and Jeff Bradshaw is 28 our Case Planner on this. Would you like to tell us about the project please? 29 30 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Chair and members of the Planning Commission. Item 2 is a proposal for 4 applications for 31 the construction of one, an addition to an existing building; two, a new building on 32 the north side of Brodiaea and Graham and the third presents two alternatives or 33 34 options for the corner of Frederick and Cactus. The corner location at Frederick 35 and Cactus is currently zoned Business Park Mixed Use or BPX Zone and that comes with a list of particular uses that are allowed there. The developer is 36 37 interested in being able to utilize that for either truck parking/trailer parking or 38 possibly a warehouse facility. Both of those would require a change in zoning 39 from Business Park Mixed Use to Light Industrial. That is the fourth application 40 that is proposed this evening is that zone change. The surrounding area is comprised of comparable zoning and comparable development, so the uses 41 proposed there under application PA12-0019, both the proposal for the truck 42 court and the building alternative would be permitted under that zone. 43 The 44 adjoining property and I apologize for the way the site plans are kind of haphazard... the exhibit at the top left corner with the orange and the tan shading 45

is a site plan exhibit that would accompany Plot Plan application PA12-0020

Item No. E.2

which is a proposal to add just over 500,000 square feet to an existing 780,000 1 2 square foot approximate size building and that addition would result in a building 3 with a total square footage of just under 1.3 million square feet. The third Plot 4 Plan application PA12-0021 is for building three. It is the exhibit on the wall there that is in the middle on the top. That facility is located on the north side of 5 Brodiaea. At the intersection of Brodiaea and Graham there is currently the 6 7 interim use of truck parking there. If you have had the chance to drive the area 8 there, you can see some of the onsite improvements that are in place. There are 9 perimeter screen walls. There are some water quality improvements and 10 landscape. This building would be constructed over the top of the existing storage area and then extend beyond that, past Joy Street onto some existing 11 12 parcels and the result there would be the construction of a building of just over 600,000 square feet. The three buildings are all proposed for warehouse 13 14 distribution use and building 3 and building 4; the expansion and construction of 15 both those buildings would require the vacation of Joy Street. The project has 16 been designed and conditioned to recognize easements and infrastructure that are located within Joy Street and those would all be moved and relocated into 17 new easements that would accommodate the requirements of the water district 18 19 and gas line and anything else that is currently within an easement. That has all 20 been taken into consideration. For building 3, Joy Street also includes an 21 extension of a sewer line to the northern property line and that would be 22 relocated to the western portion of that site. So I've had a chance to take a look 23 at the existing infrastructure and easements and take them; relocation and 24 movement of those things into account. This project; because of the size and 25 scale and scope of the project, the environmental for this required the preparation of an Environmental Impact Report and the environmental, following 26 27 a review by Staff we were able to make that available to the public for review. 28 We did receive comments on that and we worked with a consultant to prepare 29 responses to that. Both the Final EIR and the Draft were made available to the Commission for your consideration for tonight and what we'd be asking of you is 30 31 to review the project; both the design and the environmental document and make a recommendation to Council as to whether or not the project and the documents 32 33 should be approved and certified. In the noticing efforts for this project, I did 34 receive one phone call from the property owner to the north, Mr. Dhalla had 35 concerns about how this new development and specifically building 3; the one located at Graham and Brodiaea might affect future storm runoff and he also had 36 37 concerns about how and where he would be able to tie into sewer connections 38 and he seemed satisfied following that conversation with the design of the 39 project. The project as proposed would not result in any changes to storm runoff 40 for his property. The water would continue to leave his site and be accepted onto 41 this property and conveyed into the storm drain system in the same manner that 42 is occurring now. The sewer would still be available to him by being relocated from Joy Street to the western property line. Before you there is a packet of 43 44 comment letters that were submitted for this project. They included two letters from responsible agencies; one from AQMD, one from Cal Trans and then there 45 was another letter provided by Johnson and Sedlack and Staff had a chance to 46

Item No. E.2

1 review the letters from the responsible agencies along with the consultant, felt that those issues had been addressed and responded to. The other came in 2 3 today and there hasn't really been time to see really what is in the content of the 4 letter to address the concerns that are raised there. With us this evening I guess before I conclude, our Community Development Director wanted an opportunity 5 to present some information to you and I wanted to let you know also that the 6 7 Environmental Consultant, that team is here if you have questions about the 8 environmental.

9

PLANNING OFFICIAL TERELL – Yeah and on the environmental, as with other large projects like this, the environmental document was prepared by one consulting firm and then the City also hired a second consulting firm to assist in the review of that, so we had two experts as well as Staff looking at the reports to make sure they were complete as possible.

15

16 ASSOCIATE PLANNER BRADSHAW – And if I could just add to that; I apologize before anybody speaks... as with other projects that we have 17 presented to you, there were some categories within the environmental review 18 that while mitigation is being proposed, could not be fully mitigated to less than 19 significant and so some of the documentation that has been provided to you 20 21 includes findings that would be made in support of recognizing... that instance 22 would still be approving the project and certifying the EIR so that amongst the packet of information, the things that you have available to you this evening 23 would be a resolution for the environmental that includes those findings as well 24 25 as the mitigation program for this project; it would enumerate our list; the mitigation measures required for this project for construction and so that 26 27 information is available to you as well.

28

29 <u>**CHAIR VAN NATTA**</u> – Can we have a little clarification on the exhibits up there 30 as to which one applies to which Plot Plan? You keep referring to building 3 or 31 this or that and I'm a little confused.

32

ASSOCIATE PLANNER BRADSHAW - I apologize. With the building numbers, 33 I'm not sure that I still follow the connection myself. The planning numbers and 34 35 how they correlate; PA12-0019 is for the development proposed for the seven acres on the corner of Cactus and Frederick and that would also correlate to the 36 exhibit on the bottom left hand corner that shows a proposed truck storage area 37 38 which is one alternative and the second would be the exhibit on the top of the far 39 right for building 11. Both of those are proposed under Plot Plan application PA12-0019. The exhibit on top at the far left, is Plot Plan application PA12-0020 40 41 and that is referred to as building 4 and that is the additional 500,000 square feet 42 proposed for the existing Harbor Freight location and the exhibit in the middle is 43 Plot Plan application PA12-0021 or building 3 and that is located at the northeast 44 corner of Graham and Brodiaea and that would be a brand new building as opposed to the addition. 45

46

- 1 **CHAIR VAN NATTA** And then the zone change applies to which?
- ASSOCIATE PLANNER BRADSHAW The zone change applies to what is
   referred to building 11 or Plot Plan PA12-0019 and that is the northeast corner of
   Frederick and Cactus. The balance of this site is all...
- 7 **<u>CHAIR VAN NATTA</u>** Which one?
- 9 ASSOCIATE PLANNER BRADSHAW Which of the exhibits...I apologize... It's
   10 the upper right hand corner and the lower left hand corner.
- 11

14

2

6

8

- <u>CHAIR VAN NATTA</u> Okay, so it's kind of a little bit of juxtaposition; some of
   them referring to more than one... okay?
- ASSOCIATE PLANNER BRADSHAW Yes there is the numbering scheme that the developer is using to keep track of the build out I believe of that Centerpoint area and then there is the numbering scheme the City uses when they assign a number to a Plot Plan or a case.

19

- 20 <u>**CHAIR VAN NATTA**</u> And we'll just call them A, B, C and D so that we have 21 another set... 22
- ASSOCIATE PLANNER BRADSHAW Sure, if we can introduce another way
   tracking them...
- 25
  26 CHAIR VAN NATTA Okay, thank you

27

28 <u>VICE CHAIR SALAS</u> – Jeff, zone changes for the truck parking; for the trailer
 29 parking...

30

- 31 ASSOCIATE PLANNER BRADSHAW - Change for the seven acres on the 32 corner... and the zone change is required because under the Business Park 33 Mixed Use zone you cannot build buildings over 50,000 square feet, nor can you 34 store vehicles in this manner, so that use is only allowed in the Industrial or Light 35 Industrial zones and so the proposed zone change would allow both of those uses to take place there and the zone really is complimentary to the surrounding 36 37 area. The balance of everything on the east side of Frederick and south of 38 Brodiaea is all Light Industrial zone.
- 39
- 40 **VICE CHAIR SALAS** Thank you.

41

42 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – I just
 43 wanted share a few of my comments with the Planning Commission before you
 44 go ahead and hear from everybody else on this project. I'm Barry Foster, the
 45 Community and Economic Development Director for the City. Harbor Freight
 46 Tools really has been a great corporate partner for Moreno Valley. We just did

1 our annual survey of major employers and Harbor Freight is number 16 on that list. Harbor Freight opened their first facility just a year ago. It is the 779,000 2 square foot distribution center at Centerpoint. They quickly outgrew that. This 3 4 summer; late this summer they actually leased another building; another new building that was just constructed in the south of Moreno Valley in the industrial 5 6 area and so they are working on improvements for that facility, which will be their 7 second facility here in Moreno Valley and they need more and they are really 8 looking to relocate their distribution facilities for everything for the Western United 9 States that would serve everything west of the Mississippi to Moreno Valley. I 10 think that's the goal that they are pursuing and I think the great thing is this will add more jobs to Moreno Valley and these are not relocations of jobs from 11 12 someplace else. When they moved their first facility here, just a handful of 13 people came from Ventura or the Oxnard area. These are all brand new jobs. 14 These are people that live in the community and the mass majority of them live here in Moreno Valley. I think they are very... in my discussions with Harbor 15 16 Freight, they are very pleased with the quality of employees they will be able to have at this facility and I think that speaks volumes of why they want to do more 17 investment and have more facilities here in Moreno Valley and then Ridge 18 Property Trust; I mean they are a top notch developer. They are a very qualified 19 developer. They have done work all over the United States. They've done a 20 21 great job here in Moreno Valley with the Centerpointe Business Park and we've 22 already established businesses there like Minka Lighting, ResMed, Serta 23 Mattress and Frazee Paint. There is a Regional Distribution Center for the US Postal Service and then now we have Harbor Freight, so it is a great lineup and 24 25 they've all produced jobs, which we desperately need here in this community. The Development Plan is presented by Ridge and by Harbor Freight, clearly 26 27 meets objectives that the City has established with our two year Economic Development Action Plan. The development of Centerpoint and the creation of 28 29 jobs is what that Economic Development Action Plan is really all about. At the very beginning of the meeting, one of the speakers talked about Moreno Valley 30 having not great design standards and development standards. 31 That is absolutely wrong. Just a month and half ago I took a bus tour with a professional 32 33 group of real estate brokers, developers and City officials that looked at Ontario, 34 Fontana, Riverside, Perris, Moreno Valley, Redlands, San Bernardino. I think we 35 looked at probably a hundred industrial properties that day. The buildings that are constructed here in Moreno Valley are every bit as good as in any other 36 37 community that is represented in the Inland Empire. He also talked about the 38 fact that we shouldn't; that some cities don't allow spec building development. 39 That is not what is done in this industry. If you look at Moreno Valley and we 40 have about 12 million square feet of industrial development currently built in this 41 community, with the exception of Sketchers and Walgreen's every other building that has been built in this City has been a spec development building. Tenants 42 and users for those buildings want to have a fully approved and entitled project 43 44 before they enter into a lease. It is a little bit different here today and Harbor Freight was a spec building. They came along, they leased it, they put their 45 improvements in and they are now looking to expand. Typically 90 percent of all 46

1 the industrial development in this area is spec development. Users do not want 2 to take the risk of going through a number of years; the potential for CEQA challenges and everything else, they look for approved and entitled projects and I 3 4 think you've got a great corporate user that wants to bring more jobs to this community in Harbor Freight. You've got a quality developer that has already 5 6 developed a nice Master Plan over there and they want to do more and I fully 7 support the project. I think it will be a great project for the community and I'm 8 happy to answer any questions.

- 9 10
  - CHAIR VAN NATTA Okay do we have any questions of Staff?
- 11

12 **VICE CHAIR SALAS** – I'll start with one. Okay we are talking about full time 13 jobs? We're not talking construction jobs here, right?

14

15 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – Right, 16 okay. When Harbor Freight gets up, I'll let them talk about how many people 17 they are looking to add at this facility. I think they have some ideas on that, but 18 there will be construction jobs obviously during the construction period, but what 19 they have currently and what ranks them 16<sup>th</sup> in this community in terms of major 20 employers are full time jobs.

21

22 <u>VICE CHAIR SALAS</u> – Okay I'm just talking about full time, permanent jobs.
 23 Okay, thank you.
 24

25 <u>COMMISSIONER CROTHERS</u> - I have a question. Are all of these buildings
 26 going to be Harbor Freight?

27

28 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** - No, just what they are looking at right now is just the expansion and then the truck 29 parking facility would be theirs too. The building in the middle; the 600,000 30 31 square foot building would be another future opportunity and some of that is already approved and entitled now. What they are looking to do is rather than 32 33 have three small buildings; there is just no market for that is to have one large 34 one and that potentially; I think our hope is that they continue to grow Harbor 35 Freight and maybe have a need for that. It is right across the street, but they are not committed to that right now. 36

37

38 <u>COMMISSIONER CROTHERS</u> – And who gets to park in that big giant parking
 39 lot?

40

41 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER -

Harbor Freight... they'll have trucks and truck trailers there that will be within theperimeter...

44

Item No. E.2

45 **<u>COMMISSIONER CROTHERS</u>** – And that is just for Harbor Freight; that's not for

the other three buildings that are going to be right in the vicinity?

# 2 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - That

- 3 is just for Harbor Freight
- 4 5

6

1

## COMMISSIONER CROTHERS – Okay, thank you

COMMISSIONER GIBA – Okay, a couple of questions. On your proposal PA120019 you said either/or... which one is it and how are you making that decision?
I'd like to know in advance. I'm not inclined to approve something that makes a
decision later. I'd rather make it tonight if we are going to do that.

11

12 **PLANNING OFFICIAL TERELL** – Yeah, the applicant asked for the option for 13 one or the other. I think the applicant will tell you what their preference is now based on what has happened since they submitted the project, but we've done 14 15 this on other projects. It provides flexibility. What we do with the environmental 16 is we assess the worst case and in this case it would be building a building, because building has additional activities in it unrelated, whereas this parking 17 area would be related to the other building to the east, so we have provided 18 19 developers options on other projects. We've assessed it so that we know the 20 maximum impact and we provide and we mitigate and design for that, so if they 21 choose to do the less impactful item they have that option. So it is just like if 22 someone was building a shopping center and they have 20 buildings in a 23 shopping center, they might build one or two and then they might change their 24 mind and we have had situations in shopping centers where they want the option 25 to do x or y and we provided that maximum flexibility for success in either the current economy or future economy. So today you are being asked to approve 26 both of them and one will get built immediately and let's say they build the 27 28 storage lot; they would have the opportunity to build the building later; they have 29 a three year window. That is how long approvals are for and then at the end of that three year time frame, they could ask to extend that option because Harbor 30 31 Freight or some other user may decide today they want the storage lot and in three years or four years they might want the building to expand, so we provide 32 33 that opportunity and at every three years, we would re-assess that. They would 34 have to apply for an extension of time and we would look at it and update the 35 conditions, so it would always be consistent with the City Code, so that's what you are being asked to do and we have done that on several other projects to 36 provide the maximum flexibility so that a project can succeed. 37

38

39 <u>COMMISSIONER GIBA</u> – Okay now north of Brodiaea is a parking lot already.
 40 Is that a Harbor Freight lot?

41

42 <u>PLANNING OFFICIAL TERELL</u> – It is

44 **<u>COMMISSIONER GIBA</u>** – Alright, so then what they want to do is they want to 45 take that parking lot, put it in the left hand corner at Frederick and Cactus and

then vacate that basically to build a building. Is that going to be on the north sidealso for Harbor Freight; your middle picture there?

3

4 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - It is not part of the lease right now. It's a future development opportunity. Ridge is 5 getting that entitled tonight and again there are approvals in place right now. 6 7 What they are really doing is rather than having three small buildings, they are 8 looking to put one large building there. That is not part of the Harbor Freight 9 lease. What they have is the expansion of the one building and then moving the 10 truck parking to the corner and that will be part of their lease, but what John said is if at some point in time and if in 15 years in time when the lease runs out and 11 12 they don't extend the option and Harbor Freight is not there anymore, they could 13 then potentially build a building there.

14

15 **<u>COMMISSIONER GIBA</u>** – Okay but in the meantime the parking lot isn't hiring 16 anybody, right?

17

18 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – It is
 19 part of their business plan and if you look at what...
 20

21 **<u>COMMISSIONER GIBA</u>** – You have a choice of two buildings, right Barry? You 22 have the building they want to build, which is the "either" and then you have the 23 "or", which is the parking lot... am I correct what the choice is?

25 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – The
 26 lease will have what Harbor Freight wants to have which is truck parking there.
 27

- 28 **<u>COMMISSIONER GIBA</u>** Okay, so that is what they want to do is a parking lot.
- 29

31

24

30 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - Right

- 32 <u>COMMISSIONER GIBA</u> On the corner of Frederick and Cactus, okay, so the
   33 parking lot isn't going to hire the same amount of people as a building facility they
   34 were originally going to put there. Am I correct?
- 35
   36 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> I'll let
   37 them get up and talk about how many people they are going to hire when they do
   38 the expansion, but they have to move their truck parking.
- 39
- 40 <u>**COMMISSIONER GIBA**</u> My concern is on one hand we talk about hiring 41 people and putting people in place, but on the other hand we're talking about 42 building a facility or something that could later on and might be hiring people, but 43 not at this real point, so I just want the clarity if that is what they are really going 44 to do is put the parking lot there, that is not a building; that is not office space and 45 that is not people and that is what I want to make sure of...
- 46

1 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – I'll let them talk about how many people they want to have, how many will be there 2 when they expand the building and what they'll be up to. 3

4

7

5 CHAIR VAN NATTA – How much distribution they could actually do if they didn't 6 have any place to put their trucks.

8 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - And when I went on this tour, the facilities that have the ability to do truck parking next 9 10 door are very valuable right now. In fact Harbor Freight has that in the building that they just leased in the south part of town and not every facility has that. 11 12 That's a very valuable component which generates jobs in the building that they 13 have. They may not have jobs right there but it has an overall positive impact 14 and effect on their business plan.

15

16 **COMMISSIONER GIBA** – Yeah and these are questions that a lot of people ask about okay. What is this going to do so we are going to need clarification on that 17 even for me, the value of that versus the other at that point in time and the 18 building that they are doing on it, because this a very large project and they 19 20 already have a parking lot that they have in the top side that they are using for 21 their rigs and stuff on the north side of Brodiaea, right?

22

23 **PLANNING OFFICIAL TERELL** – Yeah but I think the idea is that would be 24 moved to the corner, that would free up the site on the north side of Brodiaea for 25 an additional building.

- 26 27
  - **COMMISSIONER GIBA** For an additional building...
- 28

29 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** - And that existing lot is an interim use. It was the ability to get them something close 30 by to put their trailers. They want to move it to the corner and do a nicer plan 31 and do the screen walls and everything else there and then vacate and not have 32 the interim facility on the north side of Brodiaea and then hopefully we'll be able 33 to do another 600,000 square foot building there in the future. 34

35

36 **COMMISSIONER GIBA** – In the future... okay. I'll probably have more later.

- 37 38 CHAIR VAN NATTA – Okay do we have any more questions for staff or can we 39 move on to the...
- 40

41 **VICE CHAIR SALAS** – Does the property owner to the north didn't have any problem with vacating Joy Street; is that correct? 42

43 44 ASSOCIATE PLANNER BRADSHAW - No, he had three questions actually. He wanted to know how that might affect access to his property; which it would 45

not, he would continue to be able to access their commercial zone properties and 46

-619-

1 they would really take primary access from Alessandro, so the loss of the Joy Street connection really was not going to affect the development in that manner 2 and once he understood that, I believe he felt comfortable with the answer. He 3 4 didn't state any objections to the project. He seemed to understand that by approving this project, it was not going to negatively impact his project in terms of 5 runoff. This project would continue to accept the same drainage that had always 6 7 left his property and crossed onto this one, so that would remain the same before 8 and after and then the other concern was the sewer connection and that exists 9 now through I believe the efforts of the applicant. They built Joy Street and they 10 put in the sewer and by vacating it, they'll now lift the sewer line and move that to the west and relocate it parallel to that western property line and would continue 11 12 to go from Brodiaea north to what would be the northwest corner of that site and 13 which would give that property owner the opportunity to work with the Water 14 District to tie into the sewer line.

15

16 VICE CHAIR SALAS – No I understand, because when I drove out there, I see the purpose of Joy Street. It is just basically to facilitate Harbor Freight where 17 they are now, so by losing the Street, if he doesn't have a problem with it; it is 18 19 probably no problem there.

- 20
- 21 ASSOCIATE PLANNER BRADSHAW – He seemed okay with the answers that 22 I provided.
- 23

24 VICE CHAIR SALAS – Okay 25

26 **PLANNING OFFICIAL TERELL** – Yeah relative to Joy Street, we also consulted 27 with our Transportation Engineering to make sure there wasn't any impact on the City circulation system, so we did look at that as well. 28

29

30 VICE CHAIR SALAS – Yeah, I see Michael Lloyd shaking his head over there 31

32 ASSOCIATE PLANNER BRADSHAW - Yeah we're probably past this now, but just for reference, the Applicant did provide an exhibit that really shows the 33 entirety of the Business Park and using their numbering schemes you can see 34 35 the relationship of the three buildings that are proposed this evening where they fit into the street system and how they relate to one another. 36

- 37
- 38 VICE CHAIR SALAS - Thank you
- 39
- 40 CHAIR VAN NATTA - Okay, we're going to move on to Public Comment now 41 and we are going to start with the Applicant.
- 42

Item No. E.2

**APPLICANT RICE** – Good evening Commissioners. My name is Dennis Rice. 43 44 I'm with Ridge Property Trust. We are the developer for this project. Before I get started with my presentation, I'd like to take the opportunity to thank John and his 45 Staff, especially Jeff, Land Development, Fire, Transportation and Barry for all 46

1 their hard work. We've put this together in a fairly short order of time and I know 2 they worked very hard. I've also got here with me pretty much our whole team involved in the EIR preparation; Traffic Engineer, Applied Planning who oversaw 3 4 the overall preparation, our Architect. I've also got Mr. Trey Fieler with Harbor Freight and he'd like to get up in a couple of minutes and talk a little bit about 5 Harbor Freight and I've our Civil Engineer Maurice Maurod who can address 6 7 anything having to do with infrastructure and/or dry and wet utilities. A couple of 8 things on some of the items that were talked about; Dr. Dolla who owns the 9 property to the north of us; he actually owns the corner, the northeast corner of 10 Brodiaea and Frederick. He also owns the corner at Alessandro and Frederick and then he owns the property running along Alessandro, almost all the way to 11 Graham, kind of in the "L" shape there and I've talked to him over the last couple 12 of days. I provided him with a utility plan prepared by our Engineer to get him 13 14 comfortable that he is not getting anything taken away. We're still picking all his storm drain flows. We provided the sewer line up to his property line that he can 15 16 tie into and there are also utilities in Brodiaea and there are also utilities in Frederick and there are utilities in Alessandro that he also can tie into those, so I 17 think he was comfortable Jeff. I will send you a copy of that exhibit that I did 18 19 send him so you've got that. If you don't mind I'd like to step up and kind of walk through the Site Plan. I've also got these aerials that might help you to visualize 20 21 this just a little bit better; if you can share that, I only had two of them, but just to 22 give you a little bit of history on this project... back in 2002 we bought 162 acres; a majority of which was purchased from Dr. Dolla and what we have currently 23 built out here is about 1,853,000 square feet which is the 780,000 square foot 24 25 building for Harbor Freight, 180,000 foot building to Frazee Paint, the 530,000 foot building to Minka Lighting, 130,000 foot building to ResMed and 231,000 foot 26 27 building to the Post Office. When we originally bought this site Brodiaea did not exist, so that is a new street all the way from Frederick to Heacock. Gilbert 28 29 Street did not exist. Rebecca Street did not exist and Joy Street did not exist and as part of the overall improvements that we did when we built the whole project it 30 31 was our decision to build out all the infrastructure at one time because we 32 thought it would add more value to the project as to doing it piecemeal, so we did 33 that and part of that included widening out Cactus from Heacock all the way to 34 Frederick; putting the landscape median you see there today which now with the project here on the corner, west of Frederick will be improved even further west 35 of Frederick; the Cactus improvements and we spent about 29 million dollars in 36 37 infrastructure improvements; off-site infrastructure improvements for the project 38 back when we did the original five buildings. What we are proposing today and 39 Commissioner Jeffrey I don't know if there is some confusion when we were 40 talking about it but Harbor Freight is expanding the 780,000 foot building to an 41 additional 500,000 foot building.

42

# 43 <u>COMMISSIONER GIBA</u> – No I get that, I get that

45 <u>APPLICANT RICE</u> – Okay, so they will be expanding. We'll be vacating Joy 46 Street here. They'll expand this 780 by another 500,000 square feet and then

1 we're taking the existing and I think you can see it there on the aerial there; the 2 trailer parking lot north of Brodiaea that sits right here, which takes up about 8 3 acres of that 17 <sup>1</sup>/<sub>2</sub> acre site on what we call Lot 3 or Building 3, which is right 4 here. Originally there was a building of 400,000 square feet planned. In order to do the deal we entered into a 10 year lease with Harbor Freight for this trailer 5 parking lot. As part of this expansion it made sense to move it down to the 6 7 corner and that way Harbor Freight is now all self contained on one lot; they don't 8 have to cross Brodiaea to take a trailer over to the building, it is all contained on 9 one lot and it also benefits us because now we can terminate this trailer parking 10 lot and build a building and utilize the whole 17  $\frac{1}{2}$  acres versus not utilizing any of it because it was just a trailer parking lot on half the lot. We originally had like I 11 12 mentioned a 391,000 foot building planned here, 106,000 building on Lot 2 and an 80,000 foot building on Lot 1. We thought it would be better based on market 13 14 conditions to combine those three lots and go with one larger building that is 15 about 600,000 square feet. We are in lease documents with Harbor Freight to 16 lease under a 20 year lease now, this building here and the trailer parking lot. This building here was originally leased under a 10  $\frac{1}{2}$  year lease and what will 17 happen is when this lease expires it will automatically roll into the same term as 18 19 this one here, so Harbor Freight; we anticipate this building if it gets approved, being finished construction wise in 2014, so that lease would expire in 2034, plus 20 21 they have another 20 years of options to extend the lease for another 20 or so, 22 so it could be a total years of 40 years or more. One thing we've offered anybody that would like to tour the facility and I think you'll see when you go into 23 the facility that they have a huge investment in material handling equipment and 24 25 racking and I don't think you are going to see them go anywhere any time soon, so they are here for the long term. With that, I'll address any questions you might 26 27 have. This building, number 3 here, is again we're just seeking entitlements there. At this time we don't plan on going spec on a 600,000 foot building. Our 28 29 hope would be but Harbor Freight is not committing to it based on the way their 30 currently expanding, that would be a viable choice for them down the road 31 sometime, so with that I will take on any questions. 32

33 **COMMISSIONER GIBA** – Just let me do some clarification... all that I was quite 34 aware of it. It is guite obvious. I spent two hours running around the lots in all 35 honesty and seeing the size and scope and the inspection of it and going over the Environmental Impact Report that is involved in that, all the arterials that feed 36 into that whole location and I had an inquiry as to the either/or situation, which 37 38 was a concern. I wanted clarification on that because I didn't want any undue 39 thing... well they said they would be putting more jobs out here and now I've got 40 a parking lot, so I wanted clarification. I want to know exactly what you intended 41 to do on that corner. I didn't want an either/or personally. If I am going to make 42 a decision, I want to make a decision on what is supposed to go there and not what we might want to put there and leave later and have something happen with 43 44 Your explanations are good and I appreciate them very much. A lot of it. 45 building space there. Harbor Freight is wonderful. There is nothing that I'm saying against Harbor Freight in any way, shape or form. Please do not 46

1 misunderstand that. I just want to make sure that the City gets its bang for its 2 buck. A lot of buildings, a lot of facilities, a lot of impact on our arterial system and want to make sure of that and I've seen that other building that you had there 3 4 for parking and the one side is an unfenced side and you should have it all fenced in where you had it, but out there in the middle, it was no big deal. You 5 know you couldn't see it out there, but on the corner of Frederick you are going to 6 7 be able to see a parking lot if anything is exposed and it is not going to be really 8 lovely, not down from the City facilities either, so how soon did you have to 9 expect to build each one of those? Are they going in any kind of stages? Did 10 you intend to do them at one big shot? I think the Environmental Impact Report actually addressed something like that as to doing it in phases or doing it at one 11 12 time, which is affects your Environmental Impact Report if I am correct from what 13 I've been reading.

14

**APPLICANT RICE** – One thing I'll address to make sure we are really clear, is 15 16 the intention of Harbor Freight and us and this is what we are documenting in the lease is that corner lot is going to be a trailer parking lot and that will be under the 17 same 20 year lease term as the building itself and that trailer parking lot is very 18 critical to their use. The second thing is that on that trailer parking lot it is going 19 20 to be screened with concrete screen walls similar to what you see on their 21 existing building along Cactus there and the same thing that you see on the 22 trailer parking lot at Brodiaea. There is going to be no chain link fences, it is going to be screened on the north, the west and the south sides. The east side 23 is what kind of ties it into the expansion building there, so you won't even see a 24 25 trailer in the parking lot as if you were standing at Cactus or Brodiaea trying to looking at their truck courts. Those walls are 14 feet high, there are architectural 26 27 design elements to it that will match what is already there, so you won't even see the top of the trailer and won't know it is there and it will heavily landscaped in 28 29 front of the screen wall, so the chain link fence that you saw was really a 30 temporary fix for Harbor Freight.

31 32

33

# COMMISSIONER GIBA – I assumed so; yes

APPLICANT RICE – And we entered into a 10 year lease with them. Our intention was not to... we wanted to develop that and get full utilization of that site, so we as the landlord had the unilateral right to terminate that lease after three years, so if market conditions improve and we could go build a building, we could go and do that and that was kind of the intention of making the north, the east and the west sides the fence and then the south side was permanent because then a building was going to sit behind that.

41

42 <u>**COMMISSIONER GIBA**</u> – Um, so back to my other question on that is do you 43 intend to do the buildings in phases or anything? I don't know if this is 44 appropriate John, you can cover me on this one because we didn't say anything 45 on the Environmental Impact Report whatsoever and yet in the Impact Report 46 there were several circumstances of not being able to totally mitigate it. As a

1 matter of fact compared to the VIP that we did, it seemed to be a lot more of 2 those problems than we say with at least from what I am reading. There were 3 guite a few of them that said hey no matter what we do, this isn't going to change 4 because we can't control that overpass or we can't control this because that is not going to happen and we don't know how long down the road were are going 5 to be able to repair that situation and it could take a long time before this 6 7 happens and so there was some severe concerns on the Impact Report for your 8 ramp changes at the I-215 southbound ramps on Cactus, your Ellsworth, 9 Frederick and Graham and I could go right on down the list from page 256 and 10 so on down the list, so it would seem to me to be wise to do this at a slower pace and not one time so that you could maybe over time be able to negotiate and 11 12 mitigate some of those needs, instead of at one big shot and that's why I asked 13 you that question.

14

PLANNING OFFICIAL TERELL – The Environmental Impact, obviously we look at what is normally called the worst case scenario and that is building it at once, so obviously if you build it in pieces, that by its nature reduces some of the impacts and provides more time for those regional improvements to be constructed.

20

21 **<u>COMMISSIONER GIBA</u>** – Thereby my question; to intend to do it in pieces or at 22 one time, the worst case scenario.

23

24 **APPLICANT RICE** – The way we've set up the lease with Harbor Freight is they 25 have to stay on Lot 3 until we finish the building and the new trailer parking lot on the corner of Cactus and Frederick, only then can we move them off of that lot 26 27 and switch them over to the corner lot so they don't have any down time as far as not being able to park their trailers and they have 60 days after that lease starts. 28 29 We anticipate finishing these buildings or finishing the Harbor Freight expansion 30 building and the trailer parking lot in September of 2014 and then they have 60 days after that to be able to move their stuff over from the trailer parking on Lot 3 31 over to the corner. So probably the soonest for us that we could get going on a 32 building; the 600,000 foot building north of Brodiaea would be in the first quarter 33 34 of 2015 and that would be the best case scenario for us.

35

36 **COMMISSIONER GIBA** – So we are looking at 2  $\frac{1}{2}$  years for something like that 37 and I would ask John of course and Michael over there is that a practical time 38 frame for them to mitigate some of these street and road and arterial road 39 problems coming through Cactus, because that is really the only way we can get to that freeway. Yeah, Alessandro is there, but you've just got Cactus and the 40 other side is Riverside and you know you are going to have to negotiate with 41 Riverside and I know you've got the TUMF fees involved in all that, but still those 42 43 are not guaranteed without negotiating and working with the other parties 44 involved, so how long does this usually take us to accomplish this goal.

45

1 **PLANNING OFFICIAL TERELL** – Well typically the restriction on regional improvements is getting enough money to do it and so 2 <sup>1</sup>/<sub>2</sub> years won't solve all 2 those problems. The City is currently working on widening the south side of 3 4 Cactus and certainly within that time frame that is very likely that that might happen, so there will be improvements over a 2  $\frac{1}{2}$  to really more like a 4 year 5 period because the second building wouldn't completed until later to resolve 6 7 some of those issues, but regional problems; they are regional for a reason, they 8 are very expensive and they take a lot of money to do and the timing is... in times like we are in now when growth is very low, takes a long time to gather the 9 10 money to put a big regional project together. In good times, it takes less, so I don't want to mislead you and say that you know in 2 1/2 years those issues will 11 12 be resolved, but it does provide some time to do some improvements such as the 13 south side of Cactus and it does allow the planning on the Cactus interchange to 14 proceed further towards realization.

15

16 **COMMISSIONER GIBA** – Is there any way of working together and I'm not trying to stop your project in any way, shape or form, we want to move forward on it, 17 but my concerns really are the concerns that are coming out and in what I've 18 been reading and trying to digest. It is not just the streets and arterials, it is the 19 ramp improvements, the air quality; all of those is a whole list of them that we are 20 21 showing very high difficulty to accomplish. On large site such as this one, I am 22 almost willing to say that we've almost exceeded our capacity in that location, so is there any way that we can work together and say look you can't move on to 23 the next thing until we've accomplished this. You know what I'm saying... if it is 24 25 going to take 5 or 6 years instead and Harbor Freight I apologize, but this is where my brain was going when I was thinking of it, that to help move us along 26 27 on these mitigations, not just say 60 days and then you vacate and now we build this, but unless this arterial is repaired or unless we've engaged in environmental 28 29 with the City of Riverside or this expansion project is taking place and we cannot 30 move forward with the next... you know what I mean. Am I making myself clear?

31 32

33

APPLICANT RICE – I understand what you are saying; yes

34 **PLANNING OFFICIAL TERELL** – I think the answer is you could, but the project that is being built provides the resources to build the regional facilities and they 35 provide not only direct funding, but they provide funding to leverage other 36 37 funding, State and Federal funding to build those regional facilities. There are a 38 lot of them... ones that are under construction now obviously at Nason, which 39 has been... you know the road created an issue and now it is solving it because 40 there is enough money to take care of that interchange. Moreno Beach is next in 41 The Van Buren interchange is being improved based on all the line. 42 development over in the Meridian Project on March Air Reserve Base, so all these are happening incrementally and I don't want to say chicken and egg, but it 43 44 is very hard to time it exactly. One thing to the credit of Ridge Realty is for their specific area, they did put all of the infrastructure in at one time. That is very 45 expensive and so they have already put in a big investment beyond what many 46

1 other developers are able to do, so I'll tell you about something in another 2 community so you can get some perspective. In Redlands there is the corner of 3 Alabama and Redlands Boulevard. It has been at level of service F for at least 4 10 years and every single project in that part of town has had to override that restriction. Just now they are starting to get money in order to improve that and it 5 is similar to San Bernardino who have a similar system to us where they do 6 7 collect some regional fees and some city fees, so there is some time lag and the 8 projects create impacts but they also help solve those impacts. The other 9 improvement that will be completed certainly before any of those other projects 10 are constructed is our favorite is the intersection of the I-215 and the 60. Again that will help. That is a huge regional facility similar to when they did the 91 and 11 12 the 60, that was such a big impact, but that took a lot of money in order to do it and a lot of that money was from TUMF funding and other local funding that 13 helped us leverage the Feds and the State, so again there is an opportunity to 14 15 place restrictions on what must happen before development can occur, but often 16 it is counterproductive because the projects themselves help remove the obstructions and without that it is very difficult to do. Does that make sense? 17

18

19 **<u>COMMISSIONER GIBA</u>** – Oh yeah it makes sense. My concern is the time lag on all of that and now we also the March facility that is being built too which I'm 20 21 quite sure will exit into Cactus as well. Cactus is the only access point for all 22 those along that entire corridor and that is what concerns me; not those beautiful 23 facilities and your ability to bring us the jobs, but are we going to over impact ourselves in one area. This area is getting pretty tight and everybody wants to 24 25 build in there and maybe it just cannot hold it as much as we would like it to, so that's what I'm trying to be concerned for, is that we might get ourselves into 26 27 something that we can't get ourselves out of for a long time... Redlands mess... 28 so that's my concern and if you can make me feel better about that that would be 29 just be great.

- 30
- 31 <u>APPLICANT RICE</u> Yeah I think I'd leave that up to Michael and we've also got
   32 our Traffic Engineer and he did the Study and he could probably talk to that also.
- 33
   34 TRAFFIC CONSULTANT ENGINEER LLOYD Well I don't want to convolute
   35 the conversation here but...
- 36

38

- 37 **<u>COMMISSIONER GIBA</u>** Do it Mike; convolute me...
- 39 **TRAFFIC CONSULTANT ENGINEER LLOYD** – But one thing to keep in mind is that these cumulative impacts are just that; they are cumulative, which in 40 41 essence that it is dependent upon all these other developments that were 42 assumed in the Traffic Study. You have eluded to some of them; the March Life Care Facility; the Meridian Project and there are other projects as well that will 43 44 occur that will put traffic onto Cactus, so this project as a standalone did not have the direct impacts to Cactus Avenue and that is threshold that we use to identify 45 what the developer should be held to do versus what the developer should 46

1 contribute to, so that is the grounds for the conditions that are in front of you tonight and just try to keep that in the back of your mind and that it is a timing 2 3 issue that has already been stated, but it is not just a timing issue versus road 4 improvements and the three buildings that he is proposing, it is the big picture timing issue of well does this project go before March Life Care; maybe; most 5 likely just given the track record. Is it ahead of schedule like say some of the 6 7 buildings over in the Meridian Project; probably, but again there is no guarantee, 8 so it is a timing issue over which this applicant has no control over and because 9 we are talking multi-jurisdictional, the City has no control over, so you are 10 absolutely right, there has to be a process where we work together with our neighbors, which is under way, which John eluded to. We are trying to secure 11 12 funding for that additional third eastbound lane. It is in our Capital Improvement 13 Plan. It is partially funded at the moment and we are aggressively going after 14 those funds so that... we know that it is needed and it is stated as such in the 15 Capital Improvement Program that is essential and it needs to be done in the 16 next couple of years, so the sense of urgency is there, so we are out chasing funds so that it can be done. You know 2 years may be too optimistic but it is 17 certainly in the realm of possibility and it is all about securing those funds. 18

19

20 **COMMISSIONER GIBA** – Yeah, I'm kind of just putting a goat on you guys just a 21 little bit and letting you know it is something that is a concern and I think if it isn't 22 mitigated properly over the next few years and it becomes a big problem I think it is going to be an uncomfortable seat to sit in at that point, so I wanted to make it 23 clear that this is a big concern, because I don't know that everybody has spoken 24 25 to the EIR, even though it is out there and it is available, so I always look at it as my responsibility to bring that forward, otherwise I don't think I'm doing my job as 26 27 a Commissioner. So air quality is in there just as much and you get air people screaming about the air quality with all the trucks and everything; the open 28 parking lot with the trucks there. There is no way to... a lot of trucks parked in 29 one little corner of the world, so you are going to see that coming up as well, so 30 31 that was my concern is how soon can we resolve some of those cumulative issues before this facility is built out; a wonderful opportunity, but we want to 32 33 make sure it is done correctly and the property timing, because my concern is not just jobs, my concern is guality of life in the City of Moreno Valley too you know 34 35 and if people are trying to get to work to the freeway and now they can't get through because you know it is held up and it is uncomfortable and people are 36 having difficulties, that is not good quality of life either; jobs maybe but not quality 37 38 of life. That is my point. Sorry to drag this on but...

- 39
- 40 <u>CHAIR VAN NATTA</u> Okay, thank you. Does anyone else have any questions
   41 of the Applicant?
- 42
- 43 APPLICANT RICE Thank you
- 44
- 45 **<u>CHAIR VAN NATTA</u>** Okay, thank you. We'll go on to our Speaker Slips here...
- 46 George Hague

2 **SPEAKER HAGUE** – George Hague, Moreno Valley... First of all I'd just like to 3 commend all of you for allowing the public to speak. The last hearing was very 4 nice and like I say commendable. I am representing the Sierra Club on this 5 project. What you did with the VIP Warehouse, I disagree with several of the things related. You did a better job on that than probably most warehouses I've 6 7 seen in this City. Hopefully you will require a similar Silver LEED Certification on 8 this. I repeat again what I said on the previous project or previous time. Diesel 9 exhaust is responsible for about 70 percent of the total cancer risk from air 10 pollution... 70 percent and we are just bringing it into our City one project after another and then you say we are bringing jobs and those are the jobs that once 11 12 again where people are going to be sucking in diesel exhaust all day long. It is 13 not a quality job. You need to start thinking of other things and demanding more 14 than that. There are several things within 1,000 feet of this. They say 1,000 feet; 15 it should be beyond 1,000 feet when you are next to these things. There are 16 homes within 1,000 feet, a hotel within a 1,000 feet or a motel, you have future uses, commercial on the north, business or offices on the west side. Those are 17 future uses, but they are going to be within the 1,000 feet also, plus all the 18 19 workers. You have Ray Johnson's letter and that covers most of the things. I 20 just want to add the following. The Centerpoint west warehouse project will 21 significantly impact State Route 60, especially when added to the projects which 22 are in the planning pipeline that would result in more warehousing. The Sierra 23 Club believes the Final EIR is inadequate until the necessary cumulative impacts 24 to State Route 60 between Market Street and Riverside and the City of 25 Beaumont are fully analyzed. The Traffic Engineer whom I talked to earlier, 26 Michael Lloyd knows of the court decision on the villages of Lakeview. You 27 probably know it because the World Logistics Center pulled back from releasing 28 their documents as a result of that decision, which basically shut down the 29 project partly on the basis that they had a very small radius around the project for 30 their traffic impacts just like our City does.

31

1

### 32 CHAIR VAN NATTA – 30 seconds

33

34 **SPEAKER HAGUE** – This court ruling shot down as well as related impacts like 35 air quality. The City of Moreno Valley likewise required a small radius for traffic. While this project is smaller than the villages of Lakeview, but the cumulative 36 impacts along with the diesel trucks, it is very significant and therefore impacts 37 38 from traffic need to be fully analyzed as mentioned above in dealing with State 39 Route 60. This project doesn't deal with State Route 60. Almost none of them 40 do that are off of the 215 and that is because of our City standards which need to 41 be changed. I thank you very much.

42

Item No. E.2

43 <u>**CHAIR VAN NATTA**</u> – Thank you for your comments... Tom Thornsley 44

45 <u>SPEAKER THORNSLEY</u> – Good evening again. I applaud Jeffrey;
 46 Commissioner Giba for his insight about the mitigation that TUMF fees and stuff

1 is going to do. There is going to come to a point when you as a Commissioner are going to simply say we can't build anything more because we don't have the 2 resources to get you there, so those are the kind of things that you've got to be 3 4 watching for instead of outside people to make them happen. I really can't take the constant zone changes that the City is doing. We keep doing away with a 5 particular type of land use. This zone change in here is going to take away the 6 7 opportunity for some small type businesses to come in. It would be the same as 8 listening to public and saying we don't want apartments anymore so we're not do away with all the zoning for apartment uses. You have to a mix of these types of 9 10 things to give your City a balance and the type of land that is being lost here again is what is being lost all over the City to the warehouses. With regards to 11 12 buildings, I'm glad that Barry Foster did hear me. I never said that spec buildings 13 weren't good, I said spec buildings didn't present the best foot forward that a I agree so many people want their street forward 14 building could have. entitlement right away, but these buildings are straight flat boxes; very, very little 15 16 three dimensional articulation on them. There is a little bit of some height variation on there; almost nothing extra in the sense of relief to the buildings; 17 minimal amount accenting for the entrances on the 600,000 square foot building. 18 At best you have some parking; a little piece of pavement for the sidewalk to the 19 front doors. That just doesn't do it. You take a building that big and you should 20 be looking at something like one percent of equivalent floor area to be in your 21 22 entry area, so that would give that building a 6,000 square foot plaza area entry and then would start to create some significant entry points to buildings on there. 23 You know landscape setback lost to where your bus turnout is. You really need 24 25 to try to bring some of that back because you are down to about a 6 foot landscape buffer along about a 70 foot stretch there for a turnout. That huge 26 27 parking lot right there I hope you guys look at that again and look at some diagonal parking. It is much easier for the semis to their moving in and out of 28 29 that. I don't know how you are going to back big rigs in.

30

# 31 **CHAIR VAN NATTA** – 30 seconds 32

33 **SPEAKER THORNSLEY** – As I said earlier, I read through most of the stuff. You do have a lot of comments that were in your Final EIR; the one from the 34 35 lawyer Mr. Johnson. There are a lot of things in there that he brought up that I really feel that probably weren't truly addressed by Staff and then sounds like 36 some were written off by the developer saying that Staff didn't have a problem 37 38 with them, they are not a problem and so I'd hope that at least in the future you 39 all dig as deeply into it as Giba and that you understand that there is a lot of stuff 40 that needs to be addressed. Thank you.

41

42 **<u>CHAIR VAN NATTA</u>** – Thank you for your comments. Thank you... Tom Gerald

43
 44 SPEAKER GERALD – I'm Tom Gerald Sr. speaking on behalf of myself, 24535
 45 Wild Cow Drive... Madam Chairman and Commissioner and members of staff
 46 and the public. The first observation I have is the openness of this process. I

mean I'm amazed to the level that this applicant divulges lease terms and things 1 2 like that. That's pretty incredible and whatnot. I know it is not a simple process 3 and secondly I've had a chance to review the EIR and it is a very extensive 4 document and not perfect and there are holes in it, but you know it is a bit of 5 homework in there and the City had a second one to oversee the other. It was a good move. I was a member of the original General Plan Committee and maybe 6 7 Commissioner Crothers and I can remember that because it goes back to the 8 mid-80's and was formed through '85 through '87 and this project is what was 9 always envisioned in this general area. This area is where we wanted to see 10 industrial development, so it has a long history of being there. The alternate use would have been called multi-use small business; you know that's great and I 11 12 would love to see it but there is obviously not a really driving market for it right 13 now number one and number two if it did, you know you can a lot of welding 14 shops and a lot of automotive and it brings in a whole different venue of problems 15 too, so one I remember one of the things that was kicked around was clean 16 industry, clean industry and the reality is probably this is some of the most clean industry we can bring in. Diesel trucks admittedly yeah they have their element 17 and the comment about the 5 minute idling rule; I remember when it was brought 18 up a long time and they put it on there. I don't think these buildings are posted 19 20 for that but they should be and I think it would be a good way. I've worked 21 around diesel trucks and I don't like being close to them but if a truck comes in 22 and it shuts itself off and there is a reasonable time for them to unload it, so it's 23 maybe not a big a pollutant as there be a factor to. I concur with Community 24 Director Barry Foster about design standards of the City. Ridge is extremely 25 competent, experienced, credible industrial developer and I've learned from personal experience that Mr. Rice has a deep concern and interest in our 26 27 educational facilities and even through our reading essay contest winners on the 28 last 4<sup>th</sup> of July, so there is a lot of interest beyond his profession.

29 30

31

### CHAIR VAN NATTA – 30 seconds

32 **SPEAKER GERALD** – Okay the final thing is and my biggest concern is denial. I 33 signal was sent to the business community to a good corporate partner like 34 Harbor Freight. You know I remember a long time ago when Former 35 Commissioner Bruce Springer came to us at the Chamber of Commerce and he 36 was talking about how tough it is to bring quality jobs to the community. His 37 quote was it is a dogfight out there. It hasn't changed. It is still really tough, so 38 thank you for hearing my comments.

- 39
- 40 <u>**CHAIR VAN NATTA**</u> Thank you. Would the Applicant like to come back and address any of the concerns that were brought up by the Public?
- 42

Item No. E.2

43 <u>SPEAKER RICE</u> – Dennis Rice with Ridge Property Trust. I understand what
 44 Mr. Hague and Mr. Thornsley are saying and you know I think we've spent a lot
 45 of time; Staff have spent a lot of time; the consultants have spent a lot of time;
 46 the Peer Review consultants have spent a lot of time to put together a thorough

well documented EIR and we're going to go back through and look as some of the comments that were provided by Johnson and Sedlack just today, also by the South Coast Air Quality Management District and I believe the Sierra Club submitted something today, so we are going to revisit their comments. I'd also like Trey Fieler with Harbor Freight to come up and speak and he can give you a little bit of background on Harbor Freight and what their intentions are here and why they picked Moreno Valley.

8 9

### CHAIR VAN NATTA - Thank you. Welcome

10

SPEAKER FIELER - Thank you. We are a proud citizen of Moreno Valley. I'm 11 12 very happy to be here as Barry shared. We've really been doubling down as 13 hopefully you've seen in Moreno Valley and it may be helpful if I give you a little 14 bit of insight into how we use this facility as you think through, particularly the 15 truck use there. Unlike a lot of retailers, we source all of our product direct. 16 Home Depot I know has put a facility here and typically there are more of a cross dock facility where they have their manufacturers hold all their inventory. They 17 bring it in just in time and distribute it to the stores. Most of our product is 18 proprietary so we do actually bring it in and it will come in waves, so one of the 19 necessities of a large truck park is if a tanker comes into Long Beach Harbor and 20 21 the commentary was about the 60 Freeway and that is our primary access point, but really the majority of the business that is going through here today won't 22 It will certainly by our growth but today we have that long hold 23 increase. component, so we're a really big warehouse facility more so than a cross dock 24 25 facility, so we have decided and certainly this would enable us to fulfill that need to really double down the east and west coast with a million square foot facility 26 27 today in Dylan, South Carolina and if this project is able to go through, this will be 28 our west coast as Barry mentioned as well facility. It will handle everything west 29 of the Mississippi River as well. Because of that long hold need that we have, unlike a lot of retailers, it helps us to have it all under one roof. Today we do 30 31 have the facility on Nandina as well, but frankly with this facility being larger, it will prevent some of the trucks, particularly the local trucks as we move product 32 from one facility to the other, we'll actually be able to hold more of the high turn 33 34 product in this facility versus having it over at Nandina and bringing back across 35 to be able to do the distribution out of this facility. The Nandina facility today is just warehouse. Again it is for our longer term product that today doesn't turn as 36 37 quickly. Specific to the jobs, we are a pretty high touch retailer. For those that 38 may have been in our store, a lot of bulk items; a lot of odd shaped items, unlike 39 a Sketchers where every box is the same size and they can automate a lot of their material handling equipment. We have to touch a lot of the product, so 40 41 granted we do have crates that go out and you know larger packages that go out, 42 but a lot of it is touched and we do have a high need for jobs over a long term. The question was raised about the number of jobs. We're not fully operational 43 44 today and very accurate and very set about moving jobs here. We try to hire local. We definitely try to have that commitment to the community that we are in. 45 We have about 350 jobs today and if this facility is able to continue, we probably 46

1 have close to 600 jobs in Moreno Valley proper. We are in negotiations obviously still and yes there was disclosure about our contractual agreements, 2 but this would enable us to be in the City for a long time to come. We are 3 4 prepared to commit to the Building 3 at this point, but certainly if we continue on our trajectory, that is the logical expansion place for us as you can imagine. You 5 know to the question about whether this building is built for us, frankly if it is 6 7 across the street or it is 5 miles away, it really doesn't matter. We need it under 8 one roof to really get the economies for us, because if we are putting it onto a 9 flatbed or a semi to move it, it doesn't matter; it really doesn't; it's just a mileage 10 charge. All the labor happens for us when we actually put in into the truck, so to be in Nandina is fine. Frankly to be in Riverside is fine. Today as you know we 11 12 are in Oxnard as well and with this facility, we potentially would be consolidating 13 all that operation into this facility as well. So again, we are very happy to be in 14 Moreno Valley and a neat place to be, so you any questions you have I'd be 15 happy to answer.

16

17 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – Trey,
 18 can you talk about and I think the reason for your growth spurt is you're actually; I
 19 think you are doubling the number of new stores. Do you want to talk about a
 20 little about that?

21

22 **SPEAKER FIELER** – Sure, so historically we've been a slow growth company. Without getting into all our growth targets and all that good stuff, we today have 23 414 stores. We plan to build about 50 stores this year and so somewhere 24 25 around that 10 percent constant growth, so if we continue that trajectory obviously in short order we will double the number of stores; have a high quantity 26 27 of inventory in each of our stores if any of you have been in there recognize, so 28 we do obviously as we grow, we also have a need to have back up stock in the 29 warehouses and certainly speaks to why we need such a big square footprint to be able to handle that as well. So we are controlled growth. We definitely are 30 31 sensitive to ensuring that we have the right people and the right processes in place as we do it but we are committed to continuing to grow and very fortunate 32 33 as well as a retailer to not have had negative comp sales as many people have 34 had over the last couple of years as well, so hopefully between those two, the 35 continued growth of our existing stores and the growth of new stores across the and the west is the focus area for us. Certainly this facility would continue to 36 37 support that as well.

38

39 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – I do 40 want to thank Trey because we twisted his arm a little bit but they opened the 41 store on Sunnymead Boulevard, so it has done well to actually have a store in 42 Moreno Valley too. That is something that we wanted to have for a long time and 43 once we got the DC, we were able to convince him to put in a store.

- 44
- 45 **SPEAKER FIELER** And Barry was very helpful with that as well.
- 46

1 **<u>CHAIR VAN NATTA</u>** – Do you happen to know what the average wage is on your blue collar workers?

3 4

5

7

SPEAKER FIELER - I don't. We can find that information out though

6 **CHAIR VAN NATTA** – I was just curious

8 **SPEAKER FIELER** – I know we typically pay a little bit better than minimum 9 wage for sure, but I couldn't speak to that exactly.

10

15

19

11 **CHAIR VAN NATTA** – Okay, any other questions of the... not really the 12 Applicant, but the end user. Okay, thank you very much.

13
 14 SPEAKER FIELER – Thank you. I appreciate the time.

16 **CHAIR VAN NATTA** – This closes the Public Comment section and does 17 anyone have any comments to make in Commissioner Discussion here before 18 we go to a motion.

20 **COMMISSIONER CROTHERS** – Again I'd to thank the public for coming out and 21 speaking. Like I said earlier, it is rare that we have the public come out and 22 speak, so it is nice when they do come out so that we can hear their opinion. To what Mr. Thornsley said earlier... you know I drive Cactus every morning and 23 every day on my way home and you know not to put the buildings down, but 24 25 there is not a day goes by when I drive by and I think to myself, gosh that is a nice looking building. You know I drive by and I think that is a very use 26 27 appropriate looking building. It is definitely a warehouse; you know it's a 28 warehouse when you drive by it. It is not something that is going to knock my 29 socks off when I drive by it and I understand that it fits with the design of the rest of the buildings that are already there. You know in the future I think I would like 30 31 to see something a little bit more; something a little bit less industrial looking; something maybe more interesting to look at when you are driving by it because 32 these are huge buildings and they take up a lot of our area; our land space and 33 you know it is something that people like me that are commuters that have to 34 35 drive by and look at it every single day and you know I'm not saying they look horrible, I'm just saying that they look like warehouses and they look very 36 37 industrial. You know maybe in the future we can get a little more creative with 38 what we do with paint or with design or with whatever element we can add to it to 39 make it not just look like you know a big area of our section that is taken up by 40 you know a block wall or you know the pop up kind of buildings. That's all. 41 Thank you.

42

43 <u>VICE CHAIR SALAS</u> – Okay, for us long time Moreno Valley residents and 44 whatever we were, seeing Centerpoint there for all those years empty just sitting 45 there with nothing in it and you are going like oh boy does that thing ever fill up 46 and now you can see it is starting to actually have tenants having it fill up. I

1 mean I think it's a great thing for the City. I mean Barry has done a good job 2 getting people there and I think it's a great thing. I'm all for it. I'd like to see the 3 whole thing filled up myself.

4

5 **COMMISSIONER BAKER** – I'm in support of this project and I'm a big fan of Harbor Freight for whatever that is worth, but these guys want to commit their 6 7 future to Moreno Valley and the Riverside County area and we need to get on 8 board and we already are and I just feel like that if they need more space and we 9 can make it happen... unfortunately every project you have you know projects 10 some growth, you are going to have some pain with it. No pain; no gain is kind of the way it goes. I know a lot of people don't like to hear that and I've been here 11 12 in Moreno Valley too; probably 28 or 30 and I'm with George, I'm glad to see something happening over there. I mean that was... I meant here for a while that 13 14 was flat nothing going on, but now Ridge Developers got a hold of that and a few other people that know exactly what they are doing and I think we need to get 15 16 behind this project, so let's go for it, okay, thank you.

17

18 CHAIR VAN NATTA – Well you just said your peace... Well the only comment I 19 want to make is if you are not growing you are dying and I always understood that that side of town was where the industrial uses were going to come in and 20 21 whether you are going to call it business park or whether you are calling it light 22 industrial, to me that is all variations of the same usage and it works there and I think we should encourage it especially when we have the caliber of companies 23 that are now seeing Moreno Valley as being a destination, not just for their 24 25 warehouses but for their businesses; not just buildings but companies coming in and I don't see any reason not to encourage it. Okay does somebody want to 26 27 make a motion here?

- 28
- 29 **<u>COMMISSIONER CROTHERS</u>** I'll make a motion.
- 30

31 <u>CHAIR VAN NATTA</u> – Okay 32

33 **<u>COMMISSIONER CROTHERS</u>** – I motion to:

34

APPROVE Resolution No. 2012-29 and thereby RECOMMEND that the City
 Council CERTIFY that the Environmental Impact Report (EIR) for the RPT
 Centerpoint West Project has been completed in compliance with the
 California Environmental Quality Act.

- 39
- APPROVE Resolution No. 2012-30 and thereby RECOMMEND that the City
  Council APPROVE Zone Change application PA12-0022, Plot Plan PA120019, Plot Plan PA12-0020 and Plot Plan PA12-0021, subject to the attached
  Zone Change Map and conditions of approval included as Exhibits A, B, C and
  D.
- 45
- 46 VICE CHAIR SALAS I'll second that

1	CHAID VAN NATTA We have a metion and a second All in favor?
2 3	<b><u>CHAIR VAN NATTA</u></b> – We have a motion and a second. All in favor?
4	
5	
6	Opposed – 0
0 7	Opposed 0
8	
9	Motion carries 5 – 0, with two absent (Commissioner Owings and
10	Commissioner Ramirez
11	
12	
13	
14	CHAIR VAN NATTA – I would like to go to the Staff wrap up now.
15	
16	<b>PLANNING OFFICIAL TERELL</b> – Yes, this recommendation shall be forwarded
17	to the City Council for final review and action and we tentatively scheduled it for
18	December 11 <sup>th</sup> , so it will be going to City Council at that time.
19	
20	VICE CHAIR SALAS – Thank you and good luck.
21	
22	COMMISSIONER BAKER – You bet
23	
24	
25	
26	
27	
28	
29	PLANNING COMMISSIONER COMMENTS
30	
31	
32	
33	<b><u>CHAIR VAN NATTA</u></b> – Are there any final comments from the Commissioners for
34	the good of all.
35	
36	PLANNING OFFICIAL TERELL – I don't know if wanted to convey
37	Commissioner Owings message that he sent to us.
38	
39	CHAIR VAN NATTA – You mean about missing us?
40	
41	PLANNING OFFICIAL TERELL – Yes
42	
43	<u>CHAIR VAN NATTA –</u> We will miss him also.
44 45	DIANNING OFFICIAL TERELL And once you have your Commissioner
45 46	<b>PLANNING OFFICIAL TERELL</b> – And once you have your Commissioner Comments I did have a couple of comments to follow on that.
46	Comments Fully have a couple of comments to follow off that.



2 **CHAIR VAN NATTA** – Okay, fine, comments.

4 **<u>COMMISSIONER GIBA</u>** – Yeah we will miss Commissioner Tom as Ray would 5 call us, very, very much. He has been like a father figure on this. Ray is way too young for that... but I sent out a little email out to you about overlays and I want 6 7 to speak to that very simply and you guys can think about it over the time frame 8 but I was really thinking about the overlay project and I really believe it would be 9 very important for us to learn more about it; the public to learn more about it. I 10 think if would be of value; a workshop; study session and so I'd like us to think about that and maybe perhaps at the next Commission meeting maybe even 11 12 consider voting on it or whatever they would like to do or feedback to you. I 13 wouldn't know what that process would was otherwise than to do that, so that 14 would be my position. I personally and that's why I say me as a Commissioner, I 15 personally would like to learn more about the value of an overlay project. It 16 sounded like it is something that we could really use on a regular basis; large; small, but I don't know much about it and so I want to learn about it and so if we 17 18 could have a study session then I think that is something that would be of value 19 to all of us.

20

1

3

21 **PLANNING OFFICIAL TERELL** – I think that obviously there have been some 22 discussions at the Council level regarding that and I would anticipate there will be more so they will also provide some direction and since it was raised before it is 23 24 kind of on the list and was waiting for a meeting where you had some extra time, 25 this meeting and your next meeting you won't, but so that is kind of and really kind of waiting on seeing if now the new Council, because the old Council had 26 27 kind of pushed that decision into early next year, that the new Council will have 28 some direction and it will help us see if they are interested in doing that at that 29 level and that will also will help in our discussion when that happens. So you don't need to vote on it. Certainly you can express your interest but I think the 30 31 Commissioners when it came up originally at the Joint Study Session, I think that 32 was when it was; had expressed some interest in that so we'll keep that. It is on 33 the list. I just wanted to say it was on the list. I wanted to give you an 34 opportunity to present it here publicly, so we good do that.

35

36 **<u>COMMISSIONER GIBA</u>** – Thank you wholeheartedly and I appreciate the 37 opportunity to cut my comments short.

38 39 **CHAI** 

<u>CHAIR VAN NATTA –</u> Thank you.

40

Item No. E.2

41 **<u>COMMISSIONER CROTHERS</u>** – I just wanted to formally congratulate Tom 42 Owings in winning his election race and not only winning his district but winning 43 every precinct in his district. I think he'll do great things for this City and I'm 44 excited to see what kind of changes he brings and what new opportunities he has 45 and new ideas. It is always good to have you know kind of a regime change and 46 figure out what new and exciting stuff we can do for our City. Not everybody 1 thinks the same. Everybody has different ideas and I think that he will be definitely be a good addition to our City Council and I just wanted to thank him 2 3 and congratulate him.

- 4
- 5 CHAIR VAN NATTA – Commissioner Salas do you have anything to say? 6
- 7 VICE CHAIR SALAS - No

8 9 CHAIR VAN NATTA – Commissioner Baker do you?

10

12

11 **COMMISSIONER BAKER** – I have nothing.

13 **CHAIR VAN NATTA** – Well I just want to say yes, you just said it. We'll miss 14 Tom on the Planning Commission and look forward to what he going to be doing on the City Council and taking what he experienced here from the Planning 15 16 Commission to the City Council and maybe putting a little more input put there that will make what we have been doing heard a little better. So Mr. Terell you 17 said you had some additional comments too. 18

- 19
- 20
- 21
- 22

#### 23 STAFF COMMENTS

24 25

26 **PLANNING OFFICIAL TERELL** – I just wanted to give you a preview of your next meeting. Your next meeting is on December 13<sup>th</sup>. There are two items 27 scheduled for that day. The first one is the March Business Center which is 28 29 down at Heacock and Iris. That is an industrial warehouse project that has several buildings... actually one of the buildings is 16,000 square feet, so it is a 30 31 range of buildings and that will be coming forward to you and because of the scale of the project it does have an Environmental Impact Report. I believe you 32 should be receiving it or you already have received that so that you have it 33 34 between holiday shopping you have something to take up the rest of your time.

35 36

VICE CHAIR SALAS – We got it today

37

38 **PLANNING OFFICIAL TERELL** – Okay good and so that project will be in there 39 and another project will be the Kaiser Hospital. They have an application that will be coming forward to expand the emergency room at the Hospital and as part of 40 41 that they are also looking at modification of one of their conditions related to the medical office building that is nearing completion and should be open early next 42 year, so that is the other item that is on your Agenda for December 13<sup>th</sup>.

43 44

> 45 CHAIR VAN NATTA – Okay, thank you.

46

ADJOURNMENT		
<b><u>CHAIR VAN NATTA</u></b> – Okay, with no further business we are adjourned.		
John C. Terell	Date	
Planning Official		
Approved		
Mali Van Natta		
Meli Van Natta Chair	Date	

DEPARTMENT OF TRANSPORTATION

EDMUND G. BROWN Jr. Governor

**ATTACHMENT 12** 

# RECEIVED

NGV 27 2012

CITY OF SECRENO VALLEY Planning Division Flex your power! Be energy efficient!

Item No. E.2

November 19, 2012

464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> Floor MS 725 SAN BERNARDINO, CA 92401-1400

DISTRICT 8

PLANNING

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

Jeff Bradshaw Community & Economic Development Planning Division 14177 Frederick Street P.O. Box 88005 Moreno Valley, CA 92552-0805

### RPT Centerpointe West: SCH# 2012081034 (I-215 PM R35.70)

Mr. Bradshaw,

We have received your request for review of the above mentioned proposal PA12-0019 is a 164,720 sf warehouse building on 7.6 acres at the northeast corner of Cactus Ave. and Fredrick St. PA12-0020 proposes adding 507,720 sf to an existing 779,016 sf warehouse building for a total of 1,286,736 sf on a 18.6 acre site located at the northwest corner of Cactus Ave. and Graham St. PA12-0021 proposes a new 607,920 sf warehouse facility on 30 acre located at the northwest corner of Graham St. and Brodiaea Ave. PA12-022 proposes a Zone Change from BPX to LI for the 7.6 acres located at the northeast corner of Cactus Ave. and Frederick St. in the City of Moreno Valley.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Moreno Valley due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We recommend the following to be provided:

#### **Traffic Study**

- Per Table 1.8-1 (Summary of Significant and Unavoidable Impacts), the proposed project will have cumulatively considerable, significant and unavoidable traffic impacts to the I-215 southbound and northbound ramps at Cactus Avenue.
- Per Table 1.10-1 (Summary of Environmental Impacts and Mitigation Measure), a second westbound through lane at the I-215 southbound ramp and Cactus Avenue

"Caltrans improves mobility across California"

Mr. Bradshaw November 19, 2012 Page 2

intersection is needed to mitigate Opening Year Cumulative traffic impacts. The project will pay the required TUMF share. The City of Moreno Valley must ensure that this mitigation measure is implemented before cumulative traffic impacts generated by this and other projects open.

• At the I-215 nothbound ramp and Cactus Avenue intersection, the identified the following improvements per Table 1.10-1. The project will pay the required TUMF share. The City of Moreno Valley must ensure that these mitigation measures are implemented before cumulative traffic impacts generated by this and other projects open

- o Construct a second northbound left-turn lane
- Re-stripe the existing eastbound shared through/right-turn lane as the third through lane.
- Construct a dedicated eastbound right-turn lane.
- Construct a third westbound through lane.
- Construct a dedicated westbound right-turn lane.
- Appropriate encroachment permit must be obtained from Caltrans for our review and approval when these mitigation measures are constructed.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DÄNIEL KOPUI

Office Chief Community Planning/IGR-CEQA

"Caltrans improves mobility across California"

-640-



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182 (909) 396-2000 • <u>www.aqmd.gov</u>

#### E-MAILED: NOVEMBER 28, 2012

November 28, 2012

Mr. John Terrel, Planning Director, johnt@moval.org Community & Economic Development Department City of Moreno Valley 14177 Frederick Street Moreno Valley, CA 92553

#### <u>Response to Comments for the Final Environmental Impact Report (Final EIR) for</u> <u>the Proposed RPT Centerpointe West Prologis Eucalyptus Industrial Park Project</u> (SCH #2012081034)

On November 5, 2012, the AQMD staff commented on the Draft EIR for the proposed RPT Centerpointe West Prologis Eucalyptus Industrial Park Project. This letter addresses the lead agency's responses to our comments, which AQMD staff received on November 20, 2012.

Based on the lead agency's responses, the AQMD staff appreciates the lead agency's inclusion of operational mitigation measures in its building design that encourage bicycle and pedestrian usage to the site; includes the use of solar panel to reduce on-site energy consumption; and design and operational criteria under the Leadership in Energy and Environmental Design (LEED) designed to reduce energy consumption that would benefit the region by also reducing the associated operational emissions.

The AQMD staff is concerned, however, that all feasible mitigation recommended to reduce the estimated significant regional mobile source emissions from trucks operating at the site were not included in the Final CEQA document thus missing the opportunity to reduce the project's truck tail-pipe emissions. The lead agency stated that many of the lead agency's proposed measures are already incorporated in the City Municipal Code Section 9.05.050 based on the Western Association of Governments (WRCOG) Good Neighbor Guidelines (Guidelines). Upon review of that portion of the code, measures directed to implementing a clean fuel goal from the Guidelines were not included in the Final EIR. Specifically, Goal Number 5 establishes a diesel minimization plan for onand off-site diesel mobile sources to be implemented with new projects. Some of the benefits of this WRCOG goal include: 1) establishing a long-term goal for the facility to eliminate diesel emissions at the facility, and 2) reduce associated facility on- and offroad diesel emissions. Finally, the AQMD proposed measures are also consistent with the WRCOG Good Neighbor Guidelines Goal Number 5 recommendations: 1) Require all warehouse/distribution centers to operate the cleanest vehicles possible; 2) Provide incentives for warehouse/distribution centers and corporations which partner with trucking companies that operate the cleanest vehicles available; and 3) Encourage the

#### Mr. John Terrel, Planning Director

installation of clean fuel fueling stations at facilities. The AQMD staff encourages the lead agency to reconsider implementation of known strategies now at the design stage in order to reduce the estimated long-term significant impacts to the region from trucks operating at the proposed site.

2

The AQMD staff further disagrees with the characterization that neither the lead agency nor the project applicant can require as part of the lease or as a condition of owner occupancy that heavy duty trucks meet engine emission standards, implement a phase-in schedule or other measures recommended in the AQMD letter. Although CARB regulates engine and fuel specifications, the recommended goals including Goal Number 5 in the WRCOG Guidelines are under the powers of the local jurisdiction through its lease and land use authority, which can mitigate the project truck impacts. Further, the recommended mitigation measures would not require development of new emission standards. Rather, it would require the lead agency to use its existing authority to mandate the kind of activity happening onsite.<sup>1</sup> If the proposed 2010 truck requirement is infeasible, then the lead agency and project applicant should evaluate a less stringent phase-in schedule for clean trucks to reduce significant air quality impacts.

The AQMD staff further disagrees that project mobile source emission impact are overestimated or double-counted for warehouse centers like the proposed project. Based on the lead agency's analysis based on a trip rate from warehouse truck studies, 996 daily truck trips are estimated to operate at the site based on the increased warehouse capacity. This is new activity to the project site and surrounding area. Since there isn't a fixed pool of heavy-duty trucks operating in the region that simply change their routes ending up at different locations., the increased capacity is based on increased demand from where the goods are manufactured, delivered to and/or transferred throughout the basin for delivery to local and/or out of basin markets. This increased goods-movement activity creates new heavy-duty truck trips and associated emissions from the increased trips and miles traveled created by the goods movement from these additional truck activities.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

<sup>&</sup>lt;sup>1</sup> Note that many other lead agencies in the region have included clean fleet requirements for some projects that go beyond existing regulations, including the Ports, Riverside County, the City of Banning, etc.

Mr. John Terrel, Planning Director November 28, 2012

Sincerely,

la V. Mr. Mith

3

Ian MacMillan Program Supervisor, Inter-Governmental Review Planning, Rule Development & Area Sources

۰.,

IM:GM Attachment

SBC121120-07 Control Number

Copy: Mr. Jeff Bradshaw, Associate Planner, JeffreyB@moval.org

Manning Commission Public Hearing Date Nov 29, 2012 Item 2 - PA12-0019, PA12-0020, PA12-0021 and PA12-0022 Dear Cormussioners, The Center pointe west ware house project will significantly impact 5R60 - especially when added to these projects which are in the planning pypeline that would result in more warehousing. The Sizira Club believes the FEIR is inadequate until the necessary cumulation impacts to SR 60 between market street in Riversicht to the City of Beaument are fully analyzed Traffic engrisse michael bloyd knows of the Court decision on the Villages of Lakeview. The Country used a very small radius for traffic impacts related to the VOL project. The Courts ruling shot this down as used as related impacts like air quality (640. The City of Morone Valley likewise required a small radius for trastic analysis and related impacts like air quality (34) ashile this project is small than yoh, but annulative E.2 Thank you, Geor-644- ague Moreno Vally Brown S Lerra Chube Item No. E.2

Johnson Sedlack

26785 Camino Seco, Temecula, CA 92590

Raymond W. Johnson, Esq. AICP Carl T. Sedlack, Esq. Retired Abigail A. Broedling, Esq. Kimberly Foy, Esq. E-mail: EsqAICP@WildBlue.net

Abby.JSLaw@gmail.com Kim.JSLaw@gmail.com Telephone: 951-506-9925 Facsimile: 951-506-9725

November 29, 2012

Moreno Valley Planning Commission 14177 Frederick Street Moreno Valley, CA 92553 Facsimile: (951) 413-3210

#### VIA FACSIMILE AND EMAIL

#### **RE: RPT Centerpointe West Project Final Environmental Impact Report (P12-057)**

Greetings Planning Commissioners:

On behalf of the Sierra Club, Moreno Valley Group, and Residents for a Livable Moreno Valley, our firm hereby submits these comments after reviewing the Final Environmental Impact Report ("FEIR") on the RPT Centerpointe West Project. Johnson & Sedlack hereby incorporates all comments previously submitted.

We respectfully ask that you disapprove this project. As discussed in the comment letter dated November 5, 2012, and further explained herein, the EIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA").

CEQA was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision-makers and the public, the decision-makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the EIR fails as an informational document. First, the EIR misleads the public and decision-makers as to the extent and severity of project impacts. Second, the EIR does not contain sufficient information to support its findings.

For example, Response to Comment JS-7 fails to address why impacts to Biological Resources, Cultural Resources, Geology and Soils, and Hydrology and Water Quality were not evaluated in the DEIR. Typical of the Responses to Comments, the response attempts to avoid the comment by referring to the commenter's statements as "opinions," even though the comment clearly refers to statutes. November 29, 2012 Page 2

In addition, the EIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision-makers of the analytical pathway taken from facts to conclusions.

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. In this way, CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the EIR concludes that unavoidable adverse impacts will result to/from the following: air quality, noise, and traffic/ transportation. Feasible mitigation measures exist which would reduce these impacts, and which have not been required of this project. This is contrary to the requirements of CEQA, and the additional feasible mitigation must be required of this project.

#### Findings of Fact and Statement of Overriding Considerations

#### Traffic/Transportation

Impacts to traffic were found to be significant and unavoidable. The traffic mitigation measures are stated to be infeasible to the extent that the implementation thereof is beyond the control of the applicant or within the jurisdiction of another agency. The lead agency under CEQA has an obligation to adopt feasible, certain, and enforceable mitigation. The lead agency cannot avoid its obligation to adopt certain and enforceable mitigation by declaring impacts to be significant and unavoidable.

There is no indication in the record as to when the traffic improvements will be implemented. Fee-based mitigation is inadequate where the improvements are tied to funds which are uncertain to occur. There is no timeline for the improvements or any showing that improvements will be made within a reasonable time-frame. In addition, there is no indication as to how much funding has already been collected, if any. The TUMF and DIF programs do not appear to be disclosed in the record. The fact that traffic impacts have been determined to be "significant" does not insulate the City from adopting certain and enforceable mitigation.

Furthermore, while "Opening Year" conditions were determined to be significant, it is probable that any future conditions will also be significant where there is no reasonable timeframe for the implementation of the necessary traffic improvement measures. To leave citizens to endure years of significant traffic impacts, without any assurance in the record as to when improvements will be made, is not an acceptable result under CEQA, regardless of whether the impacts are determined to be "significant and unavoidable."

#### Air Quality

As to air quality, both operational and cumulative, the City has not adopted all feasible mitigation to lessen significant impacts. Thus, the finding that these impacts are significant

November 29, 2012 Page 3

and unavoidable is improper under CEQA. (Pub. Res. C. § 21081 (a), (b); Guidelines § 15091 (a)(3).)

#### Noise

Again, the City has not adopted all feasible mitigation to lessen significant impacts and, therefore, a finding that significant short-term construction noise impacts are unavoidable is improper.

#### Statement of Overriding Considerations

As previously noted, the EIR still fails to evaluate a reasonable range of project alternatives, among other things, because the reduced density alternative appears to have the same significant impacts as the proposed project and it does not meet basic project objectives as required. (Guidelines § 15126.6 (a).) The "no project/existing alternative" is shown to make significant project impacts much *worse*. Together, this analysis does not constitute a reasonable range of project alternatives. Further, the purportedly environmentally superior reduced scale alternative has not been shown to be infeasible based on substantial evidence. (Guidelines § 15091 (a)(3), (b).) Without such adequate findings regarding project alternatives and/or mitigation measures, the Statement of Overriding Considerations cannot be adopted. (Pub. Res. C. § 21081 (a), (b).)

The Statement of Overriding Considerations ("SOC") is not supported by the required substantial evidence. (Pub. Res. C. §§ 21081 (b), 21081.5) The SOC is also not based on overriding policy benefits of the project but rather improperly represents requirements of the project. First, the project is *required* to be consistent with the City's General Plan; this cannot be said to be an overriding policy benefit of the project. Second, the fact that the project transitions the site into a "productive light industrial use" is merely a description of the project, not an overriding benefit. Third, the fact that the project is located near freeways and a major street "for the convenience of operations" is a help to the *applicant* but not to the citizens where traffic impacts to roadways and freeway ramps are shown to be significant and unmitigable. Fourth, the purported fact that the project creates employment "opportunities" for the City and surrounding communities is not supported by data, for example, the number and type of jobs created, and whether these are in fact local jobs. Indeed, whether the project will in fact create employment is highly uncertain (see Attachments A and B). Finally, the fact that the project, not overriding benefits to the community at large.

#### Cumulative Impacts

The EIR fails as an informational document by failing to consider the World Logistics Project and the Prologis Eucalyptus Project, among others.

Response to Comment JS-9 is unreasoned and conclusory. The response does not explain why the World Logistics Project and the Prologis Eucalyptus Project were not included in the

November 29, 2012 Page 4

cumulative analysis. The response merely states that those projects are accounted for in the ambient growth rate, without any supporting evidence.

Comment SC-5 notes that, in addition to the World Logistics Project and the Prologis Eucalyptus Project, the West Ridge Commerce Center and the VIP warehouse projects are also not included in the Cumulative Project List. The EIR is therefore inadequate. The Response to Comment SC-5 states that these projects are accounted for in the ambient growth rate, but does not provide any supporting evidence.

#### Aesthetics

The finding of less than significant impact remains unsupported in the FEIR. As noted in our prior comments, the EIR fails to provide sufficient information to make *any* finding with respect to aesthetics impacts. The EIR lacks information regarding parking, landscaping, building design, buffering, signs, lighting, etc.

The Responses to Comments unreasonably suggest that requiring the project to conform to city standards necessarily means the project will have a less than significant impact. Any project, in any city, would have to conform to the city's standards. Without any accompanying information, this statement of conformance to city standards is meaningless.

Response to Comment JS-6 is completely unresponsive. The response merely repeats the conclusory statement contained in the DEIR, the precise concern of the commenter. The response directs the commenter to Responses JS-1 through JS-3, neither of which respond to the comment.

Response to Comment JS-14 does not provide any insight into the project's impact on aesthetics. The response regurgitates the same vague information contained in the DEIR and relies on the same conclusory statements which the commenter expressed concern about.

#### Air Quality, Greenhouse Gases

The EIR fails as an informational document by misleading the public and decision-makers with respect to the project's impact on air quality. This issue was discussed in numerous comments, but remains unaddressed. To illustrate, Response to Comment JS-3 fails to address the commenter's concern regarding the misleading nature of referring to three years of construction as a single phase. In fact, the response exacerbates the commenter's concern by stating that "[t]he single phase of construction is comprised of multiple elements or stages." In addition, rather than responding to the commenter's concern regarding the relatively long-term nature of noise and traffic impacts, the response unreasonably states that because there is an expected cessation date, these impacts are temporary. The addition of a cessation date does not make impacts "temporary," as a cessation date could be set for 50 years from the start of a project.

The EIR also fails by not incorporating all feasible mitigation and/or failing to find such measures to be infeasible. Some examples of these instances, though not all by far, are listed below.

The FEIR concludes that in spite of the fact that the project's VOC and NOx operational emissions exceed SCAQMD thresholds, no mitigation is required. Responses to Comments state that there are no feasible means to reduce these emissions. This "finding" of infeasibility is not supported by any evidence, and is suspicious in light of the many seemingly feasible mitigation measures recommended by commenters. The Responses to Comments, rather than actually addressing *why* the mitigation measures were found infeasible, blanketly rejects, without any supporting evidence, or ignores them all together.

Response to Comment AQMD-2 fails to respond to the comment made with regard to consideration of the mitigation measures proposed in AQMD's attachment. The response merely discusses two additional mitigation measures, and ignores all other proposed measures. In addition, the response states that emissions thresholds for VOCs and NOx would persist without any supporting evidence.

Response to Comment AQMD-4 is a good example of several comments lumped together in which the bulk of the comments are ignored. The response fails to address *any* specific mitigation measure proposed in the comment. Moreover, the response unreasonably suggests that because most vehicle emissions associated with the project are outside the applicant's control, mitigation measures which would reduce emissions from vehicles within the applicant's control are not important.

Response to Comment JS-5 is unresponsive in that it does not explain how the DEIR accounts for impacts to nearby sensitive receptors. The response merely states that the March Lifecare Campus is "noted" in the DEIR and claims that the DEIR "presents and considers maximum impact scenarios regarding truck impacts at sensitive receptors," without any supporting evidence. Furthermore, the response completely ignores the commenter's concern regarding DEIR traffic assumptions. Instead of addressing the comment, the response refers to the fact that trucks using alternate routes will impact noise and traffic along those routes as an "opinion."

Response to Comment JS-30 does not respond to the comment made regarding the EIR's flawed assumption that truck traffic will only use a route to/from I-215. Johnson & Sedlack reiterate its concern that impacts to sensitive receptors have been improperly and inadequately evaluated.

Response to Comment SC-6 does not respond to the questions posed regarding ensuring the protection of sensitive receptors and on-site workers. Stating that an assessment of health risks to on-site workers is not required does not respond to the question asked. Moreover, noting that exposure is projected to be below the threshold does not respond to *how* the project will protect sensitive receptors from harmful pollutants.

Response to Comment SC-13 is completely unresponsive.

Response to Comment SC-16 only addresses LEED certification, but does not address the numerous proposed mitigation measures which would decrease greenhouse gas emissions.

Response to Comment WMD-4 does not respond to the comment made regarding implementation of an in-house recycling program.

Mitigation Measure 4.3.2, Mitigation Measure 4.3.5, and Mitigation Measure 4.4.6 only require that a signs be posed but do not require compliance with the measures delineated on the signs. These mitigation measures are therefore insufficient.

#### **Biological Resources**

The EIR fails in its informational role to sufficiently describe the project's impact on biological resources. The FEIR does not clarify the extent or likelihood of this impact.

#### **Geology and Soils**

The FEIR fails to address the major concern regarding impacts to geology and soils: no geotechnical report has been prepared for the project. The project is located on expansive soil, giving rise to potentially significant impacts.

Response to Comment JS-8 is unresponsive and conclusory. The response does not address why, or under what legal authority, the DEIR is deferring preparation of a geotechnical study for the project. Instead, the response cites to geotechnical studies prepared for *other* projects, does not discuss the findings of those studies, and concludes that impacts are less than significant.

Response to Comment JS-44 completely fails to respond to the comment regarding where the soils will be obtained from and/or removed to.

Response to Comment JS-45 does not address how potential mitigation measures for a nonexistent geotechnical study can be certain.

#### Land Use/Planning

As discussed in Comment JS-53, this project does not discourage access through residential areas, and is thereby inconsistent with Policy 2.5.4 of the General Plan. Mere placement near I-215 does not itself discourage access, as I-215 can become extremely congested.

#### <u>Noise</u>

Response to Comment JS-60 is unresponsive as to why a permanent increase in ambient noise levels is not considered a significant impact.

#### **Traffic/Transportation**

Response to Comment WMD-2 fails to respond to the majority of issues raised in the comment. The response does not address the failure of the DEIR/TIA to account for the two driveways across from Building 2 along Frederick Street. Perhaps more egregiously, the response does not discuss any traffic safety or congestion issues associated with these driveways. The response

Item No. E.2

merely dismisses the commenter's concerns by stating that the two driveways generate "nominal traffic volumes."

Response to Comment WMD-3 is unresponsive in that it summarily rejects consideration of alternate mitigation measures to reduce significant traffic impacts. The response states that impacts are beyond the applicant's control and fails to consider coordinating with the city or others in order to mitigate impacts.

Implementation of Mitigation Measure 4.2.2 is uncertain to occur. The improvement depends on the collection of funds through the TUMF Program, there is no timeline provided for the improvement, and there is no detail as to how much funding has already been collected, if any.

Mitigation Measure 4.2.3 is also uncertain to occur. The improvement depends on the collection of funds through the TUMF Program, there is no timeline provided for the improvement, and there is no detail as to how much funding has already been collected, if any.

Mitigation Measures 4.2.4, 4.2.5, and 4.2.6 are similarly uncertain to occur. The measures themselves do not even provide a certain source for funds, as funds will be collected from the "TUMF and/or DIF program(s)."

#### **Alternatives**

This project fails to make adequate findings *based on substantial evidence* that the environmentally superior alternative is infeasible. In fact, the environmentally superior alternative satisfies most, if not all, the project objectives and significantly reduces project impacts, particularly with regards to air quality in an area known to have some of the worst air quality in the nation. At the least, the environmentally superior alternative must be implemented in lieu of the project.

#### **Desired Actions**

For the above reasons and those previously submitted, we respectfully ask that you deny the project and deny certification of the FEIR.

Thank you for your consideration of the above comments.

Sincerely,

Raymond W. Johnson JOHNSON & SEDLACK

# ATTACHMENT A

# Item No. E.2

۰.

Site Map

Item No. E.2





# MORENO VALLEY: Skechers' warehouse has caused net job loss

Now that Skechers has moved into its giant Moreno Valley hub, it's actually employing fewer Inland-area workers than before



1 of 2 🚺

BY JACK KATZANEK | STAFF WRITER | February 01, 2012; 08:23 PM | Comments (0)

Skechers' massive distribution center in Moreno Valley was supposed to provide a refreshing boost to the job market in a city that badly needed one.

But apparently the opening of the 1.8 million-square-foot facility four months ago created few, if any job opportunities for would-be workers in Moreno Valley and the surrounding area.

In fact, the closing of Skechers' five distribution centers in Ontario when the shoe manufacturer consolidated its distribution operations meant a net loss of as many as 400 jobs in Inland Southern California.

Skechers' managers in Moreno Valley did not return several phone calls seeking comment. A spokesperson for Michael Greenberg, the company's president, said all comment would come from executives in Moreno

-653-

#### Marketplace Site Map Localissues Sports Entertainment Video Photos Blogs Obituaries News

The Moreno Valley distribution center, larger than 40 football fields and more than a half-mile from end-to-end, currently has about 600 people working there, said Barry Foster, Moreno Valley's economic development director.

"I know they transferred a lot of people from Ontario," Foster said. "The last time I talked to them they said 600 jobs, and said a lot are coming from Ontario."

Foster, Riverside County officials and others in Moreno Valley say they know of no local recruitment events by the company, meaning that few, if any, jobs for local workers were added.

"People called and I had to refer them to (Skechers') website," said Oscar Valdepeña, president and CEO of the Moreno Valley Chamber of Commerce.

Valdepeña added that Skechers' executives have not reached out to the chamber.

As many as 1,000 people worked at Skechers now-closed warehouses in Ontario, a number that fluctuated during seasonal shifts in demand for the company's products. That means now there are as many as 400 fewer Skechers employees in the Inland area.

When the company was preparing to relocate, it filed four notices under the California Worker Adjustment and Retraining Notification Act, or WARN Act, the law that mandates that large firms planning to lay off at least 50 people give workers 30 days notice of the layoffs. According to state records, Skechers said it would terminate 339 people at four Ontario locations on Oct. 31.

#### NEW HIRES PROMISED

This appears to contradict the public statements made when the distribution center in Moreno Valley was being planned and built. It was touted by its developer, elected officials and Skechers' executives as a big help to the city's economy.

Moreno Valley's unemployment was 14.4 percent in December, the highest of any of Riverside County's five largest cities, according to state data.

At the March 2010 groundbreaking attended by then-Gov, Arnold Schwarzenegger, Greenberg, Skechers' president, said the warehouse would employ 1,000 people — including 500 new hires.

Marion Ashley, the Riverside County supervisor who represents Moreno Valley, echoed that prediction of 1,000 jobs in January 2011. Ashley did not return a call seeking comment.

Moreno Valley Mayor Richard Stewart said he knows of one Moreno Valley man who was hired for an engineering job, but he doesn't know about any organized local recruiting.

"I don't know if it was word of mouth or what," Stewart said.

Despite that, he said he still believes Skechers will create an economic boost for the city, from sales of food and fuel to workers and, possibly from people who might decide to move to Moreno Valley.

Iddo Benzeevi, president and CEO of Highland Fairview Properties, the project's developer, has suggested on several occasions that the project would yield 2,500 jobs.

Highland Fairview is leasing the property to Skechers for 20 years, a deal worth \$240 million.

Benzeevi also is seeking to build more distribution facilities in the mostly undeveloped eastern area of Moreno

# Item No. E.2

-654-

News Local Issues Sports Entertainment Video Photos Blogs Obituaries Marketplace Site Map : COUID include many more distribution properties.

Benzeevi emphasized he doesn't speak for Skechers, but he said the shoe company came to Moreno Valley in good faith and never promised a specific number of jobs.

"Skechers came in goodwill to the community and made a substantial investment," Benzeevi said. "Yes, they might only have 600 employees, but I think they should be commended."

The distribution center is a fully modernized operation, and Benzeevi said that efficiency is critical.

"That may create different kinds of jobs, at the expense of some others. They require different skill sets for different people," Benzeevi said.

#### TECH TRUMPS JOBS

It isn't uncommon for a distribution center that invests heavily in automation to need fewer employees, said John Wu, director of the Leonard Transportation Center, which teaches advanced skills in logistics and goods movement at Cal State San Bernardino.

"In some places, you have workers who walk into trucks and carry goods out by hand," Wu said. "Some are so highly automated they can be run by 20 or 30 people, even if it's a million square feet."

Foster, the city economic development director, said that he's heard that Skechers is happy with the move to Moreno Valley. He said putting all its distribution operations under one roof could save the company several million dollars annually.

He added that Skechers has the capacity to expand and add workers.

However, financial conditions at Manhattan Beach-based Skechers do not seem to favor an expansion, at least in the short term. Sales for the shoe company declined 25 percent in the third quarter of 2011 from the same three-month period in 2010, which had been a record quarter for the company. The third quarter is the most recent reporting period for the publicly traded company.

Also, the company recorded a \$30 million loss in the second quarter, mostly because of weak demand for the firm's toning shoes.

REAL ESTATE: Montecastro's \$30 million fraud trial under way REAL ESTATE: Six straight months of gains RIVERSIDE: "Save the Mt. Rubidoux Cross" shirts popular WORKFORCE: Canada construction work has perks, details BANNING: Man suspected of making his own moonshine HUNNEMAN: So you think you know Southwest County LOMA LINDA: Innovative procedure done at Children's Hospital SCHOOLS: Foundations provide materials, enrichment WILDOMAR: Gunman holds up yard sale



MORENO VALLEY: Skechers' warehouse has caused net job loss | B... http://www.pe.com/business/business-headlines/20120201-moreno-v...



#### Comments

PE.com is now using Facebook Comments. Comments are subject to Facebook's Privacy Policy and Terms of Service on data use. If you don't want your comment to appear on Facebook, uncheck the 'Post to Facebook' box. To find out more, read the FAQ.

-656-



iGuide

Coroner releases name of ill-fated helicopter pilot



\$30 million fraud DirecTV, Charter trial under way

Site Map

# ATTACHMENT B

# Item No. E.2

۱æ

 $2\gamma$ 



for retailers that include Walgreens and Wal-Mart, Toyota and Home Depot.

#### The New American Job

**Challenges in Logistics** 

Articles in this series are looking at the changing nature of occupations and careers.

Previous Article in This Series »

#### Connect With Us on Twitter Follow

©NYTNational for breaking news and headlines.



Twitter List: Reporters and Editors

20 MERS CALIFO	RNIA
los angeles	SAN BERNARONO
Los Angeles	nó Valley »
ORAN	CE RIVERSIDE
Pacific Ocean	SAN DIEGO

The New York Times Enlarge This Image



Monica Almeida/The New York Times Skechers opened a warehouse in the city last year.

Enlarge This Image

In the last decade or so, Moreno Valley and the rest of the Inland Empire have become the nation's largest hub of distribution warehouses, where

workers sort the imported goods that come through Los Angeles ports. In the industry, known as logistics, those goods are prepared for and delivered to stores across the country.

By most estimates, Inland Empire, with its \$300 billion piece of the industry, is the country's most bustling trade gateway. Lured by "cheap dirt," as many here put it, companies are only increasing their demands for large tracts of land in the region.

Still reeling from the economic downturn, many community leaders in the Inland Empire say they are desperate for jobs, particularly for low-skilled workers, many of whom lost their jobs in construction after the housing collapse. They see the region's warehouses and related delivery industries — which now employ an estimated 200,000 people, more than Salt Lake City's population — as the best way out of the doldrums, seeing salvation in the form of shipping containers.

"We know we face challenges, and these bring in jobs and pump up the economy right away," said Barry Foster, the director of economic development for Moreno Valley. Last year, the footwear company Skechers opened a worldwide distribution center here, and the city is also moving toward approving plans for a 40-million-square-foot warehouse complex.

"We need to get to the point where we have a job for every household," Mr. Foster said. "Right now we have half of that. These are good jobs that would keep people who are living here working here and have a foothold into the middle class."

PRINT





















Go to Cor



http://www.nytimes.com/2012/07/23/us/in-califo\_659- arehouse-industry-is-expanding.ht... Item No. E.2

#### In California, Warehouse Industry Is Expanding - NYTimes.com

Style

Keep

nytî

Ads by

Becon With a

No Re

msw.Uર Six Si

Get Ce in Six :

www.Vii

Costc

Local ( Find Y www.ist



Monica Almeida/The New York Times Another view of the Sketchers warehouse in Moreno Valley.

But there are plenty of skeptics. Environmentalists say the parade of trucks has a dangerous impact on the air in the area, contributing to an already high rate of asthma in children. Labor advocates say a vast majority of the jobs provide just minimum wage, often without benefits.

In some warehouses, workers are paid based on how much work they complete, like the number of trucks they empty. In October, a state investigation found that two staffing agencies that supply workers to Wal-Mart distribution

centers failed to provide workers with proper information about their wages, making it unclear how much they were earning on the job. The <u>state fined the two staffing agencies</u> more than \$1 million.

Julie A. Su, the California labor commissioner, has heard many complaints about the industry since taking office last year. But she said investigations were often stymied because so many warehouses use staffing agencies, which classify workers as temporary, even though they may work for years in the same building.

There are frequent complaints that workers are told to show up each morning — often with the reminder that the first to arrive will be the most likely to get work — only to be informed that there is no work for them that day. Under state law, in those cases, workers are to be paid for two hours, but many say they rarely are.

"There seems to be an unfortunate model of subcontracting used to cut costs and really depress the working conditions," Ms. Su said. "It really reflects the economy moving to this kind of day-labor system in a way that really can destabilize the economy."

After the state investigation, <u>Warehouse Workers United</u>, a union-backed advocacy group, <u>filed a lawsuit</u> in federal court against the agencies in October, saying workers were "forced to work long hours under oppressive conditions for legally inadequate pay" that was below the state minimum wage of \$8 an hour.

The criticism has done little to slow the growth so far. As of now, there are more than 400 million square feet of warehouses and distribution centers spread through the Inland Empire, roughly the amount of office space in Midtown Mänhattan. Dozens more large buildings are being built on speculation, with investors confident that companies will eagerly come in.

For higher-skilled jobs, annual salaries do reach into the middle class, with workers bringing in an average of \$46,000. In this area, where unemployment reaches above 15 percent in several cities, such jobs are sorely needed.

<sup>4</sup> "Construction is obviously in great trouble, and here is a place where we can just keep adding jobs — it is the only industry adding thousands of jobs," said John Husing, a local economist who has enthusiastically endorsed the growth of the industry. "You can have people come here and find a robust blue-collar work force eager for employment."

Workers in the warehouses frequently complain that it is difficult to know who is in charge at the distribution centers, where multiple subcontractors operate in the same building and workers receive different pay depending on which agency they work with, although the jobs are almost identical.

Limber Herrera, 28, has worked in the logistics industry in the area for more than five years. He now makes \$12 an hour emptying shipping containers at a distribution center that processes goods for Wal-Mart. These days, his concerns are less about pay than basic safety at work.

"There's nobody who cares about our health — there's just pressure to empty cases at a fast pace," said Mr. Herrera, who is part of a complaint that Warehouse Workers United filed last week with the state. "All the dust we inhale, all the heavy things we have to lift with all our strength and no support, it's very hard."

Over all, the warehouse and logistics industry accounts for roughly 10 percent of all jobs in the Inland Empire, more than any other private industry. But some economists have pointed out that earnings vary widely, with the median annual salary around \$32,000. And even that figure does not take into account the thousands of workers who are employed by staffing agencies making minimum wage.

Iddo Benzeevi, the chief executive of Highland Fairview, which owns the 1.8-millionsquare-foot distribution center leased by Skechers, said that he planned to open several more facilities and that warehouses would increasingly rely on more skilled workers to operate computers.

"This is the center for all of the trade in the world," he said. "You can get to much of the country with a drive of just a few hours."

The Skechers warehouse is filled with machines that use sophisticated technologies to make basic processes move more quickly and often with little human assistance. Skechers executives said they employed 550 to 800 people in the warehouse depending on the season, but they declined to give any information about the kinds of jobs available and the salaries employees receive.

Some local critics have said the new center has done little to generate new jobs, since many of them were simply moved from six smaller warehouses the company had operated for several years in Ontario, about 20 miles to the west.

#### In California, Warehouse Industry Is Expanding - NYTimes.com

INSIDE 1 "It's attractive because it's something that governments can take advantage of now," said Jordan Levine, the director of economic research at Beacon Economics, a research and consulting firm. "There's no need to have to recruit an educated work-force base or have a lot of strategy around."

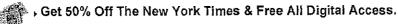
He added: "All that stuff takes time and money and decades to bear fruit. This is far more expedient."

A version of this article appeared in print on July 23, 2012, on page A9 of the New York edition with the headline: As California Warehouses Grow, Labor Issues Are a Concern.



GOOGLE+ E-MAIL

SHARE



TWITTER

#### Get Free E-mail Alerts on These Topics

Warehouses

Labor and Jobs

California

Shopping and Retail

what's this?

Ads by Google

# **Brain Training Games**

Improve memory and attention with

scientific brain games.

www.lumosity.com



Item No. E.2 ytimes.com/2012/07/23/us/in-califc\_662\_arehouse-industry-is-expanding.ht... 11/28/2012

# ATTACHMENT C

# Item No. E.2

#### RAYMOND W. JOHNSON, Esq., AICP LEED GA 26785 Camino Seco Temecula, CA 92590 (951) 506-9925 (951) 506-9725 Fax (951) 775-1912 Cellular

**Johnson & Sedlack,** an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

#### **City Planning:**

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Thirty years subdivision design: residential, commercial and industrial
- Thirty years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

#### General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

#### Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - o Review and supervision of preparation of EIR's and joint EIR/EIS's
  - o Preparation of Negative Declarations
  - o Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

#### **Representation:**

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - o Sierra Club
  - o San Bernardino Valley Audubon Society
  - o Sea & Sage Audubon Society
  - o San Bernardino County Audubon Society
  - o Center for Community Action and Environmental Justice
  - o Endangered Habitats League
  - o Rural Canyons Conservation Fund
  - o California Native Plant Society
  - o California Oak Foundation
  - o Citizens for Responsible Growth in San Marcos
  - o Union for a River Greenbelt Environment
  - o Citizens to Enforce CEQA
  - o Friends of Riverside's Hills
  - o De Luz 2000
  - o Save Walker Basin
  - o Elsinore Murrieta Anza Resource Conservation District

#### **Education:**

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

#### **Professional Associations:**

- o Member, American Planning Association
- o Member, American Institute of Certified Planners
- o Member, Association of Environmental Professionals
- o Member, U.S. Green Building Council, LEED GA

#### Johnson & Sedlack, Attorneys at Law

26785 Camino Seco Temecula, CA 92590 (951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

#### **Planning-Environmental Solutions**

26785 Camino Seco Temecula, CA 92590 (909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

#### San Bernardino County Planning Department

Environmental Team 385 N. Arrowhead San Bernardino, CA 92415 (909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

#### San Bernardino County Planning Department

General Plan Team 385 N. Arrowhead San Bernardino, CA 92415 (909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

12/97- Present

8/94- Present

6/91-8/94

6/91-6/92

-667-

November 29, 2012 Page 14

#### San Bernardino County Planning Department

North Desert Regional Planning Team 15505 Civic Victorville, CA (619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

#### Broadmoor Associates/Johnson Consulting

229 NW Blue Parkway Lee's Summit, MO 64063 (816) 525-6640

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

#### Shepherd Realty Co.

Lee's Summit, MO

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

#### **Contemporary Concepts Inc.**

Lee's Summit, MO Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

#### **Environmental Design Association**

Lee's Summit, Mo. Project Coordinator

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on Worked with marketing staff regarding design changes needed or projects. contemplated.

2/86-6/90

6/90-6/91

9/78-5/84

6/84-2-86

6/77-9/78

#### City of Lee's Summit, MO

220 SW Main Lee's Summit, MO 64063 Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

#### Howard Needles Tammen & Bergendoff

9200 Ward Parkway Kansas City, MO 64114 (816) 333-4800 Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.



APPROVALS		
BUDGET OFFICER	Caf	
CITY ATTORNEY	Rest	
CITY MANAGER	-mos	

# Report to City Council

- TO: Mayor and City Council
- FROM: Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- TITLE: PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3)

# RECOMMENDED ACTION

Recommendations: That the City Council:

- 1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #1 to 2012-13 CDBG Annual Action, Substantial Amendment #2, to the NSP 3 Program;
- 2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas, clarify the eligible activities within each Target Area, and reallocate funds between HUD-approved NSP3 eligible activities. (Attachment 1);
- 3. Approve the re-appropriations and authorize the Financial & Administrative Services Director to process the adjustments; and,
- 4. Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities.

# ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

# BACKGROUND

In 2008, the federal government approved legislation that provided Community Development Block Grant (CDBG) funding to local governments to address the foreclosure crisis experienced across the nation. The program was known as the Neighborhood Stabilization Program (NSP) and Moreno Valley received an allocation of

\$11,390,116 to stabilize neighborhoods with a high percent of foreclosures, homes in default, and homes financed by sub-prime or high-risk mortgages.

On July 21, 2010, the Wall Street Reform and Consumer Protection Act of 2010 (the Dodd-Frank Act) allocated additional NSP assistance. This additional allocation represented the third round of NSP funding and is referred to as NSP3. Moreno Valley was allocated \$3,687,789 in NSP3 funds. Though almost identical in use to the original NSP grant, the City's NSP3 program must conform to specific rules and regulations provided in the Federal Notice issued by the U.S. Department of Housing and Urban Development (HUD) on October 19, 2010. To officially secure the NSP 3 grant allocation, the City adopted a Substantial Amendment #1 to the FY 2010-11 Annual Action Plan and submitted the amendment detailing the City's proposed program to HUD; the amendment was approved by HUD in March 2011.

The City commenced the implementation of the NSP3 Program in June 2012. However, significant shifts in the local real estate market have served as impediments to the City's ability to effectively meet the objectives of the NSP Program. Under NSP3, grantees have 2 years from the date HUD signs the grant agreements to expend 50% of the grant funds and 3 years to expend an amount equal to the total grant allocation. Facing the expenditure deadlines, changes in strategy and program implementation are necessary to address the real estate inventory challenges and increase the opportunities to effectively expend the NSP funds within the established timelines.

# DISCUSSION

# Amendments to Target Areas

When initially devising the NSP3 Program, city staff identified activities to best address the needs of the community while meeting the requirements of HUD to create a "deep targeting" plan. Unlike NSP 1, where most of the City was eligible for identification in a Target Area, HUD required grantees to create target areas that were more succinctly defined and driven by impact scores which is the number of properties to be assisted/affected to make an impact to the area. Per guidance provided by HUD, the impact score must be reasonable and have a direct correlation with the total grant allocation, essentially, the expected outcome or impact, must be achievable with the initial grant funds allocated to the grantee.

The City identified areas that met HUD's "deep-targeting" and Impact Score criteria. To adjust to the ever-changing local real estate market, City Council approved amendments to the Target Areas in March 2012. Due to the continued changes in inventory resulting in not enough opportunities, staff is proposing to further modify two of the seven existing target areas. Below is a summary of the target areas (modifications are noted within the descriptions). Please see the revised map (Attachment 2) and the Target Area Chart (Attachment 3) for more details:

- Target Area 1: Bounded by Sunnymead Blvd., Frederick St., Dracaea Ave., and Graham St. THIS TARGET AREA IS NOT BEING AMENDED.
- Target Area 2: Bounded by Kitching St., Eucalyptus Ave., Cottonwood Ave., and Lasselle St. THIS TARGET AREA IS NOT BEING AMENDED
- Target Area 3: Bounded by Sunnymead Blvd., Lasselle St., Kitching St, and Eucalyptus Ave. THIS TARGET AREA IS BEING ELIMINATED.
- Target Area 4: Bounded by Cottonwood Ave., Morrison St., Bay Ave., and Lasselle St. THIS TARGET AREA IS NOT BEING AMENDED.
- <u>Target Area 5:</u> Bounded by Perris Ave., Filaree Ave., Gentian Ave., and Sheila Ave. THIS TARGET AREA IS NOT BEING AMENDED.
- <u>Target Area 6:</u> Bounded by Alessandro Blvd., Courage St., Frederick St., Bay Ave. (includes the Edgemont Area). THIS TARGET AREA IS BEING AMENDED AND WILL BE IRREGULARLY BOUNDED BY FREDERICK STREET, ALESSANDRO BOULEVARD, COTTONWOOD AVENUE, DAY STREET, EUCALYPTUS AVENUE AND OLD-215 FRONTAGE ROAD.
- <u>Target Area 7</u>: Bounded by Heacock St. 60FWY, Postal Ave, east of Indian Ave. THIS TARGET AREA IS NOT BEING AMENDED

While Target Area #3 will be eliminated (as indicated above), for the sake of consistency, the numeric identification of the other Target Areas will not be revised. Since Target Area #3 has not produced any eligible units for acquisition through the program, a focused effort in this area are no longer required.

To compensate for the elimination of Target Area 3, the City is proposing to expand boundaries of the current Target Area #6. This newly expanded area has been strategically selected and falls under a larger, more comprehensive development plan area defined by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). The modified NSP-designated Target Area will be irregularly bounded by Frederick Street, Alessandro Boulevard, Cottonwood Avenue, Day Street, Eucalyptus Avenue and Old-215 Frontage Road and will encompass the Edgemont area.

In addition to expanding the target area, the City will focus much of the NSP activities toward establishing and operating a land bank. Via the land bank, the City will acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period.

The City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Revitalization Plan". The Edgemont Revitalization Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary of objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure that currently serves as an impediment to the development and economic growth of the area. The NSP land bank established for the Edgemont

Area will work in concert with the overall development/revitalization plan being developed for the area.

# Amendments to Activity Budgets

To assist with the focused-approach being taken in the Edgemont area due to its lack of infrastructure, underdevelopment in some areas, and inability to be developed in other areas, the City will be leveraging NSP funds and other funding sources to address some of the short and long-term economic and housing development opportunities that currently exist. Staff is proposing, however, to modify the current NSP activity allocations to assist with these efforts.

Staff is proposing to reduce the NSP3-Activity 1- Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) by \$850,000 and the NSP3-Activity 2-Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR) by \$250,000; the \$1 million will be reallocated to support other NSP-eligible activities. The NSP3-Activity 4-Demolition will be increased by \$150,000 to \$200,000; \$850,000 will be reallocated to increase the budget for the NSP3-Activity 5-Land banking to \$950,000; and \$100,000 will be reallocated to increase the budget for the NSP3-Activity 6-Redevelopment to \$300,000. Since the current condition of the Edgemont area is not conducive to development, the ability to acquire properties now via an established land bank using NSP funds and redevelop the properties at a later date is imperative to the future vitality, growth, and stabilization of the area.

# Amendments to Scope of Activities in Eligible Target Areas

In the City's original NSP3 Substantial Amendment application and Amendment #1, it was indicated that Target Areas #1 through 4 would be focused areas for acquisition of single-family residential properties and Target Areas #5 through 7 would be focused areas for acquisition of multifamily residential properties. This Amendment #2 clarifies the scope of the activities to be undertaken in the designated Target Areas. All Target Areas will be eligible for acquisition/rehabilitation for both single and multi-family housing types, as well as all of the other HUD-approved eligible activities (acquisition/rehabilitation, demolition, land banking, financing mechanism, and redevelopment) identified in the initial NSP3 Substantial Amendment.

Target Area	Current Program Activity	Amended Program Activity	
1	SFR-ARR	All eligible activities	
2	SFR-ARR	All eligible activities	
3	TARGET AREA ELIMINATED		
4	SFR-ARR	All eligible activities	
5	MFR-ARR	All eligible activities	
6	MFR-ARR	All eligible activities	
7	MFR-ARR	All eligible activities	

The chart below summarizes the amendments to the activity for each target area:

# Item No. E.3

In addition, staff is proposing to modify some of the program's current parameters as it relates to the acquisition of properties through the single family residential acquisition, rehabilitation, and resale activity. With this amendment, the City of Moreno Valley is proposing to remove the current subsidy limit of \$36,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, especially the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recently as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program must be modified to allow more flexibility as acquisition opportunities become available. These changes will allow the City to maximize its acquisition and rehabilitation efforts, thereby increasing its output and performance.

# **ALTERNATIVES**

- Approve Substantial Amendment #1 to the FY 12/13 Annual Action Plan, Amendment #2 to the Neighborhood Stabilization Program 3 (NSP3); approve the Budget Appropriation Adjustment and authorize the Financial & Administrative Services Director to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. Staff recommends this action because it complies with housing goals as established by the Dodd-Frank Act and adheres to the guidelines provided in the HUD Federal Register Notice, dated October 19, 2010 (Docket No. FR-5447-N-01).
- 2. Do not approve Substantial Amendment #1 to the FY 12/13 Annual Action Plan, Amendment #1 to the Neighborhood Stabilization Program 3 (NSP3); decline to approve the Budget Appropriation Adjustment and decline to authorize the Financial & Administrative Services Director to process the adjustments; and decline to authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. Staff does not recommend this action because it would result in a failure to meet the housing goals established by the Dodd-Frank Act and HUD requirements for NSP3.

# FISCAL IMPACT

The NSP3 funds are a HUD grant and do not require any matching funds; NSP3 funds are restricted and exclusively for the use of providing homeownership and rental housing opportunities for households earning up to 120% Area Median Income. THERE IS NO IMPACT ON THE GENERAL FUND.

This amendment will not impact other City funding sources. The Federal Housing and Economic Recovery Act (HERA) does allow for the leveraging of NSP funds with existing HOME or CDBG monies which will be explored during the administration of the NSP3 Program. It is anticipated that the NSP activities could generate revenue or Program Income. Should this occur, the HERA requires that the monies be reapplied to the NSP Program and treated as additional funding, subject to the same expenditure criteria.

However, to effectively modify the activity budgets established during the previous budget cycle, a Budget Appropriation Adjustment must be processed by Finance. Consequently, staff recommends City Council approves the following adjustments, as summarized in the chart below and authorize the Financial & Administrative Services Director to process the adjustments:

Туре	NSP Activity	G/L Account	Project Account	Current Available Budget	Proposed Adjustments	Proposed Activity Budgets
Expense	Activity 1, Single-Family Residential Acq./Rehabilitation/Resal e (SFR-ARR)	2507-20-32-72703- 733203	New project account to be created	\$1,747,063	-\$850,000	\$897,063
Expense	Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)	2507-20-32-72703- 733203	New project account to be created	\$1,121,947	-\$250,000	\$871,947
Expense	Activity 3, Neighborhood Stabilization Homeownership Program (NSHP)	2507-20-32-72703- 733203	New project account to be created	\$100,000	\$0	\$100,000
Expense	Activity 4, Demolition	2507-20-32-72703- 733203	New project account to be created	\$50,000	\$150,000	\$200,000
Expense	Activity 5, Land banking	2507-20-32-72703- 733203	New project account to be created New project	\$100,000	\$850,000	\$950,000
Expense	Activity 6, Redevelopment	2507-20-32-72703- 733203	account to be created New project	\$200,000	\$100,000	\$300,000
Expense	Administration Cap (10%)	2507-20-32-72703- 733203	account to be created	\$349,653	\$0	\$349,653
	Total Grant Allocations*			\$3,668,663	\$0	\$3,668,663

Proposed Re-appropriations:

During the migration from the One World Financial System to the LOGOS System the G/L accounts for each of the NSP activities were consolidated into one account: account number 2507-20-32-72703-733203. Since each activity is treated separately and distinct by HUD, each will need its own sub-account for tracking and reporting purposes, similar to its previous setup in the One World system. The separation of the activity accounts has not been completed; however, since a Budget Appropriation Adjustment will be required to fund the accounts as identified above, staff is requesting the approval of the Budget Appropriation Adjustment by Council now for processing at a later date (upon completion of account setup for each activity).

# **CITY COUNCIL GOALS**

# 1. REVENUE DIVERSIFICATION & PRESERVATION

NSP3 funds will enhance the City's ability to stabilize housing and preserve City neighborhoods.

# 2. PUBLIC SAFETY

The NSP3 activities will directly or indirectly help to provide a secure environment by reducing the number of vacant and abandoned properties in the community.

# 3. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

The NSP3 activities will help to preserve, rehabilitate and improve the City's existing neighborhoods.

# <u>SUMMARY</u>

In accordance with the Wall Street Reform and Consumer Protection Act of 2010, HUD is allocating additional emergency grants to states, cities, and counties to address the foreclosure crisis. The City of Moreno Valley has been allocated \$3,687,789 to implement a third round of Neighborhood Stabilization Program activities (NSP3) within a 36-month timeline. To meet expenditure deadlines, staff is proposing to make modifications to the program.

The modifications include:

- □ Eliminating the previously established Target Area #3
- Expanding the boundaries of the previously established Target Area #6 to include the entire Edgemont Area. A land bank will later be established to assist with future development planned for the area;
- □ Clarifying the scope of activities for all program Target Areas; and,
- □ Adjusting current activity funding allocations.

City Manager is granted the authority to move NSP funds – within a 20% threshold as established by the approved Citizen Participation Plan – between HUD-approved activities if it is found necessary. Should the shifting of funds exceed the 20% threshold, a substantial amendment will be required at that time.

# **NOTIFICATION**

Notice of this meeting was published in the Press-Enterprise newspaper on November 14, 2012. A copy of the draft NSP3 amendment was also available on the City website for public review and comment. The official 15-day public review period occurred from November 26, 2012 through December 10, 2012. Respondents were given the opportunity to provide comments via email, telephone, and fax.

# **ATTACHMENTS/EXHIBITS**

ATTACHMENT 1	Amended Neighborhood Stabilization Program 3 Application
ATTACHMENT 2	Amended NSP3 Target Areas Map
ATTACHMENT 3	NSP3 Target Area Chart

Prepared By: Shanikqua Freeman Housing Program Coordinator Department Head Approval: Barry Foster Community & Economic Development Director

Concurred By: Dante Hall Business Support & Neighborhood Programs Administrator

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

## AMENDMENT #2 TO THE NSP3 SUBSTANTIAL AMENDMENT

Jurisdiction Web Address:Dante G. HallJurisdiction Web Address:Redevelopment & Neighborhoodhttp://www.moval.org/resident_services/Programs Administratorhousing/index_housing.shtmlShanikqua FreemanMailing Address:Housing Program Coordinator14177 Frederick St.Telephone: (951) 413-3450Moreno Valley, CA 92553Fax: (951) 413-3459Email: danteh@moval.org shanikquaf@moval.org	Invited attendes (Study of Marana Vallay)				
Jurisdiction Web Address:Redevelopment & Neighborhood Programs Administratorhttp://www.moval.org/resident_services/ housing/index_housing.shtmlRedevelopment & Neighborhood Programs AdministratorMailing Address: 14177 Frederick St. Moreno Valley, CA 92553Shanikqua Freeman Housing Program CoordinatorTelephone: (951) 413-3450Fax: (951) 413-3459Email: danteh@moval.org shanikquaf@moval.org	Jurisdiction(s): City of Moreno Valley	NSP Contacts:			
http://www.moval.org/resident_services/ housing/index_housing.shtmlPrograms AdministratorMailing Address: 14177 Frederick St. Moreno Valley, CA 92553Shanikqua Freeman Housing Program CoordinatorFax: (951) 413-3450(951) 413-3450Fax: shanikquaf@moval.org shanikquaf@moval.org		Dante G. Hall			
http://www.moval.org/resident_services/ housing/index_housing.shtmlPrograms AdministratorMailing Address: 14177 Frederick St. Moreno Valley, CA 92553Shanikqua Freeman Housing Program CoordinatorFax: (951) 413-3450(951) 413-3450Fax: shanikquaf@moval.org shanikquaf@moval.org	Jurisdiction Web Address:	Redevelopment & Neighborhood			
http://www.moval.org/resident_services/ housing/index_housing.shtmlShanikqua Freeman Housing Program CoordinatorMailing Address: 14177 Frederick St. Moreno Valley, CA 92553Shanikqua Freeman Housing Program CoordinatorTelephone: (951) 413-3450Fax: (951) 413-3459Email: shanikquaf@moval.org shanikquaf@moval.org					
housing/index housing.shtmlShanikqua Freeman Housing Program CoordinatorMailing Address: 14177 Frederick St. Moreno Valley, CA 92553Telephone: (951) 413-3450Fax: Email: shanikquaf@moval.org		Programs Administrator			
Mailing Address: 14177 Frederick St. Moreno Valley, CA 92553Housing Program CoordinatorTelephone: (951) 413-3450(951) 413-3450Fax: shanikquaf@moval.org shanikquaf@moval.org	http://www.moval.org/resident_services/				
Mailing Address: 14177 Frederick St. Moreno Valley, CA 92553Housing Program CoordinatorTelephone: (951) 413-3450(951) 413-3450Fax: shanikquaf@moval.org shanikquaf@moval.org	housing/index_housing_shtml	Shanikoua Freeman			
Mailing Address: 14177 Frederick St. Moreno Valley, CA 92553Telephone: (951) 413-3450Fax: (951) 413-3459Email: danteh@moval.org shanikquaf@moval.org	<u>nedeniginidex nedenigientini</u>	•			
14177 Frederick St. Moreno Valley, CA 92553Telephone: (951) 413-3450Fax: (951) 413-3459Email: danteh@moval.org shanikquaf@moval.org		Housing Program Coordinator			
Moreno Valley, CA 92553          Fax:       (951) 413-3459         Email:       danteh@moval.org         shanikquaf@moval.org	Mailing Address:				
Moreno Valley, CA 92553          Fax:       (951) 413-3459         Email:       danteh@moval.org         shanikquaf@moval.org	14177 Erederick St	Telephone: (951) 413-3450			
Fax:       (951) 413-3459         Email:       danteh@moval.org         shanikquaf@moval.org					
Email: danteh@moval.org shanikquaf@moval.org	Moreno Valley, CA 92553				
Email: danteh@moval.org shanikquaf@moval.org		Fax: (951) 413-3459			
shanikquaf@moval.org		(***)			
shanikquaf@moval.org					
		Email: danteh@moval.org			
		shanikguaf@moval.org			
Grant Number: B-11-MN-06-0513					

## **DECEMBER 11, 2012**

## I. Amendment to Area(s) of Greatest Need

In Amendment #1 of the NSP3 Substantial Amendment, the City of Moreno Valley redefined the target areas and identified seven NSP3 areas of greatest need located within the following areas:

- Target Area 1: Bounded by Sunnymead Blvd., Frederick St., Dracaea Ave., and Graham St. NO CHANGE TO THIS TARGET AREA.
- Target Area 2: Bounded by Kitching St., Eucalyptus Ave., Cottonwood Ave., and Lasselle St. NO CHANGE TO THIS TARGET AREA.
- Target Area 3: Bounded by Sunnymead Blvd., Lasselle St., Kitching St, and Eucalyptus Ave. THIS AREA WILL BE ELIMINATED WITH THIS AMENDMENT.
- Target Area 4: Bounded by Cottonwood Ave., Morrison St., Bay Ave., and Lasselle St. NO CHANGE TO THIS TARGET AREA.
- Target Area 5: Bounded by Perris Ave., Filaree Ave., Gentian Ave., and Sheila Ave. This area is more commonly known as "The Shelia" neighborhood. NO CHANGE TO THIS TARGET AREA.
- Target Area 6: Irregularly bounded by Alessandro Blvd., Courage St., Frederick St., Bay Ave. This area is more commonly known as "The Shoe" neighborhood because of the neighborhood's distinctive resemblance to a horseshoe. THIS AREA WILL BE EXPANDED WITH THIS AMENDMENT; SEE DESCRIPTION BELOW.
- Target Area 7: Bounded by Heacock St. 60FWY, Postal Ave, east of Indian Ave. NO CHANGE TO THIS TARGET AREA.

1

With this amendment, the City is proposing to eliminate Target Area #3. As with many markets across the nation, the Moreno Valley real estate market has experienced a drastic shift affecting the availability of inventory eligible for acquisition through the NSP Program. Consequently, Target Area # 3 has not produced as many units as initially anticipated. As a result, the City has determined that focused efforts in this area are no longer required.

To compensate for the elimination of Target Area 3, the City is proposing to expand boundaries of the current Target Area #6, known as "The Shoe" neighborhood. This newly expanded area has been strategically selected and falls under a larger, more comprehensive development plan area defined by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). The modified NSP-designated Target Area will be irregularly bounded by Frederick Street, Alessandro Boulevard, Cottonwood Avenue, Day Street, Eucalyptus Avenue and Old-215 Frontage Road. This target area will continue to include "The Shoe" neighborhood and will encompass the City's foremost area of greatest need, known as the Edgemont Area.

The Edgemont area is located at the westerly entrance of the City of Moreno Valley. Due to its locale, Edgemont is commonly referred to as a gateway into the city. While the NSRA exists, the City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Revitalization Plan". The Edgemont Revitalization Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary of objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure that currently serves as an impediment to the development and economic growth of the area.

Some of the revitalization activities to be implemented through the Edgemont Revitalization Plan as concerted efforts performed by of various departments within the City:

- □ Organized Neighborhood Clean-ups
- Blight removal through Code Compliance/ Building & Safety Enforcement
- □ Maximization of land use and development opportunities through rezoning
- □ Acquisition/rehabilitation of foreclosed single and multi- family residential units for land banking, rental, or resale opportunities

The City's NSP Programs (both NSP1 and NSP3) will be one of the components of the Edgemont Revitalization Plan used to: 1) remove blight, 2) stimulate neighborhood redevelopment, and 3) create affordable and decent housing opportunities for earning up to 120% Area Median Income. The City will establish and operate a land bank to acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period. Please note: properties to be held in the land bank will not be exclusive to the Edgemont area. Eligible acquisitions in approved NSP Target Areas will also continued to be pursued and held in the City's land bank.

The City will identify properties for the purposes of land banking based upon the following criteria, foreclosed and:

- □ Undeveloped/vacant parcels, and/or;
- □ Irregularly shaped, small, undevelopable parcels requiring assembly for development, and/or;

# Item No. E.3

□ Parcels with blighted and uninhabitable structures requiring demolish.

During the holding period the properties will be secured, maintained, and insured by city. The costs of the management of the properties will be absorbed by NSP grant funds until the expiration of the grant. Upon expiration, Program Income generated through the other NSP eligible activities, will be used to ensure the continued and effective management of the land banked inventory.

	Current Activity	Proposed Activity
NSP BUDGET	Allocations	Adjustments
NSP3 Total Grant	<u>\$3,687,789</u>	<u>\$3,687,789</u>
NSP3-Activity 1, Single-Family Residential		
Acq./Rehabilitation/Resale (SFR-ARR)	\$1,747,063	\$897,063
NSP3-Activity 2, Multi-Family Residential		
Acq./Rehabilitation/Rental (MFR-ARR)	\$1,121,947	\$871,947
NSP3-Activity 3, Neighborhood Stabilization		
Homeownership Program (NSHP)	\$100,000	\$100,000
NSP3-Activity 4, Demolition	\$50,000	\$200,000
NSP3-Activity 5, Land banking	\$100,000	\$950,000
NSP3-Activity 6, Redevelopment	\$200,000	\$300,000
NSP3 Administration Cap (10%)	\$368,779	\$368,779
Total Proposed Grant Allocations*	\$3,687,789	\$3,687,789
* allocations by activity are subject to change, if adjustments exceed 20% a Substantial Amendment will be processed		

## II. Amendment to Activity Budgets

The City is proposing to modify the activity allocation amounts, as indicated above. To assist with the focused-approach being taken in the Edgemont area due to its lack of infrastructure, underdevelopment in some areas, and inability to be developed in other areas, the City will be leveraging NSP funds and other funding sources to address some of the short and long-term economic and housing development opportunities that currently exist.

Staff to the NSP3-Activity 1-Single-Family Residential is proposing reduce Acquisition/Rehabilitation/Resale (SFR-ARR) by \$850,000 and the NSP3-Activity 2- Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR) by \$250,000; the \$1 million will be reallocated to support other NSP-eligible activities. The NSP3-Activity 4-Demolition will be increased by \$150,000 to \$200,000; \$850,000 will be reallocated to increase the budget for the NSP3-Activity 5-Land banking to \$950,000; and \$100,000 will be reallocated to increase the budget for the NSP3-Activity 6- Redevelopment to \$300,000. Since the current condition of the Edgemont area is not conducive to development, the ability to acquire properties now via an established land bank using NSP funds and redevelop the properties at a later date is imperative to the future vitality, growth, and stabilization of the area.

#### II. Amendment to Activity Descriptions for Activity Number 1- Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) and Activity Number 2 -Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR)

On April 9, 2010, HUD issued Bridge Notice 5321-N-03 which changed the definitions of "foreclosed" and "abandoned". As a result, the new definitions allowed the potential use of short-

3

sale procedures for the grantee to acquire property directly from the owner. In its original NSP3 Substantial Amendment, and as part of its implementation/administration the City of Moreno Valley indicated that as it had with NSP1, it will continue to acquire NSP-eligible, bank-owned properties only. Given the recent experience with the City's current real estate market and inventory, the City will begin to pursue short-sale options, in conjunction with bank-owned acquisitions.

#### IV. Amendment to Activity Descriptions for Target Areas for Activity Number 1 Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) and Activity Number 2- Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR)

In the City's original NSP3 Substantial Amendment application, it was indicated that Target Areas#1 -4 would be focused areas for acquisition of single-family residential properties and Target Areas #5-7 would be focused areas for acquisition of multifamily residential properties. With this Amendment #2, all Target Areas will be eligible for acquisition/rehabilitation for both single and multi-family housing types, as well as all of the eligible activities (acquisition/rehabilitation, demolition, land banking, financing mechanism, and redevelopment) identified in the initial NSP3 Substantial Amendment.

Target Area	Current Program Activity	Amended Program Activity	
1	SFR-ARR	All eligible activities	
2	SFR-ARR	All eligible activities	
3	TARGET AREA ELIMINATED		
4	SFR-ARR	All eligible activities	
5	MFR-ARR	All eligible activities	
6	MFR-ARR	All eligible activities	
7	MFR-ARR	All eligible activities	

The chart below summarizes the amendments to the activity for each target area:

In addition, staff is proposing to modify some of the program's current parameters as it relates to the acquisition of properties through the single family residential acquisition, rehabilitation, and resale activity. With this amendment, the City of Moreno Valley is proposing to remove the current subsidy limit of \$36,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recent as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program must be modified to allow more flexibility if acquisition opportunities become available. These changes will allow the City to maximize its acquisition and rehabilitation efforts, thereby increasing its output and performance.

# V. Public Comment

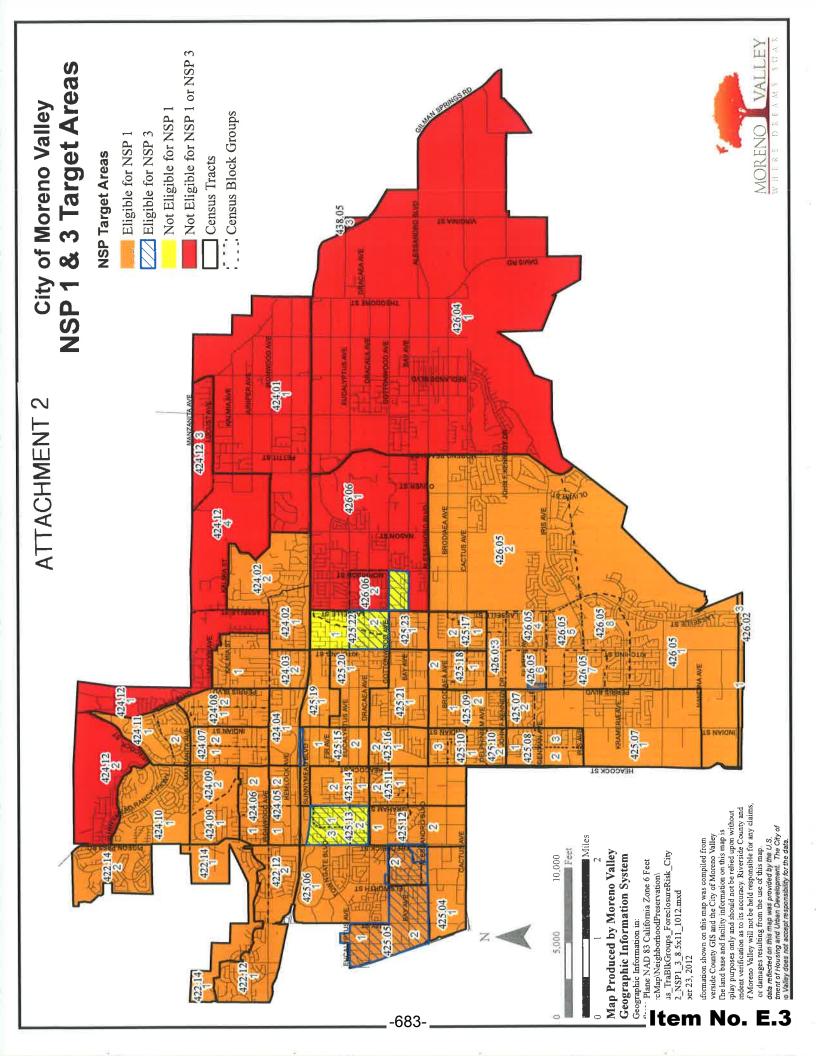
To meet the public noticing requirement, a copy of the draft substantial amendment will be posted on the City of Moreno Valley's website <u>www.moval.org</u> for 15 days from November 26 through December 10, 2012. A Public Notice was advertised in the Press-Enterprise newspaper on November 14, 2012. Public comments will be accepted until 4 p.m. on December 10, 2012. All comments may be submitted via email at <u>NP@moval.org</u>, phone at (951) 413-3450, or fax at (951) 413-3459.

# VI. Summary to Public Comments Received

The summary of public comments will be included as an attachment.

5

This page intentionally left blank.



This page intentionally left blank.

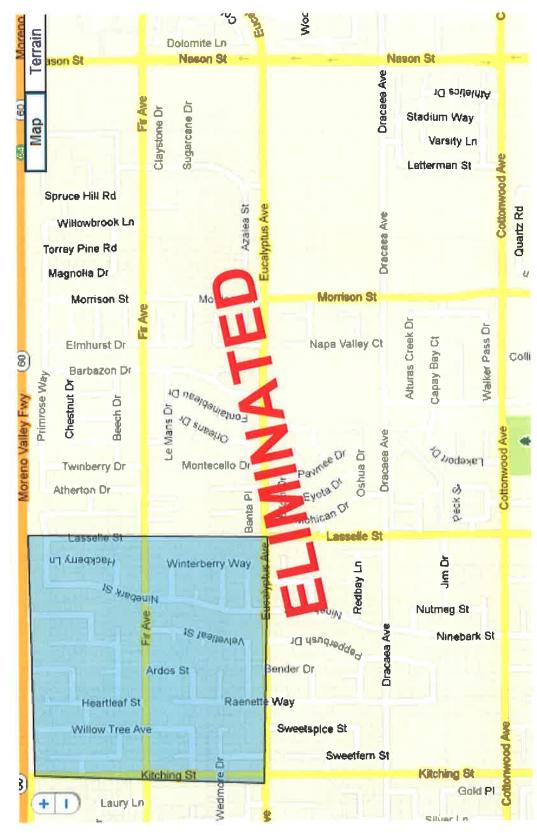
# ATTACHMENT 3

NSP 3- TARGET AREAS CENSUS TRACTS/BLOCK GROUPS					
Target Area	Program Activities	Boundaries	Census Tract(s)	Block Group(s)	Map of Target Area
#1	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Sunnymead Blvd, Frederick Street, Dracaea Ave., and Graham St.	425.13	1-3	
#2	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Kitching St., Eucalyptus Ave., Cottonwood Ave., and Lasselle St.	425.22	1-2	
#3	THIS TARGET AREA HAS BEEN ELIMINATED				
#4	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Cottonwood Ave., Morrison St., Bay Ave., and Lasselle St.	426.06 425.22	1 1-2	
#5	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Perris Blvd., Filaree Ave., Sheila Ave., and Gentian Ave.	426.05	6	Apple 1 Apple 1 Apple 2 Apple
#6	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Frederick St., Alessandro Blvd., Cottonwood Ave., Day St., Eucalyptus Ave., and Old 215- Frontage	425.04	1	
#7	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Postal Ave., east of Heacock St., west of Indian, south of the 60 FWY		1	a Longe May Page A

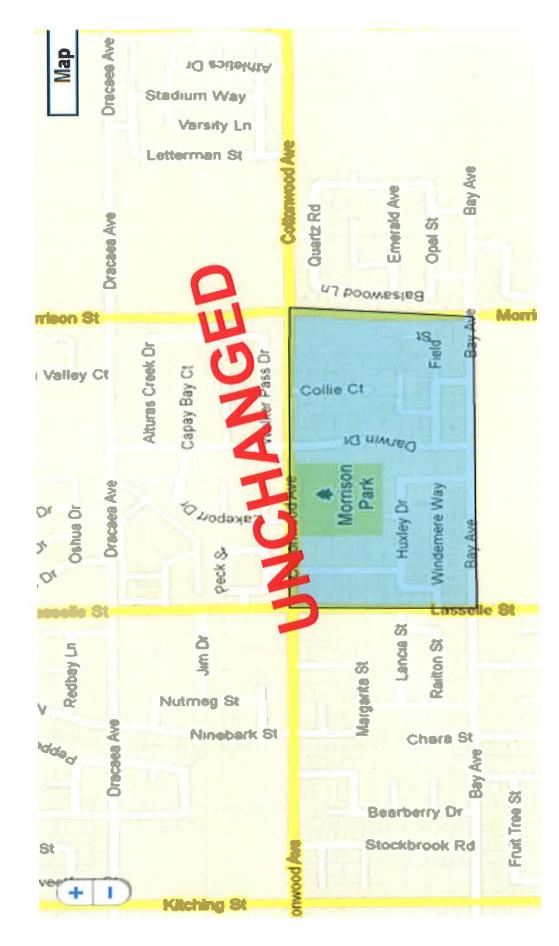




# Kitching St., Eucalyptus Ave. NDMENT #2 **Target Area 3- SFR** Sunnymead Blvd., Lasselle St., ELIMINA



Cottonwood Ave., Morrison St., Bay Ave., Lasselle St. **Target Area 4- SFR** 



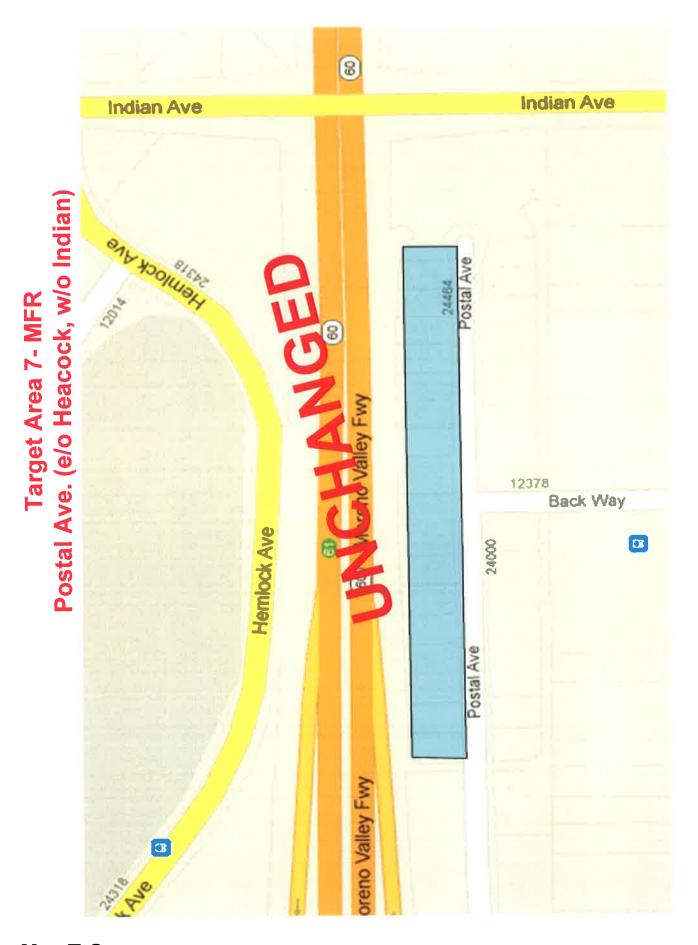




Frederick St., Alessandro Blvd., Cottonwood Ave., Day St., Eucalyptus Ave.-- "EDGEMONT AREA" **Target Area 6- AMENDED** 



amended with Amendment #2





APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

## Report to City Council

- TO: Mayor and City Council
- FROM: Barry Foster, Community & Economic Development Director
- AGENDA DATE: December 11, 2012
- TITLE: PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #2 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1)

#### RECOMMENDED ACTION

Recommendations: That the City Council:

- 1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
- 2. Review and adopt the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
- 3. Approve the Revenue and Expense Appropriations in the amount of \$3,515,740 and authorize the Financial & Administrative Services Director to process the adjustments.
- 4. Authorize the City Manager to reallocate grant funds between HUD-approved NSP1 grant activities.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

#### BACKGROUND

On July 20, 2008, the federal government approved legislation that provides Community Development Block Grant (CDBG) funding to local governments to address the foreclosure crisis experienced across the nation. Under the Federal Housing and Economic Recovery Act (HERA) of 2008, \$3.92 billion was being made available to states, counties, and cities in order to stabilize neighborhoods with a high percent of foreclosures, homes in default, and homes financed by sub-prime or adjustable rate loans.

HERA provided the City of Moreno Valley with a CDBG allocation of \$11,390,116 to establish a Neighborhood Stabilization Program (NSP). The program required adherence to specific rules and regulations provided in the HERA statute and stated in a Federal Notice issued by the U.S. Department of Housing and Urban Development (HUD) on September 29, 2008. To officially secure the allocation, in November 2008 the City completed the NSP application, along with conducting a Public Hearing, and adopting the Substantial Amendment to the FY 2008-2009 Action Plan creating the NSP1 Program.

HUD required the City's Neighborhood Stabilization Program to meet certain criteria:

- (1) It must be an 18-month program aimed at assisting low- to moderate-income households (those earning up to 120% of the area's median income).
- (2) It must target the areas of the City most affected by foreclosures, vacant, and abandoned homes.
- (3) 25% percentage of the grant must be used to address the needs of households earning no more than 50% of the area's median income (AMI).
- (4) Program administration costs may not exceed 10% of the NSP allocation.
- (5) NSP funds may <u>only</u> be used for a specific set of activities outlined in the table below:

The	The Housing, Economic, and Recovery Act of 2008 - Eligible Uses\Activities		
(a)	Establishment of financing mechanisms for the purchase and redevelopment of foreclosed homes and residential properties, including down payment assistance programs such as soft-seconds, loan loss reserves, and shared-equity loans for low and moderate income homebuyers. (INCLUDED IN THE NSP1 PROGRAM)		
(b)	Purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop, such homes and properties. (INCLUDED IN THE NSP1 PROGRAM)		
(C)	Establishment of land banks for homes that have been foreclosed upon. (NOT INCLUDED IN THE NSP1 PROGRAM)		
(d)	Demolishment of blighted structures. (NOT INCLUDED IN THE NSP1 PROGRAM)		
(e)	Redevelopment of demolished or vacant properties. (NOT INCLUDED IN THE NSP1 PROGRAM)		

At the time of program design, the City defined its NSP1 Program to include only three of the five Eligible Activities. The three primary activities of the program were determined to be Single-Family Residential Acquisition, Rehabilitation and Resale (SFR-ARR), Multi-Family Residential Acquisition, Rehabilitation and Rental (MFR-ARR), and Homebuyer Assistance Program (HAP). Each activity is detailed below:

# Activity 1 – Single-Family Residential Acquisition, Rehabilitation and Resale of Single Family Homes (SFR-ARR)

Acquire foreclosed single-family residences and then rehabilitate and resell them to income eligible households earning up to 120% AMI. The City partnered with five residential developers. The five Development Partners acquired 43 single family properties. To date, 38 single-family properties have been resold to income-eligible households; the resales of the properties have generated approximately \$3.5 million of Program Income, which is to be reapplied to the program.

<u>Activity 2 – Multi-Family Residential Acquisition, Rehabilitation, and Rental (MFR-ARR)</u> Partner with a Community Housing Development Organization (CHDO), non- profit or other residential developer to acquire foreclosed multi-family properties, to undertake rehabilitation, and to rent all of the units to income eligible households. In collaboration with Mary Erickson Community Housing, the City was able to acquire two multi-family apartment buildings totaling 27 units. The units are currently under rehabilitation and will provide rental opportunities for households earning up to 50% Area Median Income.

#### Activity 3 – Homebuyer Assistance Program (HAP)

Modified the existing Homebuyer Assistance Program to meet NSP requirements. The program provides for down-payment assistance of up to 20% of the purchase price via a deferred, silent-second, 20-year, zero interest mortgage loan. The program was later modified (July 2011) to offer the benefit of loan forgiveness upon loan maturation. Because Moreno Valley already had a first time homebuyer down payment assistance program in place, it was immediately implemented upon receipt of the grant. The down payment assistance program is administered through local mortgage lenders. Since the inception of the NSP Program, the City has provided 7 households with HAP assistance.

#### Administrative/Planning Costs

The remaining 10% of the grant has been utilized for administration and planning purposes.

#### **DISCUSSION**

The City has successfully obligated 100% of the total NSP1 grant and has expended approximate \$9.7 million (84%) of the grant. The 100% expenditure deadline of March 2013 is approaching. It is important to note that during the past 12 months, the real estate market has experienced significant changes in inventory with much fewer foreclosed or bank-owned homes. As a result, the acquisition opportunities for NSP

have diminished greatly. Comparatively speaking, the opportunities are not comparable to those at the commencement of the program. Nevertheless, the City retains the responsibility to continue the stabilization efforts as set forth by the NSP Program by expending the \$3,515,740 million in Program Income (revenue generated from the resale of NSP properties); this amount includes \$3,115,740 million of Program Income already received and approximately \$400,000 estimated to be received through the resale of five units currently in escrow. Should the actual amount of revenues received fall short of the estimated \$400,000, staff will adjust the revenues account accordingly. All Program Income that is generated will be used to administer the current program and newly created program activities. As the Program Income is generated, it will increase the overall grant amount.

To assist with the NSP efforts, staff is proposing to amend the program by modifying some of the program's acquisition criteria and augment the scope of Eligible Uses/Activities for the second phase of NSP1 through the expending of the generated Program Income. With Substantial Amendment #2 (Attachment 1), the City of Moreno Valley will remove the current subsidy limit of \$56,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, especially the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recently as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program must be modified to allow more flexibility as acquisition opportunities become available.

In addition to modifying acquisition criteria, staff is proposing the addition of Eligible Uses/Activities that were not originally included in the program initially. The expansion requires a Substantial Amendment to the NSP1 application that must be approved by HUD. Staff would like to expand the program to include the following HUD-approved Eligible Uses/Activities. These activities will be funded with the Program Income that has and will continue to be generated through the program:

#### Activity 4- Demolition

Acquire and demolish blighted, unsafe and uninhabitable structures. The vacant parcels will be held in the land back for redevelopment at a later date.

#### Activity 5- Land Banking

Establish land bank(s) to hold homes and vacant parcels that have been foreclosed upon. The land bank will also hold parcels that were rendered vacant due to demolition activities achieved through Activity 4 listed above. All properties held in the land bank will be redeveloped at a later date.

#### Activity 6- Redevelopment

Used to accomplish the eventual redevelopment of properties held in the land bank and/or rendered vacant as a result of demolition. This activity is similar to what the City's former RDA accomplished.

The City is currently processing a Substantial Amendment to the NSP3 Application redefining some of its NSP3 Target Areas by eliminating one of the most underperforming areas that has not been conducive to the program's productivity. In addition, it is expanding the target areas that have the highest propensity for continued success.

This newly expanded area has been strategically selected and will fall under a larger, more comprehensive development plan area defined later by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). This target area will encompass one of the City's foremost area of greatest need, the Edgemont Area. The Edgemont area is located at the westerly entrance of the City of Moreno Valley. While the NSRA exists, the City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Plan". The Edgemont Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary of objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure that currently serves as an impediment to the development and economic growth of the area.

Some of the revitalization activities to be implemented through the Edgemont Plan as concerted efforts performed by of various departments within the City:

- □ Organized Neighborhood Clean-ups
- Blight removal through Code Compliance/ Building & Safety Enforcement
- □ Maximization of land use and development opportunities through rezoning
- Acquisition/rehabilitation of foreclosed single and multi- family residential units for land banking, rental, or resale opportunities

The City's NSP Programs will be one of the components of the Edgemont Revitalization plan used to: 1) remove blight, 2) stimulate neighborhood redevelopment, and 3) create affordable and decent housing opportunities. The City will establish and operate a land bank to acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period.

The expansion of Eligible Uses C-E (Demolition, Land Banking, and Redevelopment) in the NSP1 Program will allow the City to leverage NSP1 activities/funds along with NSP 3 funds to fully implement the long-term revitalization of the Edgemont Area, while meeting expenditure deadlines and performance measures as established by HUD for NSP.

#### ALTERNATIVES

- <u>Alternative 1</u>. Adopt Substantial Amendment #2 to the FY 12/13 Annual Action Plan, Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1); approve the Revenue and Expense Appropriations and authorize the Financial & Administrative Services Director to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. Staff recommends this action because it complies with housing goals as established by the 2008 Housing, Economic, and Recovery (HERA) Act and allows greater flexibility with administration of the NSP1 Program.
- 2. <u>Alternative 2:</u> Decline to adopt Substantial Amendment #2 to the FY 12/13 Annual Action Plan, Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1); decline to approve the Revenue and Expense Appropriations and decline to authorize the Financial & Administrative Services Director to process the adjustments; and decline to authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. Staff does not recommend this action because it would result in a failure to meet the housing goals established by 2008 Housing, Economic, and Recovery (HERA) Act requirements for the NSP1 Program and inhibit the flexibility needed to effectively administer the program.

#### FISCAL IMPACT

The NSP funds are a HUD grant and do not require matching funds. Therefore, **THERE IS NO IMPACT TO THE GENERAL FUND**. The Federal Housing and Economic Recovery Act does allow for the leveraging of NSP funds with existing HOME or CDBG monies. The funds proposing to be utilized to fund the stated activities were generated as Program Income through the administration of the NSP1 Program. HERA requires Program Income to be reapplied to the NSP program and treated as additional funding, subject to the same expenditure criteria. Below is a summary of the NSP Program Income allocations, per activity.

Туре	NSP Activity	G/L Account	Project Account	Amount
Revenue	Program Income	2507-20-32-72701-485010	New project account to be created	\$3,515,740
Expense	Activity 1, Single-Family Residential Acq./Rehabilitation/Resale (SFR-ARR)	2507-20-32-72703-733201	New project account to be created	\$1,535,231
Expense	Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)	2507-20-32-72703-733201	New project account to be created	\$778,935
Expense	Activity 3, Homebuyer Assistance Program (HAP)	2507-20-32-72703-733201	New project account to be created	\$150,000
Expense	Activity 4, Demolition	2507-20-32-72703-733201	New project account to be created	\$100,000
Expense	Activity 5, Land banking	2507-20-32-72703-733201	New project account to be created	\$500,000
Expense	Activity 6, Redevelopment	2507-20-32-72703-733201	New project account to be created	\$100,000
Expense	Administration Cap (10%)	2507-20-32-72703-733201	New project account to be created	\$351,574

The funds added to Activities 1-3 are in addition to the initial grant fund allocations that have already been obligated and/or expended. The allocations for Activities 4-6, are being funded through the use of Program Income. Program Income generated during the administration of the program is added to the original grant amount, thereby increasing the overall grant budget.

Pursuant to NSP guidelines, 25% of the Program Income generated as a result of NSP activities is to be allocated to continue providing housing opportunities to the LH-25 population (households at or below 50% Area Median Income). The City's current NSP Program, services this population by providing affordable rental opportunities in multi-family residential settings. The City will continue to focus its efforts to serve the LH-25 population with rental opportunities and utilize Program Income to accomplish this.

Since budgets for the newly created activities do not exist, they will have to be created. During the migration from the One World Financial System to the LOGOS System the G/L accounts for each of the NSP activities were consolidated into one account; account number 2507-20-32-72701-733201. Since each activity is treated separately and distinct by HUD, each will need its own sub-account for tracking and reporting purposes, similar to the previous setup in One World. The separation of the accounts has not been completed; however, since a Revenue and Expense Appropriations will be required to fund the accounts as identified above, staff is requesting the approval of the Revenue and Expense Appropriations by Council now for processing at a later date (upon completion of account setup for each activity).

## CITY COUNCIL GOALS

#### **1. REVENUE DIVERSIFICATION & PRESERVATION**

NSP funds will enhance the City's ability to stabilize housing and preserve City neighborhoods.

#### 2. PUBLIC SAFETY

NSP activity will directly or indirectly help to provide a secure environment for by reducing the number of vacant and abandoned properties in the community.

#### 3. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

The NSP program will help to preserve, rehabilitate and improve the City's existing neighborhoods. Improving the street will also increase the attractiveness of the City to existing /potential residents, and retailers.

#### <u>SUMMARY</u>

Through the Housing and Economic Recovery Act of 2008, HUD provided emergency CDBG grants to states, cities, and counties to address the foreclosure crisis. The City of Moreno Valley had been allocated \$11,390,116 to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low- to moderate-income households, while targeting the City's areas most affected by foreclosures. Since 2009, the City of Moreno Valley has been implementing NSP Program and has made substantial progress meeting obligation and expenditure deadlines. To date the City has obligated 100% of the initial grant funds and has expended approximately 84% of the total grant funds. With Development Partners, the City has acquired 43 single family residential units and resold 38 of them to income-eligible households. From the proceeds of the sales, approximately \$3.5 million dollars of Program Income has been generated. Pursuant to NSP guidelines, Program Income must be reapplied to the implementation of the program. Since the commencement of the program, the Moreno Valley real estate market has experienced changes that have affected available scope of the eligible activities by amending the program design to include the following activities:

- Demolition
- Land Banking
- Redevelopment

The funding of the new activities will be from Program Income that has been generated through program implementation. The expansion of the program, will allow for continued successful program administration.

#### **NOTIFICATION**

Notice of this meeting was published in the Press-Enterprise newspaper on October 29, 2012. A copy of the draft NSP3 amendment was also available on the City website for public review and comment. The official 15 day public review period occurred from October 29 to November 12, 2012. Respondents were given the opportunity to provide comments via email, telephone, and fax.

#### ATTACHMENTS/EXHIBITS

ATTACHMENT A Substantial Amendment #2 to NSP1 Application

Prepared By: Shanikqua Freeman Housing Program Coordinator Department Head Approval: Barry Foster Community & Economic Development Director

Concurred By: Dante G. Hall Business Support & Neighborhood Programs Administrator

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

This page intentionally left blank.

#### AMENDMENT #2 TO THE NSP1 SUBSTANTIAL AMENDMENT

#### **DECEMBER 11, 2012**

Jurisdiction(s): City of Moreno Valley	NSP Contacts:	
Jurisdiction Web Address:	Dante G. Hall Redevelopment & Neighborhood Programs Administrator	
http://www.moval.org/resident_services/ housing/index_housing.shtml	Shanikqua Freeman Housing Program Coordinator	
<u>Mailing Address</u> : 14177 Frederick St. Moreno Valley, CA 92553	<u>Telephone:</u> (951) 413-3450 <b>Fax: (</b> 951) 413-3459	
	Email: danteh@moval.org shanikquaf@moval.org	
Grant Number: B-08-MN-06-0513		

#### I. Amendment to Approved Eligible Uses/Activities

Pursuant to the Housing, Economic, and Recovery Act of 2008, Eligible Uses/Activities of NSP funds are as follows:

The	Housing, Economic, and Recovery Act of 2008 - Eligible Uses/Activities
(a)	Financing Mechanisms - Establishment of financing mechanisms for the purchase and redevelopment of foreclosed homes and residential properties, including down payment assistance programs such as soft-seconds, loan loss reserves, and shared-equity loans for low and moderate income homebuyers.
(b)	Acquisition/Rehabilitation - Purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed upon, in
	order to sell, rent, or redevelop, such homes and properties.
(C)	Land banking - Establishment of land banks for homes that have been foreclosed upon.
(d)	Demolition - Demolishment of blighted structures.
(e)	Redevelopment - Redevelopment of demolished or vacant properties.

In the original NSP1 Substantial Amendment, the City of Moreno Valley indicated that the scope of its NSP Program activities would be limited to Eligible Uses A (Financing Mechanisms) and B (Acquisition/Rehabilitation), as defined above. Since the commencement of the NSP1 Program, the City has successfully committed 100% of its \$11,390,116 grant allocation and has expenditure approximately \$9.7 million (84%). To

1

date, the City is on schedule to expend the totality of the initial grant funds by the March 2013 expenditure deadline.

During the course of program administration, the City has generated approximately \$3.1 million in Program Income and is anticipating an additional \$400,000 in Program Income with the five single family properties currently in escrow. Pursuant to NSP guidelines, the Program Income will be reapplied into the program to continue neighborhood stabilization efforts. Given recent changes in the local Moreno Valley real estate market which has drastically affected inventory availability, staff is proposing to refine the program in the efforts to continue its success, while being able to respond to the changes and challenges present in the currently market.

Staff is proposing to modify some of the program's parameters and augment the scope of Eligible Uses/Activities for the second phase of NSP1 through the expending of the generated Program Income. With this amendment, the City of Moreno Valley is proposing to remove the current subsidy limit of \$56,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, especially the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recently as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program will be modified to allow more flexibility as acquisition opportunities become available.

The City of Moreno Valley is also proposing the inclusion of Eligible Uses C through E (as defined above) into its NSP 1 Program. The City is currently redefining some of its NSP3 Target Areas by eliminating one of the most underperforming areas that has not been conducive to the program's productivity. In addition, it is expanding the target areas that have the highest propensity for continued success. This newly expanded area has been strategically selected and falls under a larger, more comprehensive development plan area defined by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). This target area will encompass the City's foremost area of greatest need, known as the Edgemont Area. The Edgemont area is located at the westerly entrance of the City of Moreno Valley. Due to its locale, Edgemont is commonly referred to as a gateway into the city.

While the NSRA exists, the City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Revitalization Plan". The Edgemont Revitalization Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary of objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure

that currently serves as an impediment to the development and economic growth of the area.

Revitalization activities to be implemented through the Edgemont Revitalization Plan as concerted efforts performed by of various departments within the City:

- □ Organized Neighborhood Clean-ups
- □ Blight removal through Code/ Building & Safety Enforcement
- □ Maximization of land use and development opportunities through rezoning
- □ Acquisition/rehabilitation of foreclosed single and multi- family residential units for land banking, rental or resale opportunities

The City's NSP Programs (both NSP1 and NSP3) will be one of the components of the Edgemont Revitalization Plan used to: 1) remove blight, 2) stimulate neighborhood redevelopment, and 3) create affordable and decent housing opportunities for earning up to 120% Area Median Income. The City will establish and operate a land bank to acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period. Please note: properties to be held in the land bank will not be exclusive to the Edgemont area. Eligible acquisitions in approved NSP Target Areas will also continued to be pursued and held in the City's land bank.

The City will identify properties for the purposes of land banking based upon the following criteria, foreclosed and:

- □ Undeveloped/vacant parcels, and/or;
- □ Irregularly shaped, small, undevelopable parcels requiring assembly for development, and/or;
- □ Parcels with blighted and uninhabitable structures requiring demolish.

During the holding period the properties will be secured, maintained, and insured by city. The costs of the management of the properties will be absorbed by NSP grant funds until the expiration of the grant. Upon expiration, Program Income generated through the other NSP eligible activities, will be used to ensure the continued and effective management of the land banked inventory.

The inclusion of Eligible Uses C-E in the NSP1 Program will allow the City to leverage NSP1 activities/funds with NSP 3 activities/funds – as well as other available funding sources – to implement the long-term revitalization development plan for the Edgemont Area, while meeting expenditure deadlines and performance measures as established by HUD.

#### II. Eligible Uses/Activities Allocations

Pursuant to NSP guidelines, 25% of the Program Income generated as a result of NSP activities is to be allocated to continue providing housing opportunities to the LH25

3

population, which are households at or below 50% Area Median Income. The City's current NSP Program, services this population by providing affordable rental opportunities in multi-family residential settings. The City will continue to focus its efforts to serve LH25 with rental opportunities. The City would like to fund the existing Eligible Activities (SFR-ARR, MFR-ARR, and HAP) and newly added Eligible Activities (Demolition, Land banking, and Redevelopment).

Since the current condition of the Edgemont area is not conducive to development, the ability to acquire properties now via an established land bank using NSP funds- and other available resources- and redevelop the properties at a later date is imperative to the future vitality, growth, and stabilization of the area.

The chart below summarizes how the funds generated from Program Income that will be used for each activity:

NSP BUDGET	Program Income Allocations
NSP1 PROCEEDS FROM SALES *	<u>\$3,515,740</u>
NSP3-Activity 1, Single-Family Residential Acq./Rehabilitation/Resale (SFR-ARR)	\$1,535,231
NSP3-Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)**	\$778,935
NSP3-Activity 3, Homebuyer Assistance Program (HAP)	\$150,000
NSP3-Activity 4, Demolition	\$100,000
NSP3-Activity 5, Land banking	\$500,000
NSP3-Activity 6, Redevelopment	\$100,000
NSP3 Administration Cap (10%)	\$351,574
Total Proposed Allocations*** \$3,515,7	
<ul> <li>*Amount of Proceeds from Sales includes \$400,000 of estimated revenue projected to be generated by the remaining 5 SFR units currently in escrow.</li> <li>**Activity 2, MFR-ARR will, by default, receive no less than 25% of PI generated</li> <li>***Allocations by activity are subject to change, if adjustments exceed 20% a Substantial Amendment will be processed</li> </ul>	

The funding allocations above represent Program Income increases to the initial activity budgets funded through by the original grant funds.

#### III. Public Comment

To meet the public noticing requirement, a copy of the draft substantial amendment will be posted on the City of Moreno Valley's website <u>www.moval.org</u> for 15 days from November 26, 2012 through December 10, 2012. A Public Notice was advertised in the Press-Enterprise newspaper on November 14, 2012. Public comments will be accepted until 4 p.m. on December 10, 2012. All comments may be submitted via email at <u>NP@moval.org</u>, phone at (951) 413-3450, or fax at (951) 413-3459.

## IV. Summary to Public Comments Received

The summary of public comments will be included as an attachment.

5

This page intentionally left blank.

# **CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES**

a) Report by Mayor Richard A. Stewart on Joint Powers Commission (MJPC)

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest 1
CITY MANAGER	<citymanager< td=""></citymanager<>

## Report to City Council

- **TO:** Mayor and City Council acting in its capacity as the Legislative Body for Community Facilities District No. 4-Improvement
- **FROM:** Ahmad R. Ansari, P.E., Public Works Director/City Engineer
- AGENDA DATE: December 11, 2012

TITLE:DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 4-<br/>INFRASTRUCTURE OF THE CITY OF MORENO VALLEY

#### **RECOMMENDED ACTION**

Recommendations: That the City Council:

 Acting as the legislative body of Community Facilities District No. 4-Infrastructure of the City of Moreno Valley introduce Ordinance No. 856 ordering the dissolution of CFD No. 4-Infrastructure and the recordation of an amendment to the Notice of Special Tax Lien and repeal of Ordinance 821.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

#### BACKGROUND

On May 24, 2005, the City Council approved the Acquisition/Financing Agreement ("Agreement") among the City of Moreno Valley ("City"), acting on behalf of itself and Community Facilities No. 4-Infrastructure ("CFD No. 4-I" or "District") and Ridge Property Trust. The Agreement sets forth the legal obligations among all parties regarding their participation in the formation of CFD No. 4-I, land use entitlements, description of the improvements to be acquired by the City, general guidelines for the construction bidding process, method of payments and ownership/transfers of the public improvements to the City of Moreno Valley.

On September 13, 2005, the City Council adopted the following resolutions for CFD No. 4-I:

- Resolution No. 2005-89 to approve the Boundary map showing the boundaries of CFD No. 4-I;
- Resolution No. 2005-90 to declare the intention to form the District and authorization to levy a special tax to finance the acquisition and construction of certain public improvements; and
- Resolution No. 2005-91 to declare the necessity to incur a bonded indebtedness to be secured by special taxes to pay for the acquisition and construction of the defined public improvements;

On October 25, 2005, the City Council conducted the Public Hearing and took the following actions:

- Approved and adopted Resolution No. 2005-94 forming and establishing Community Facilities District No. 4-I of the City of Moreno Valley and authorizing submittal of the levy of special taxes;
- Approved and adopted Resolution No. 2005-95 determining the necessity to incur a bonded indebtedness for Community Facilities District No. 4-I of the City of Moreno Valley;
- Approved and adopted Resolution No. 2005-96 declaring the results of a special election in such community facilities district; and
- Introduced Ordinance No. 696 authorizing the levy of a special tax in such community facilities district.

On January 8, 2008, the City Council adopted the following documents related to the annexation of territory for CFD No. 4-I:

- Approved and adopted Resolution No. 2008-03 authorizing submittal of the levy of special taxes for Community Facilities District No. 4-I Annexation No. 1 of the City of Moreno Valley; and
- Approved and adopted Resolution No. 2008-04 declaring the results of a special election in such community facilities district; and
- Introduced Ordinance No. 765 authorizing the levy of a special tax in such annexed territory to the community facilities district.

On December 14, 2010, the City Council adopted Resolution 2010-106 authorizing the proposed modifications to the rate and method of apportionment.

On January 11, 2011, the City Council introduced Ordinance No. 821 authorizing the levy of a special tax in such community facilities district pursuant to the amended and restated rate and method of apportionment (RMA).

## DISCUSSION

At the October 25, 2005, Public Hearing, the City Council conducted the special election and formed CFD No. 4-I to allow the property owner to finance public improvements through the issuance of CFD bonds. Ordinance No. 821 was later introduced authorizing the levy of a special tax in CFD No. 4-I, pursuant to the amended and restated RMA.

In a request submitted to the City on October 9, 2012, the duly authorized representatives of Ridge Property Trust, a Maryland real estate investment trust (the "Trust"), Ridge Moreno Valley, LLC, a Delaware limited liability company ("Ridge Moreno Valley"), Ridge MV Lot 3, and the IIT Inland Empire Logistics Center (collectively the "Owner"), the property owners within CFD No. 4-I, expressed the desire to initiate proceedings to dissolve CFD No. 4-I. The executed Request for and Consent to Dissolution was received by the City on October 11, 2012 and is included as an attachment to this staff report. As part of the request, the Owner has requested the dissolution of CFD No. 4-I along with the filing of an Amended Notice of Special Tax Lien to remove any special tax liens from the properties located within CFD No. 4-I. No Bonds have been issued for CFD No. 4-I and no special taxes have been levied by the City.

#### ALTERNATIVES

- 1. **Introduce** an ordinance ordering the dissolution of CFD No. 4-I, the repeal of Ordinance No. 821, and the recordation of an Amendment to the Notice of Special Tax Lien for CFD No. 4-I. *Dissolving CFD No. 4-I will eliminate the use of CFD financing for beneficial infrastructure for the property.*
- 2. **Do not Introduce** the proposed ordinance or repeal Ordinance No. 821. *This alternative may delay the development and occupancy of the property.*

#### FISCAL IMPACT

There is no General Fund impact by the City Council's introduction of the ordinance. Along with the request for dissolution, a deposit was received by the property owners to pay for costs associated with the dissolution process. The property owner shall continue to be responsible for cost related to the dissolution of CFD No. 4-I and the installation of any improvements as required through their conditions of approval.

#### **CITY COUNCIL GOALS**

#### Public Facilities and Capital Projects

The dissolution of the CFD No. 4-I will allow the property owner to fund the development of the necessary public improvements through alternative financing methods, once the special tax liens have been removed.

#### **SUMMARY**

In 2005, at the request of the property owners within CFD No. 4-I, the City Council adopted the necessary resolutions for the formation of the District. The City Council also adopted Ordinance 821 authorizing the levy of a special tax within CFD No. 4-I. In October 2012, the Owner of parcels located within CFD No. 4-I submitted an executed Request for and Consent to Dissolution to initiate proceedings to dissolve CFD No. 4-I.

#### NOTIFICATION

N/A

#### **ATTACHMENTS**

Attachment 1: Property Owner Request for and Consent to the Dissolution

Attachment 2: Map of the Boundaries of Community Facilities District No. 4-I

Attachment 3: CFD No. 4-I Report

**Attachment 4:** An ordinance of the City Council of the City of Moreno Valley California, dissolving Community Facilities District No. 4-Infrastructure of the City of Moreno Valley and ordering the recordation of an amendment to the notice of special tax lien related to such district and repealing Ordinance No. 821

Attachment 5: Amendment to the Notice of Special Tax Lien

Prepared by: Marshall Eyerman, Special Districts Program Manager Department Head Approval: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

Concurred by: Candace Cassel, Special Districts Division Manager

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

#### CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4 - INFRASTRUCTURE

#### REQUEST FOR AND CONSENT TO DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 4 - INFRASTRUCTURE OF THE CITY OF MORENO VALLEY AND ACKNOWLEDGEMENT AND WAIVER RELATED THERETO

#### TO: CITY COUNCIL

#### CITY OF MORENO VALLEY, CALIFORNIA

The undersigned do hereby CERTIFY under penalty of perjury, that the following statements are all true and correct:

#### PROPERTY OWNER ACKNOWLEDGEMENT AND REQUEST

1. The undersigned are duly authorized representatives of Ridge Property Trust, a Maryland real estate investment trust (the "Trust"), Ridge Moreno Valley, LLC, a Delaware limited liability company ("Ridge Moreno Valley"), Ridge MV Lot 3, and the IIT Inland Empire Logistics Center (collectively the "Owner"), the owner of that certain real property identified in Attachment A attached hereto and incorporated herein by this reference ("Owner's Property"), and is legally authorized to make the representations and the request, give the acknowledgments and the consents and provide the waivers contained herein on behalf of the Owner.

2. Owner has been informed and is aware of and understands that:

(a) the City Council of the City of Moreno Valley (the "City"), acting pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being chapter 2.5, Part 1, Division 2, Title 5 of the California Government Code (the "Act") (all Section references herein shall be to the California Government Code unless specified otherwise), established Community Facilities District No. 4 - Infrastructure of the City of Moreno Valley (the "Community Facilities District" or "CFD") on October 25, 2005, by the adoption of Resolution No. 2005-94 (the "Resolution of Formation") by the City Council of the City (the "City Council") for the purpose of financing certain authorized public facilities as described in the Resolution of Formation (the "Facilities District, the levy of special taxes pursuant to the rate and method of apportionment thereof as set forth in the Resolution of Formation (the "Original Rate and Method");

(b) on such date, the City Council also adopted Resolution No. 2005-95 determining the necessity to incur a bonded indebtedness for the Community Facilities District in a principal amount not to exceed \$16,000,000 to be secured by the levy of such special taxes (the "Bond Authorization") and submitted to the qualified electors of the Community Facilities District separate ballot propositions to authorize the levy of special taxes within the Community Facilities District pursuant to the Original Rate and Method

60304.00006\7319775.1

and to authorize the Community Facilities District to incur a bonded indebtedness not to exceed the Bond Authorization;

(c) on such date, the qualified electors of the Community Facilities District voted to approve (a) the levy of the special taxes pursuant to the Original Rate and Method and (b) the bonded indebtedness of the Community Facilities District not to exceed the Bond Authorization;

(d) Ridge Moreno Valley, LLC ("Ridge Moreno Valley") was the owner of all of the property within the Community Facilities District at the time of formation thereof;

(e) on November 8, 2005, the City Clerk, acting pursuant to the Act, caused the recordation of a Notice of Special Tax Lien in the official records of the County of Riverside (the "County") as Document No. 2005-0925946 (the "Original Notice of Special Tax Lien") giving notice of the imposition, by the recordation of such notice, of a lien on the taxable property within the Community Facilities District to secure the payment of the special taxes authorized to be levied pursuant to the Original Rate and Method;

(f) in conjunction with the proceedings to form the Community Facilities District, the City, acting for and on behalf of itself and the Community Facilities District, and the Trust entered into an Acquisition/Financing Agreement executed on May 26, 2005, which agreement was subsequently amended by the parties thereto on three occasions (as amended, the "Agreement" or "AFA"), to establish the terms and conditions pursuant to which the Trust would construct or cause the construction of the Facilities (the Facilities are defined in the Agreement as the "Improvements") and would, upon the formation of the Community Facilities District, the subsequent sale of bonds by the Community Facilities District and the completion of the construction of such Facilities, be entitled pursuant to the provisions of the Agreement to be paid for the Facilities at the prices determined by the City pursuant to the Agreement;

(g) Pursuant to the terms and conditions of the AFA, upon the formation of CFD No. 4 - Infrastructure and the subsequent sale of the Special Tax Bonds the proceeds of which are authorized to be utilized to acquire the Improvements identified in Exhibit A of the AFA and the Owner shall be entitled pursuant to the provisions of the AFA to be paid the Purchase Price (as defined in the AFA) for such Improvements.

(h) Pursuant to the terms and conditions of the AFA, the Owner agrees to transfer to the City each of the Improvements (as defined in the AFA) and CFD No. 4 - Infrastructure agrees to pay the Purchase Price (as defined in the AFA) for such Improvements. The AFA further provides that the Purchase Price of such Improvements is to be paid solely from the proceeds of the Special Tax Bonds sold and issued by CFD No. 4 - Infrastructure and shall not be obligated to pay to Owner the Purchase Price for any such Improvements except from the proceeds of such the Special Tax Bonds.

60304.00006\7319775.1

(i) on November 27, 2007, the City Council, acting as the legislative body of the Community Facilities District, initiated proceedings at the request of Ridge Moreno Valley, as the owner of certain territory located outside the Community Facilities District ("Annexation Area No. 1"), to annex such territory to the Community Facilities District;

(j) on January 8, 2008, the City Council adopted Resolution No. 2008-03 making certain determinations pertaining to the proposed annexation and submitted to qualified electors of Annexation Area No. 1 a ballot proposition to authorize the levy of special taxes within Annexation Area No. 1 pursuant to a separate rate and method of apportionment applicable to Annexation Area No. 1 (the "Annexation Area No. 1 Rate and Method");

(k) on January 8, 2008, the qualified electors of Annexation Area No. 1 voted to approve the levy of special taxes within Annexation No. 1 pursuant to the Annexation Area No. 1 Rate and Method and following such vote, the City Council adopted Resolution No. 2008-04 declaring the annexation of the Annexation Territory to the Community Facilities District;

(1) on January 17, 2008, the City Clerk, acting pursuant to the Act, caused the recordation of an Amendment to Notice of Special Tax Lien in the official records of the County as Document No. 2008-0027496 (the "Amendment to Notice of Special Tax Lien") giving notice of the imposition of a lien on the taxable property within Annexation Area No. 1 to secure the payment of the special taxes authorized to be levied pursuant to the Annexation Area No. 1 Rate and Method;

(m) on November 9, 2010, the City Council, acting as the legislative body of the Community Facilities District, initiated proceedings at the request of the owners of the property within the Community Facilities District to modify the Original Rate and Method and the Annexation Area No. 1 Rate and Method to authorize the levy of special taxes throughout the Community Facilities District pursuant to an amended and restated rate and method of apportionment of such special taxes (the "Amended and Restated Rate and Method");

(n) on December 14, 2010, the qualified electors of the Community Facilities District voted to approve the levy of special taxes throughout the Community Facilities District (the "Special Taxes") pursuant to the Amended and Restated Rate and Method;

(o) on December 15, 2010, the City Clerk, acting pursuant to the Act, caused the recordation of a Second Amendment to Notice of Special Tax Lien in the official records of the County as Document No. 2010-0602591 (the "Second Amendment to Notice of Special Tax Lien" and together with the Original Notice of Special Tax Lien and the Amendment to Notice of Special Tax Lien, the "Notice of Special Tax Lien") giving notice that the Original Notice of Special Tax Lien and the Amendment to Notice of Special Tax Lien were amended by the recordation of such Second Amendment to Notice of Special Tax Lien by modifying the rate and method of apportionment of the Special Taxes as set forth in the Original Notice of Special Tax Lien and the Amendment to Notice of Special Tax Lien to incorporate the Amended and Restated Rate and Method;

60304.00006\7319775.1

3

(p) on March 8, 2011, the City Council, acting as the legislative body of the Community Facilities District, adopted Resolution No. 2011-21 (the "Resolution of Issuance") authorizing the issuance of not to exceed \$10,000,000 Community Facilities District No. 4 -Infrastructure of the City of Moreno Valley 2011 Special Tax Bonds (the "2011 Bonds") to finance the acquisition of the Facilities;

(q) the 2011 Bonds were to be secured by and payable from the Special Taxes; and

(r) the 2011 Bonds have not been issued;

3. Owner, on behalf of itself and its members, successors and/or assigns, hereby irrevocably requests that the City dissolve CFD No. 4 – Infrastructure and any liens established by the recordation of the Notice of Special Tax Lien (the "Dissolution Request").

4. In making the Dissolution Request, the Owner, on behalf of itself and its members, successor and/or assigns:

(a) voluntarily and knowingly waives any and all Owner's rights and benefits to which Owner may be contractually entitled pursuant to the AFA including, but not limited to, payment by the City and/or CFD No. 4 - Infrastructure, of the Purchase Price for the Improvements, or any portion thereof, from the proceeds of the Special Tax Bonds or the Special Taxes or any other source of funds of the City and/or CFD No. 4 - Infrastructure ("Owner's AFA Waiver");

(b) voluntarily and knowingly waives all obligations, if any, of the City and/or CFD No. 4 - Infrastructure to issue the Special Tax Bonds or to levy the Special Taxes within CFD No. 4 - Infrastructure;

(c) voluntarily and knowingly waives any protest, complaint or legal action of any nature whatsoever against the City and/or CFD No. 4 - Infrastructure pertaining to the dissolution of CFD No. 4 - Infrastructure and any liens established by the recordation of the Notice of Special Tax Lien, the failure to issue the Special Tax Bonds or to levy the Special Taxes, or any combination thereof; and

(d) acknowledges and understands that the making of this Dissolution Request and the provision of Owner's AFA Waiver and the subsequent dissolution of CFD No. 4 -Infrastructure and the dissolution of any liens established by the recordation of the Notice of Special Tax Lien, does not in any way whatsoever absolve, terminate, extinguish, reduce or otherwise modify the obligation of the Owner or any successor or assign of the Owner as the owner of the Owner's Property to construct the public improvements required by the City, the County or any other public agency as a condition of approval of the development of the Owner's Property.

5. Owner has had a reasonable opportunity to consult with and to be advised by Owner's legal counsel regarding the matters contained in this document and the attachments hereto.

This REQUEST FOR AND CONSENT TO DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 4 - INFRASTRUCUTRE AND ACKNOWLEDGEMENT AND

60304.00006\7319775.1

WAIVER was executed this <u>9<sup>+7</sup></u> day of <u>October</u>, 20<u>12</u>, in <u>Long Beach</u>, California.

Ridge Property Trust, a Maryland real estate investment trust By: Name: Pe. Its:

Ridge Moreno Valley, LLC, a Delaware limited liability company

By: Name: pls, de Its:

IIT Inland Empire Logistics Center LP, a Delaware limited partnership

By: IIT Inland Empire Logistics Center GP LLC, a Delaware limited liability company, its general partner

By: IIT Inland Empire Logistics Center Trust, a Maryland trust, its sole member

By: Scold Name: Sup. INSI Its:

#### Ridge MV Lot 3, LLC

By: Ridge Property Trust, a Maryland real estate investment trust, its managing member

By: Rice Name: <14 Its:

60304.00006\7319775.1

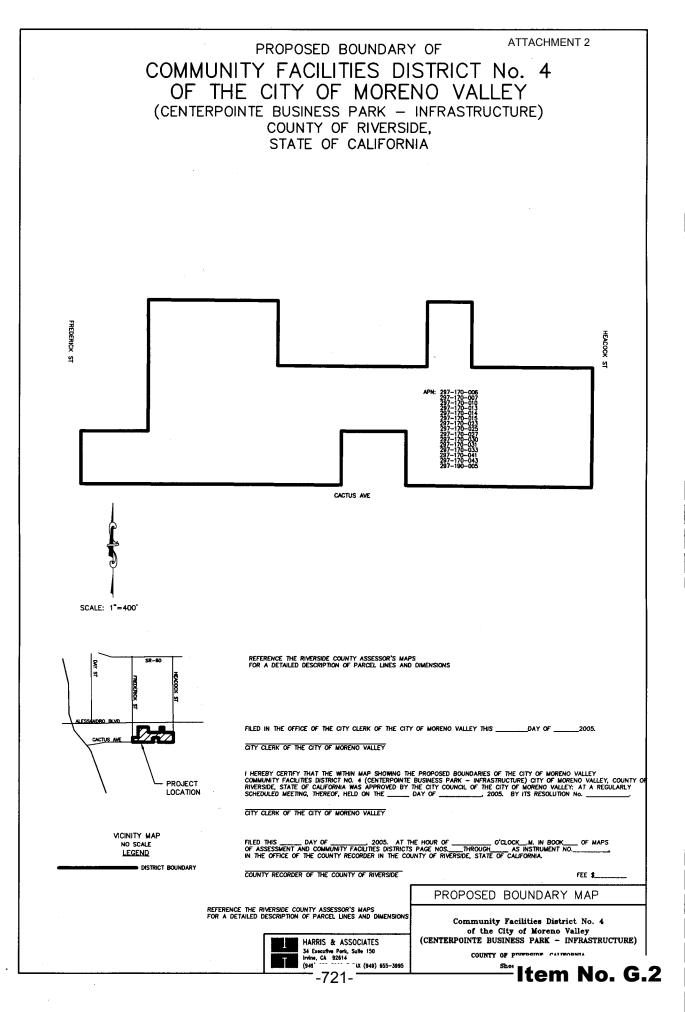
5

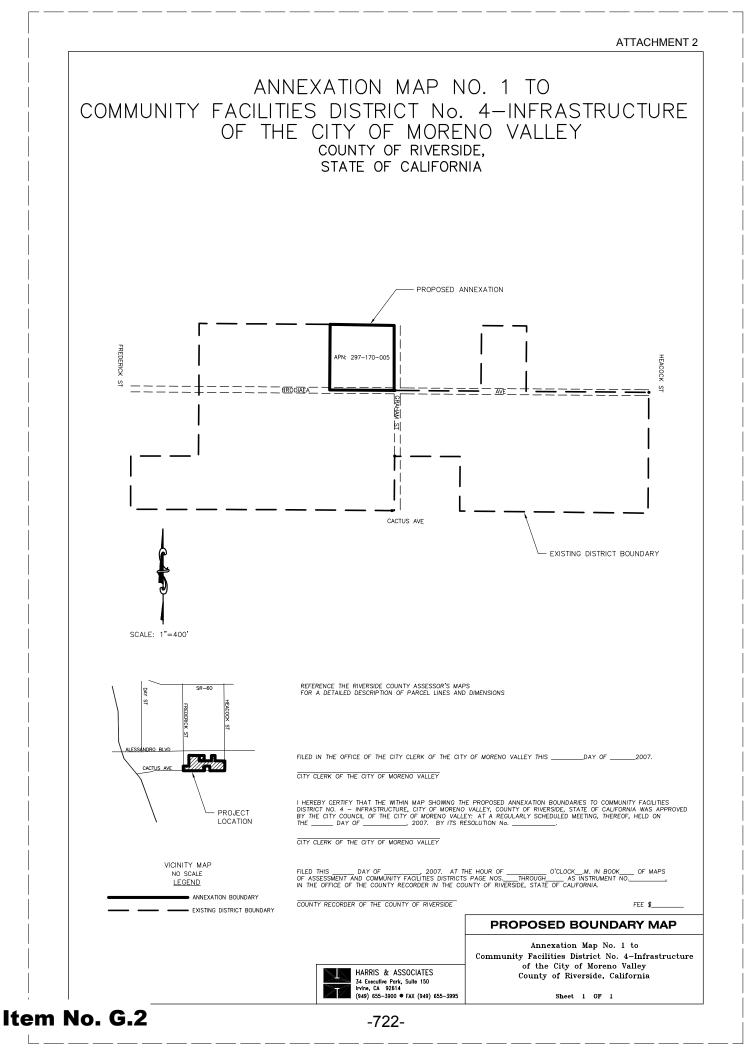
#### ATTACHMENT A

#### **DESCRIPTION OF OWNER'S PROPERTY**

Owner's Property is that real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

Assessor's Parcel Number	Parcel Owner
297-170-027	Ridge Moreno Valley
297-170-064	Ridge Moreno Valley
297-170-065	Ridge Moreno Valley
297-170-067	IIT Inland Empire Logistics Center
297-170-068	IIT Inland Empire Logistics Center
297-170-069	IIT Inland Empire Logistics Center
297-170-072	IIT Inland Empire Logistics Center
297-170-075	Ridge Moreno Valley
297-170-076	Ridge Moreno Valley
297-170-078	Ridge Moreno Valley
297-170-082	Ridge MV Lot 3







SHAPING THE FUTURE ONE PROJECT AT A TIMEs.

# Updated Community Facilities District Report

for the

Community Facilities District No. 4 - Infrastructure of the City of Moreno Valley

October 7, 2010

# **Table of Contents**

		Page
I.	Introduction	1
II.	Project Description	2
III.	Description of Facilities	3
IV.	Cost Estimate	4
V.	Bonded Indebtedness and Incidental Expenses	5
VI.	Amended and Restated Rate & Method of Apportionment of the Special Tax.	6
VII.	Boundaries of CFD No. 4-I	8
VIII.	Certification	9

Exhibit A – Boundary Map

- Exhibit B Rate and Method of Apportionment
- Exhibit C Property Owner List

#### UPDATED COMMUNITY FACILITIES DISTRICT REPORT

#### I. Introduction

WHEREAS, the City Council of the City of Moreno Valley (hereinafter referred to as the "City Council"), pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (hereinafter referred to as the "Act") did establish its intention to form a community facilities district, consisting of the territory described in Exhibit A, and did expressly order the filing of a written "Report" with the City Council acting as the legislative body for the proposed community facilities district. This community facilities district shall hereinafter be referred to as Community Facilities District No. 4-Infrastructure of the City of Moreno Valley (CFD No. 4-I); and

WHEREAS the City Council did establish CFD No. 4-I of the City of Moreno Valley (the "Original District") on October 25, 2005, by the adoption of Resolution No. 2005-94 (the "Resolution of Formation") by the City Council to include such property for the purpose of financing certain authorized public facilities as described in the Resolution of Formation (the "Facilities"); and

WHEREAS, at such election, the qualified electors of the Original District voted to approve the levy of such special taxes and on November 8, 2005, the City Council adopted Ordinance No. 696 (the "Ordinance") authorizing the levy of special taxes on taxable properties located in the Original District pursuant to the rate and method of apportionment thereof ("Original District Rate and Method); and

WHEREAS, in 2007 the City Council, at the request of Ridge Moreno Valley, LLC, the owner of certain territory located within the City and adjacent to the Original District, initiated proceedings to annex such territory to the Original District ("Annexation Area No. 1") and to authorize the levy of special taxes within Annexation Area No. 1 pursuant to the rate and method of apportionment thereof (the "Annexation Area No. 1 Rate and Method"); and

WHEREAS, on January 22, 2008, the City Council adopted Ordinance No. 765 ("Annexation Area No. 1 Ordinance") authorizing the levy of special taxes on taxable properties located in Annexation Area No. 1 pursuant to the Annexation Area No. 1 Rate and Method; and

WHEREAS, the current owners of the territory within CFD No. 4-I have requested that the City Council, acting as the legislative body of CFD No. 4-I, initiate proceedings to consider modifications to the Original District Rate and Method and the Annexation Area No. 1 Rate and Method; and

WHEREAS, on November 9, 2010, the Resolution of Intention, Resolution No. 2010-\_\_\_, of the City of Moreno Valley to consider modifications to the Original District Rate and Method and the Annexation Area No. 1 Rate and Method with respect to CFD No. 4-I by approving an "Amended and Restated Rate and Method of Apportionment;" and

WHEREAS, this Updated Community Facilities District Report is intended to update the original report dated October 17, 2005 and approved by the City Council by the adoption of the Resolution of Formation.

NOW, THEREFORE, I, Joan E. Cox, PE, authorized representative of Harris & Associates, pursuant to the provisions of the Act, do hereby submit the following updated report.

# II. Project Description

Pursuant to land use entitlements approved by the City of Moreno Valley (the "City"), Ridge Moreno Valley, LLC and Ridge Moreno Valley II, LLC (collectively the "Developer") are in the process of constructing a business park. The City has formed CFD No. 4-I for the purpose of financing certain infrastructure and public facilities.

CFD No. 4-I encompasses approximately 6,388,510 square feet of land and has been formed to finance the acquisition and/or construction of various public street, traffic signal, utilities, drainage, median landscaping and appurtenant structures and facilities as described in Section III.

····· //CFD #4/report/CFD 4-I Updated Report 7oct10.doc

# III. Description of Facilities

#### **Facilities**

A community facilities district may provide for the purchase, construction, expansion or rehabilitation of any real or other tangible property with an estimated useful life of five (5) years or longer which is necessary to meet increased demands placed upon local agencies as a result of development occurring within a community facilities district.

The Facilities described in this updated Report are all facilities which the City is authorized to own, construct, or finance, and which are required to adequately meet the needs of CFD No. 4-I.

The Facilities for CFD No. 4-I include all or a portion of design, construction, indirect costs and administration relating to the following public improvements associated with the development.

- 1. Street improvements
- 2. Street lighting
- 3. Traffic Signals
- 4. Drainage improvements
- 5. Median landscaping
- 6. Electric Utility Improvements
- 7. Appurtenant Structures and Facilities

The construction of all Facilities has been completed.

# IV. Cost Estimate

The cost estimate for the Facilities described in Section III is set forth below. The actual cost of the Facilities to be financed will ultimately be determined in accordance with the Acquisition/Financing Agreement between the City and Developer.

		Estimated Actual Costs
Hard Costs:		
Cactus Avenue		\$2,763,665
Frederick St. to Graham St.		
Graham St. to Heacock St.		
Brodiaea Avenue		\$2,838,358
Frederick St. to Graham St.		
Graham St. to Heacock St.		
Graham Street		\$383,644
Joy Street		\$597,549
Gilbert Street		\$561,937
Rebecca Street		\$351,211
Box Culvert (Heacock/Brodiaea)		\$817,674
	Subtotal Hard Costs:	\$8,314,038
Soft Costs:		
Civil Engineering		
Street Improvements		\$483,000
Traffic Signals		\$38,410
Construction Staking		\$167,354
Landscape Architect		\$6,112
Fullmer Management Services		\$433,356
Plan Check/Permits		\$1,248,491
Project Management		\$261,071
Soil Testing		\$41,049
	Subtotal Soft Costs:	\$2,678,843
	Subtotal Hard and Soft Costs:	\$10,992,881
Dry Utilities Costs		
Dry Utilities Hard Costs		\$2,524,065
Dry Utilities Soft Costs		\$36,654
	Subtotal Dry Utility Costs:	\$2,560,719
Less reduction to bring to 5% of Hard a		(\$2,011,075)
Subtotal Dry Utilities Costs Re	imbursable through Bond Funds:	\$549,644

#### **Community Facilities District No. 4-I Budget**

#### Total Reimbursable Project Costs: \$11,542,525

It should be noted that the Facilities cost estimates include all indirect costs such as project management, design engineering, right-of-way engineering, soils engineering and testing, plan checking, permits, fees, advertisement and award costs and inspections. Actual costs may differ from the amounts shown, which are estimates only and are not intended to be maximum limits in what may be expended.

CFD #4\report\CFD 4-I Updated Report 7oct10.doc

# V. Bonded Indebtedness and Incidental Expenses

#### A. Projected Bond Sales

The maximum authorized bonded indebtedness for CFD No. 4-I is \$16,000,000.

#### B. Incidental Bond Issuance Expenses to be included in the Proposed Bonded Indebtedness

Pursuant to Section 53345.3 of the Act, bonded indebtedness may include all costs and estimated costs incidental to, or connected with, the accomplishment of the purpose for which the proposed debt is to be incurred, including, but not limited to, the costs of legal, fiscal, and financial consultant fees; bond and other reserve funds; discount fees; interest on any bonds of the district due and payable prior to the expiration of one year from the date of completion of the facilities, not to exceed two years; election costs; and all cost of issuance of the bonds, including, but not limited to, fees for bond counsel, costs of obtaining credit ratings, bond insurance premiums, fees for letters of credit, reimbursement for developer advances for CFD No. 4-I formation and modification proceedings, and other credit enhancement costs, and printing costs. For the bonds proposed to be issued by CFD No. 4-I, capitalized interest is estimated for up to 18 months, the reserve fund is equal to the highest debt service payment in any year, and all other incidental bond issuance expenses at approximately 10.0 percent of the face amount of the bonds.

#### C. Incidental Expenses to be Included in the Annual Levy of Special Taxes

Pursuant to Section 53340 of the Act, the proceeds of any special tax may only be used to pay, in whole or part, the cost of providing public facilities, services and incidental expenses. As defined by the Act, incidental expenses include, but are not limited to, the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities; the costs associated with the creation of the district, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the district; any other expenses incidental to the construction, completion, and inspection of the authorized work; and the retirement of existing bonded indebtedness. While the actual cost of administering CFD No. 4-I may vary, it is anticipated that the amount of special taxes which can be collected will be sufficient to fund at least \$30,000 in annual administrative expenses.

#### UPDATED COMMUNITY FACILITIES DISTRICT REPORT

# VI. Amended and Restated Rate and Method of Apportionment of the Special Tax

All of the property located within CFD No. 4-I, unless exempted by law or by the Amended and Restated Rate and Method of Apportionment, shall be taxed for the purpose of providing the Facilities to serve CFD No. 4-I. Pursuant to Section 53325.3 of the Act, the tax imposed "is a Special Tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property." The Special Tax "may be based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel or other reasonable basis as determined by the legislative body," although the Special Tax may not be apportioned on an ad valorem basis pursuant to Article XIIIA of the California Constitution.

As shown in Exhibit B, the Amended and Restated Rate and Method of Apportionment shown in the Resolution of Intention provides information sufficient to allow each property owner within CFD No. 4-I to estimate the maximum annual Special Tax he or she will be required to pay. Sections A through D, below, provide additional information on the Amended and Restated Rate and Method of Apportionment of the Special Tax for CFD No. 4-I, as is proposed to be adopted in the resolution making determinations and authorizing the submittal of a measure to authorize the levy of special taxes pursuant to the Amended and Restated Rate and Method of Apportionment to the Amended and Restated Rate and Method of Apportionment to the qualified electors of CFD No. 4-I. Please note that all capitalized terms used herein, unless otherwise indicated, shall have the meanings defined in the Amended and Restated Rate and Method of Apportionment.

#### A. Explanation for Special Tax Apportionment

When a community facilities district (a "CFD") is formed, a special tax may be levied on each parcel of taxable property within the CFD to pay for the construction, acquisition and rehabilitation of public facilities, to pay for authorized services or to repay bonded indebtedness or other related expenses incurred by the CFD. This special tax must be apportioned in a reasonable manner; however, the tax may not be apportioned on an ad valorem basis.

When more than one type of land use is present within a CFD, several criteria may be considered when apportioning the special tax. Generally, criteria based on building square footage, acreage, and land use are selected, and categories based on such criteria are established to differentiate between parcels of property. These categories are a direct result of the projected product mix, and are reflective of the proposed land use types within that CFD. Specific special tax levels are assigned to each land use class, with all parcels within a land use class assigned the same special tax rate.

The Facilities to be funded by CFD No. 4-I are generally offsite public infrastructure improvements. These improvements include streets, street lights, median landscaping, drainage improvements, electric utilities and appurtenant facilities required for the orderly development of the commercial property within CFD No. 4-I. Each property will benefit from the improvements in several ways: 1) traffic circulation, 2) site access, 3) access to public utilities, and 4) control of localized storm waters. The special tax can be apportioned using several different factors related to each property, including density, land area, traffic generation, and building square footage.

Based on the types of public facilities that are proposed for CFD No. 4-I and the factors described above, the Special Taxes assigned are generally proportionate to commercial acreage and the relative benefits received by that acreage in support of the business park. Accordingly, the Special Taxes in CFD No. 4-I can be considered fair and reasonable.

#### **B.** Maximum Special Tax Rates

The Maximum Annual Special Tax for Taxable Property has been established by the Amended and Restated Rate and Method of Apportionment at \$0.1924 per square foot of land area and this Maximum Annual Tax Rate will increase by two percent (2%) each year, commencing on July 1, 2011. The Maximum Special Taxes for Taxable Property cannot exceed this established rate.

Each year, the City Council shall levy the Special Tax, subject to the methodology and Maximum Special Taxes set forth in the Amended and Restated Rate and Method of Apportionment, in an amount sufficient to meet the Special Tax Requirement.

#### C. Accuracy of Information

In order to establish the Maximum Annual Special Tax rate for Taxable Property, as set forth in the Amended and Restated Rate and Method of Apportionment for CFD No. 4-I, the Special Tax Consultant has relied on information including, but not limited to, land use types and net taxable acreage which were provided to the Special Tax Consultant by others. The Special Tax Consultant did not independently verify such data and disclaims responsibility for the impact of inaccurate data provided by others, if any, on the Rate and Method of Apportionment for CFD No. 4-I, including the inability to meet the financial obligations of CFD No. 4-I.

# VII. Boundaries of CFD No. 4-I

The boundaries of CFD No. 4-I include all land on which special taxes may be levied. A copy of the Boundary Map for CFD No. 4-I and Annexation Map No. 1 to CFD No. 4-I are included as Exhibit A.

CFD #4\report\CFD 4-I Updated Report 7oct10.doc

#### **UPDATED COMMUNITY FACILITIES DISTRICT REPORT**

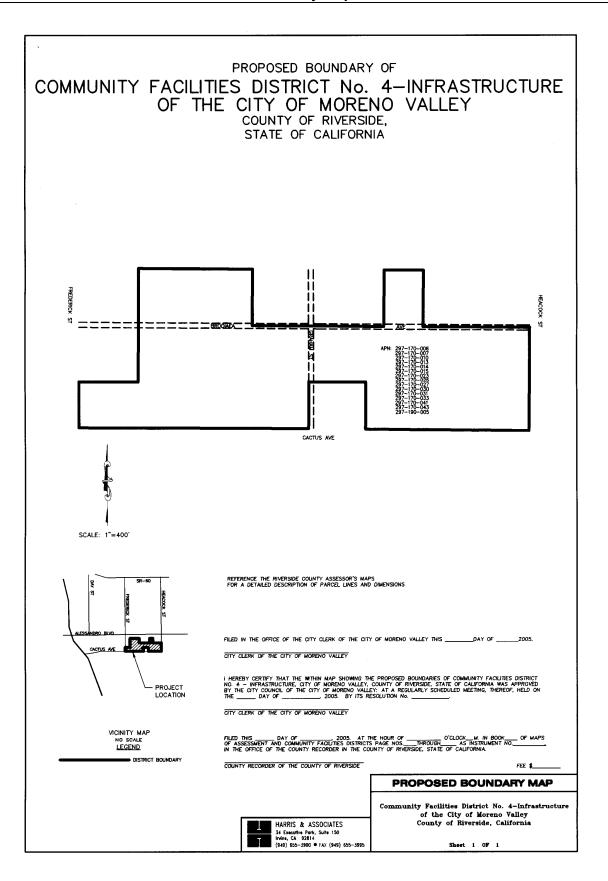
# VIII. Certification

Based on the information provided herein, it is my opinion that the Facilities described herein are necessary to meet increased demands placed upon the City of Moreno Valley as a result of development occurring within the boundaries of CFD No. 4-I and benefit the lands within said CFD No. 4-I. Further, it is my opinion that the special tax rates and method of apportionment, as set forth herein, are fair and equitable, uniformly applied and not discriminatory nor arbitrary.

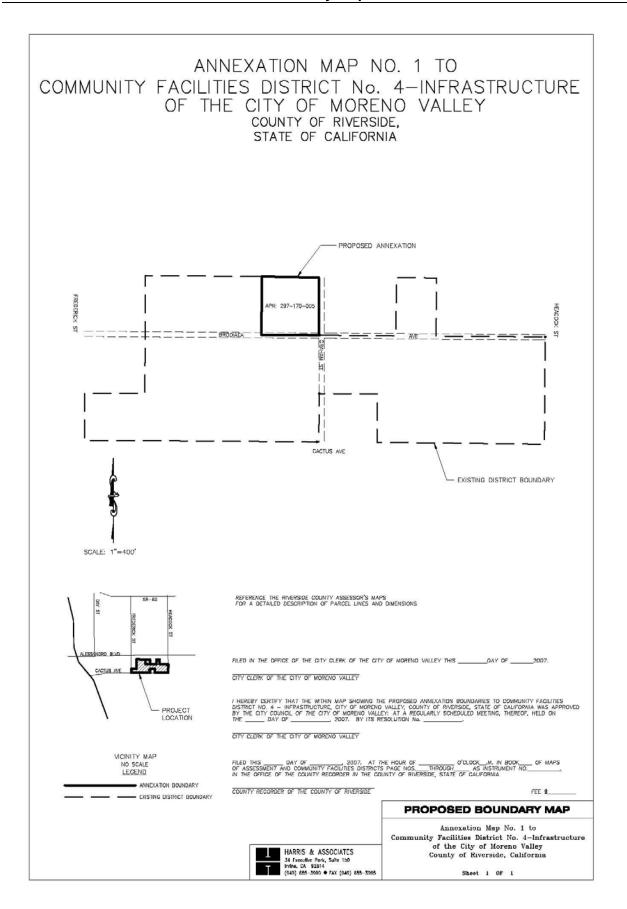
Dated: October 7, 2010

Harris & Associates Joan E. Cox, PE Vice President

#### **Boundary Map**



**Boundary Map** 



# Item No. G.2

# AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT FOR COMMUNITY FACILITIES DISTRICT NO. 4 - INFRASTRUCTURE OF THE CITY OF MORENO VALLEY

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in Community Facilities District No. 4 – Infrastructure of the City of Moreno Valley ("CFD No. 4-I") and collected each Fiscal Year commencing in Fiscal Year 2010-11, in an amount determined by the City Council through the application of the appropriate Special Tax for "Developed Property," "Undeveloped Property," "Taxable Property Owner Association Property," and "Taxable Public Property" as described below. All of the real property in CFD No. 4-I shall be taxed for the purposes, to the extent and in the manner herein provided, except property defined as Exempt Property and subject to Section E below.

# A. DEFINITIONS

City of Moreno Valley

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 4-I: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 4-I or any designee thereof of complying with arbitrage rebate requirements including, but not limited to, any rebate obligation; the costs to the City, CFD No. 4-I or any designee thereof of complying with disclosure requirements of the City, and /or CFD No. 4-I associated with applicable federal and state securities laws and the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 4-I or any designee thereof related to any appeal of the Special Tax; the costs associated with the release of funds from an escrow or appeals account, including appraisal costs; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated by the CFD Administrator or advanced by the City or CFD No. 4-I for any other administrative purposes of CFD No. 4-I, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Annual Special Tax Requirement"** means that amount required in any Fiscal Year for CFD No. 4-I to pay the sum of: (i) debt service on all Outstanding Bonds; (ii) periodic costs on the Bonds, including but not limited to, credit enhancement and rebate payments on the Bonds; (iii) Administrative Expenses; (iv) any amounts required to establish or replenish any reserve funds for all Bonds issued or to be issued by CFD No. 4-I; and (v) any amounts required for the acquisition or construction of facilities eligible under the Act, provided that the inclusion of such amount does not cause an increase in the levy of Special Taxes on Undeveloped Property. In arriving at the Annual Special Tax Requirement, the CFD Administrator shall take into account the reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year and shall give a credit for funds available to reduce the Special Tax levy.

"Assessor's Parcel" means a parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number (APN).

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Building Permit" means a permit for new construction for a structure. For purposes of this definition, "Building Permit" shall not include permits for construction of perimeter fencing, parking lot, wet and dry utility improvements, screening, landscaping, site lighting, required site-related storm water improvements, or other such improvements not intended for occupancy, with the exception of a guard shack, or similar ancillary structure.

"Bonds" means any binding obligation including bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by CFD No. 4-I under the Act.

"CFD Administrator" means the Special Districts Division Manager of the City of Moreno Valley, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD No. 4-I" means Community Facilities District No. 4 – Infrastructure of the City of Moreno Valley.

"City" means the City of Moreno Valley.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 4-I.

"County" means the County of Riverside.

"Developed Property" means all Assessor's Parcels of Taxable Property for which Building Permits were issued on or before June 1 preceding the Fiscal Year for which Special Taxes are being levied..

"Exempt Property" means any property not subject to Special Tax as described under Section E, herein.

"Final Map" means a final map, parcel map, lot line adjustment, or other map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots for which building permits may be issued.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Indenture" means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

"Land Area" means the square footage of land, excluding rights-of-way, as shown on the applicable Final Map or condominium map or if the square footage is not shown on said map, the square footage of an Assessor's Parcel as shown on an Assessor's Parcel Map. If the area is presented in acreage, then the square footage equals the acreage multiplied by 43,560 (square footage per acre). Exhibit 1, attached herein, provides an estimate of the taxable Land Area by Assessor's Parcel.

**"Maximum Annual Special Tax"** means the maximum Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year on any Assessor's Parcel.

"Outstanding Bonds" means all Bonds that are deemed to be outstanding under the Indenture.

**"Property Owner Association Property"** means, for each Fiscal Year, (i) any Assessor's Parcel within the boundaries of CFD No. 4-I for which the owner of record, as determined from the County Assessor's secured tax roll for the Fiscal Year in which the Special Tax is being levied, is a property owner's association, including any master or sub-association, or (ii) any property located in a Final Subdivision that was recorded as of the January 1 preceding the Fiscal Year in which the Special Tax is being levied and which, as determined from such Final Subdivision, is or will be open space, a common area recreation facility, or a private street.

**"Proportionately"** means, for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Undeveloped Property. The term "Proportionately" may similarly be applied to other categories of Taxable Property as listed in Section E below. Notwithstanding the above, Assessor's Parcels that have been delinquent in paying their Special Taxes may be taxed disproportionately to cover the shortfall generated by their delinquency.

**"Public Property"** means, for each Fiscal Year, any Assessor's Parcel within the boundaries of CFD No. 4-I that is (i) owned by, irrevocably offered or dedicated to the federal government, the State, the County, the City, or any local government or other public agency, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use; or (ii) encumbered by a public utility easement making impractical its use for any purpose other than that set forth in the easement.

**"Special Tax"** means the special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property and Undeveloped Property to fund the Annual Special Tax Requirement.

"State" means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of CFD No. 4-I, which are not classified as Exempt Property from the Special Tax pursuant to law or Section E, herein, or for which the Special Tax obligation has been prepaid in full per Section G, herein.

**"Taxable Property Owner Association Property"** means Property Owner Association Property that is subject to the levy of the Special Tax pursuant to Section E below.

**"Taxable Public Property"** means Public Property that is subject to the levy of the Special Tax pursuant to Section E below.

"Trustee" means the trustee, fiscal agent, or paying agent under the Indenture.

**"Undeveloped Property"** means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Taxable Property Owner Association Property, or Taxable Public Property.

#### **B.** CLASSIFICATION OF PROPERTIES

Each Fiscal Year, all Property within CFD No. 4-I shall be classified as Developed Property, Undeveloped Property, Taxable Property Owner Association Property, Taxable Public Property or Exempt Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment determined pursuant to Sections C and D.

#### C. SPECIAL TAX RATE

#### **Maximum Annual Special Tax**

- The Maximum Annual Special Tax for each Assessor's Parcel of Developed Property, Undeveloped Property, Taxable Property Owner Association Property and Taxable Public Property shall be \$0.1924 per square foot of Land Area for Fiscal Year 2010-11, and shall increase thereafter, commencing on July 1, 2011 and on July 1 of each Fiscal Year thereafter, by an amount equal to two percent (2%) of the Maximum Annual Tax for the previous Fiscal Year.
- Once classified as Developed Property, a parcel may not be subsequently re-classified as Undeveloped Property.

#### D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2010-11 and for each following Fiscal Year, the City Council shall levy the Special Tax until the amount of Special Taxes levied equals the Annual Special Tax Requirement. The Special Tax shall be levied each Fiscal Year as follows:

- Step 1 The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Annual Special Tax for Developed Property.
- Step 2 -If additional monies are needed to satisfy the Annual Special Tax Requirement, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property at up to 100% of the applicable Maximum Annual Special Tax for Undeveloped Property.
- Step 3 -If additional monies are needed to satisfy the Annual Special Tax Requirement, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property.
- Step 4 -If additional monies are needed to satisfy the Annual Special Tax Requirement, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property.

#### E. EXEMPTIONS

Provided that no such classification would reduce the Land Area of Taxable Property to less than 5,427,292 square feet, the CFD Administrator shall classify as Exempt Property: (i) Public Property; and (ii) Property Owner Association Property. Such minimum square footage shall be subject to reduction by the CFD Administrator should the Special Tax obligation for an Assessor's Parcel be paid off in full or in part per Section G, herein.

The CFD Administrator shall classify property as Exempt Property in the chronological order that such property qualifies to be classified as such.

All or any portion of an Assessor's Parcel in CFD No. 4-I that is transferred to a public agency or property owner's association that reduces the square footage of the total Land Area of Taxable Property to less than 5,427,292 square feet, or the minimum square footage as reduced by the CFD Administrator as specified above in this Section E, shall not be exempt from the Special Tax and shall instead require a prepayment of the Special Tax obligation for the excess portion of such Assessor's Parcel pursuant to Section G below to eliminate the necessity of levying an annual Special Tax for such Assessor's Parcel. The full or partial prepayment of the Special Tax for such Assessor's Parcel shall occur prior to the transfer of the Assessor's Parcel to a public agency or property owner association.

In the event that the Special Tax obligation applicable to the excess portion of an Assessor's Parcel is not prepaid as specified in the preceding paragraph, Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the Land Area of Taxable Property to less than 5,427,292 square feet, or the minimum square footage as reduced by the CFD Administrator as specified above in this Section E, will be classified as Taxable Property or Taxable Property Owner Association Property, as applicable, and will continue to be subject to Special Taxes accordingly. If the use of an Assessor's Parcel classified as one of the uses that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be classified as Taxable Property.

# F. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 4-I may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

# G. PREPAYMENT OF SPECIAL TAX

The following definitions apply to Section G, herein.

**"CFD Public Facilities"** means those public facilities authorized to be financed by CFD No. 4-I.

**"CFD Public Facilities Costs"** means either \$12.5 million or such lower number as shall be determined either by (a) the CFD Administrator as sufficient to finance the CFD Public Facilities, or (b) shall be determined by the City Council concurrently with a covenant that it will not issue any more Bonds to be secured by Special Taxes levied under this Amended and Restated Rate and Method of Apportionment.

**"Construction Fund"** means the fund as identified in the Indenture, which is used to disburse funds to pay the cost and acquisition of public improvements funded with the bond proceeds or Special Taxes.

**"Future Facilities Costs"** means the CFD Public Facilities Costs minus: (a) the portion of the CFD Public Facilities Costs previously funded (i) from the proceeds of all previously issued

Bonds, (ii) from interest earnings on the Construction Fund actually earned prior to the date of prepayment and (iii) directly from Special Tax revenues; and (b) the amount of the proceeds of all previously issued Bonds then on deposit in the Construction Fund.

**"Previously Issued Bonds"** means all Outstanding Bonds that have been issued prior to the date of the prepayment which will remain outstanding after the first interest and/or principal payment date following the current Fiscal Year, excluding Bonds to be redeemed at a later date with the proceeds of prior prepayments of Special Taxes.

# Prepayment of a Special Tax in Part or in Full

The Special Tax obligation applicable to an Assessor's Parcel may be prepaid at any time and the obligation of such Assessor's Parcel to pay any Special Tax may be fully or partially satisfied as described herein. The CFD Administrator may charge a reasonable fee for calculation of the Prepayment Amount as defined below.

#### 1. Prepayment in Full

The Maximum Annual Special Tax obligation may be prepaid and permanently satisfied for any Assessor's Parcel. The Maximum Annual Special Tax obligation applicable to such Assessor's Parcel may be fully prepaid and the obligation of the Assessor's Parcel to pay the Special Tax permanently satisfied as described herein; provided that a prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Maximum Annual Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount of such Assessor's Parcel. The CFD Administrator may charge a reasonable fee for providing this figure.

The Prepayment Amount (defined below) shall be calculated as follows (capitalized terms as defined below):

	Bond Redemption Amount
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Prepayment Fees and Expenses
less	Reserve Fund Credit
less	Capitalized Interest Credit
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined below) shall be calculated as follows:

- 1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel.
- 2. Compute the Maximum Annual Special Tax for the Assessor's Parcel to be prepaid.
- 3. Divide the Maximum Annual Special Tax computed pursuant to paragraph 2 by the sum of the total expected Maximum Annual Special Tax revenues that may

be levied within CFD No. 4-I, excluding any Assessors Parcels for which the Maximum Annual Special Tax obligation has been previously prepaid.

- 4. Multiply the quotient computed pursuant to paragraph 3 by the principal amount of Outstanding Bonds to compute the amount of Previously Issued Bonds to be retired and prepaid (the "Bond Redemption Amount").
- 5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium, if any, on the Previously Issued Bonds to be redeemed (the "Redemption Premium").
- 6. If all the Bonds authorized to be issued have not been issued, compute the Future Facilities Costs.
- 7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be allocated to such Assessor's Parcel (the "Future Facilities Amount").
- 8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Previously Issued Bonds.
- 9. Determine the Special Taxes levied on the Assessor's Parcel in the current Fiscal Year which have not yet been paid.
- 10. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Amount and the Prepayment Fees and Expenses (defined below) from the date of prepayment until the redemption date for the Previously Issued Bonds to be redeemed with the prepayment.
- 11. Add the amounts computed pursuant to paragraphs 8 and 9 and subtract the amount computed pursuant to paragraph 10 (the "Defeasance Amount").
- 12. The administrative fees and expenses of CFD No. 4-I are as calculated by the CFD Administrator and include the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 4-I Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the "Prepayment Fees and Expenses").
- 13. The reserve fund credit (the "Reserve Fund Credit") shall equal the lesser of: (a) the expected reduction in the reserve requirement (as defined in the Indenture), if any, associated with the redemption of Previously Issued Bonds as a result of the prepayment; or (b) the amount derived by subtracting the new reserve requirement (as defined in the Indenture) in effect after the redemption of Previously Issued Bonds as a result of the prepayment (as defined in the Indenture) in effect after the redemption of Previously Issued Bonds as a result of the prepayment from the balance in the reserve fund on the prepayment date, but in no event shall such amount be less than zero. No Reserve Fund Credit shall be granted if the amount then on deposit in the reserve fund for the Previously Issued Bonds is below 100% of the reserve fund requirement (as defined in the Indenture).

- 14. If any capitalized interest for the Previously Issued Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the "Capitalized Interest Credit").
- 15. The Maximum Annual Special Tax prepayment is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 11 and 12, less the amounts computed pursuant to paragraphs 13 and 14 (the "Prepayment Amount").
- 16. From the Prepayment Amount, the amounts computed pursuant to paragraphs 4, 5, 11, 13, and 14 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to paragraph 7 shall be deposited in the Construction Fund.

If the Prepayment Amount is insufficient to redeem Bonds in \$5,000 increments, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year's Special Tax levy as determined under paragraph 9 above, the CFD Administrator shall remove the current Fiscal Year's Special Tax levy for such Assessor's Parcel from the County tax rolls. With respect to any Assessor's Parcel that is prepaid, the City Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of Special Taxes and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Special Taxes, net of Administrative Expenses, that may be levied on Taxable Property both prior to and after the proposed prepayment is at least 1.10 times the maximum annual debt service on all Outstanding Bonds.

Tenders of Bonds in prepayment of Special Taxes may be accepted upon the terms and conditions established by the City Council pursuant to the Act. However, the use of Bond tenders shall only be allowed on a case-by-case basis as specifically approved by the City Council.

#### 2. Prepayment in Part

The Maximum Annual Special Tax obligation of an Assessor's Parcel may be partially prepaid. The amount of the prepayment shall be calculated as in Section G.1; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (P_E \times F) + A$$

These terms have the following meaning:

PP = the partial prepayment

- $P_E$  = the Prepayment Amount calculated according to Section G.1, minus Prepayment Fees and Expenses pursuant to paragraph 12 of Section G.1.
- F = the percent by which the owner of the Assessor's Parcel(s) is partially prepaying the Maximum Annual Special Tax obligation.
- A = the Prepayment Fees and Expenses pursuant to paragraph 12 of Section G.1.

The owner of an Assessor's Parcel who desires to partially prepay the Maximum Annual Special Tax obligation shall notify the CFD Administrator of: (i) such owner's intent to partially prepay the Maximum Annual Special Tax obligation, (ii) the percentage by which the Maximum Annual Special Tax obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if applicable. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Maximum Annual Special Tax obligation for an Assessor's Parcel within 30 days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall: (i) distribute the funds remitted to it according to paragraph 16 of Section G.1, and (ii) indicate in the records of CFD No. 4-I that there has been a partial prepayment of the Maximum Annual Special Tax obligation and that a portion of the Maximum Annual Special Tax obligation equal to the outstanding percentage (1.00 - F) of the remaining Special Tax obligation shall continue to be authorized to be levied on such Assessor's Parcel pursuant to Section D.

### H. TERM OF SPECIAL TAX

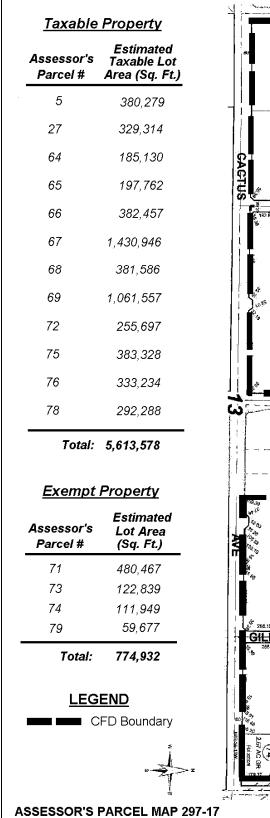
The Special Tax shall be levied on each Assessor's Parcel of Developed Property, Taxable Property Owner Association Property and Taxable Public Property for a period not to exceed 40 years from the Fiscal Year in which the Special Tax is first levied on such Assessor's Parcel as Developed Property, Taxable Property Owner Association Property or Taxable Public Property. The Special Tax shall be levied on Undeveloped Property indefinitely or until such time that all debt service necessary to retire the Bonds is paid in full.

#### I. APPEALS

Any landowner who feels that the amount of the Special Tax levied on their Assessor's Parcel is in error may submit a written appeal to CFD No. 4-I. The CFD Administrator shall review the appeal and if the CFD Administrator concurs, the amount of the Special Tax levied shall be appropriately modified.

The City Council may interpret this Amended and Restated Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

# Exhibit 1



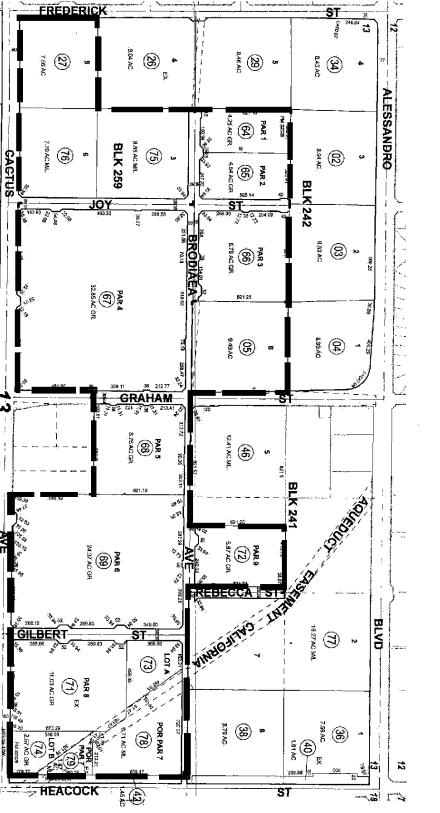


Exhibit "C"

# Property Owner List

# City of Moreno Valley Community Facilities District No. 4 - Infrastructure

# **Property Owner List**

# **Taxable Property:**

APN	Owner Name
297-170-005	RIDGE MORENO VALLEY
297-170-027	RIDGE MORENO VALLEY
297-170-064	RIDGE MORENO VALLEY
297-170-065	RIDGE MORENO VALLEY
297-170-066	RIDGE MORENO VALLEY
297-170-067	RIDGE MORENO VALLEY
297-170-068	RIDGE MORENO VALLEY
297-170-069	RIDGE MORENO VALLEY II
297-170-072	RIDGE MORENO VALLEY
297-170-075	RIDGE MORENO VALLEY
297-170-076	RIDGE MORENO VALLEY
297-170-078	RIDGE MORENO VALLEY

#### Exempt Property:

APN	Owner Name
297-170-071	UNITED STATES POSTAL SERVICE
297-170-073	CENTERPOINTE BUSINESS PARK PROP OWNERS ASSN
297-170-074	CENTERPOINTE BUSINESS PARK PROP OWNERS ASSN
297-170-079	UNITED STATES POSTAL SERVICE

# ORDINANCE NO. 856

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE OF THE CITY OF MORENO VALLEY AND ORDERING THE RECORDATION OF AN AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN RELATED TO SUCH DISTRICT AND REPEALING ORDINANCE NO. 821

WHEREAS, in 2005 the City Council of the City of Moreno Valley (the "City"), acting pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code Section 53311 and following) (the "Mello-Roos Act"), formed community facilities district designated as Community Facilities District No. 4-Infrastructure ("CFD No. 4-I"); and

WHEREAS, CFD No. 4-I was formed and designated for the purpose of financing certain facilities to be owned by the City from the proceeds of the sale of bonds of CFD No. 4-I; and

WHEREAS, CFD No. 4-I was, by the adoption of Resolution No. 2005-94 (the "Resolution of Formation"), formed on October 25, 2005, special taxes were, subject to the approval of the authorized electors, authorized to be levied within CFD No. 4-I; and

WHEREAS, CFD No. 4-I was, by the adoption of Resolution No. 2005-95, authorized, subject to the approval of the qualified electors, to issue bonds to be secured by the levy of special taxes; and

WHEREAS, at a special election held on October 25, 2005, the qualified electors approved the levy of special taxes and the issuance of bonds by CFD No. 4-I; and

WHEREAS, the qualified electors approved the levy of special taxes by CFD No. 4-I pursuant to the rate and method of apportionment thereof (the "Rate and Method") and the issuance of bonds by CFD No. 4-I of not to exceed \$16,000,000 (the "Bonds"); and

WHEREAS, on November 8, 2005 the City Council adopted Ordinance No. 696 authorizing the levy of special taxes pursuant to the Rate and Method; and

WHEREAS, on November 8, 2005 a Notice of Special Tax Lien was recorded in the Official Records of the County of Riverside as Document No. 2005-0925946 (the "Notice of Special Tax Lien") creating a special tax lien on all taxable property within; and

WHEREAS, CFD No. 4-I, was, by the adoption of Resolution No. 2008-03 (the "Annexation No. 1 Resolution"), annexed certain territory to CFD No. 4-I on January 8,

1 Ordinance No. 856 Date Adopted: January 8, 2013

# Item No. G.2

2008, special taxes were, subject to the approval of the authorized electors, authorized to be levied within CFD No. 4-I; and

WHEREAS, on January 22, 2008 the City Council adopted Ordinance No. 765 authorizing the levy of special taxes within the annexed territory pursuant to the Rate and Method; and

WHEREAS, on January 17, 2008 an Amendment to Notice of Special Tax Lien was recorded in the Official Records of the County of Riverside as Document No. 2008-0027496 (the "Annexation Notice of Special Tax Lien") creating a special tax lien on all taxable property within; and

WHEREAS, On December 14, 2010, an amended to the Rate and Method was adopted by Resolution No. 2010-106 (the "Amended and Restated Rate and Method"); and

WHEREAS, on December 14, 2010 the City Council adopted Ordinance No. 821 repealing Ordinance Nos. 696 and 765 and authorizing the levy of special taxes within CFD No. 4-I pursuant to the Amended and Restated Rate and Method; and

WHEREAS, on December 15, 2010 a Second Amendment to Notice of Special Tax Lien was recorded in the Official Records of the County of Riverside as Document No. 2010-0602591 (the "Amended Notice of Special Tax Lien"); and

WHEREAS, no Bonds have been issued and CFD No. 4-I does not levy a special tax pursuant Ordinance No. 821; and

WHEREAS, Ridge Property Trust, a Maryland real estate investment trust (the "Trust"), Ridge Moreno Valley, LLC, a Delaware limited liability company ("Ridge Moreno Valley"), Ridge MV Lot 3, and the IIT Inland Empire Logistics Center (collectively the "Owner"), the duly authorized representatives of the current owners of all of the property within CFD No. 4-I, has on behalf of itself and the Owners' members, successors and/or assigns, requested that the City Council undertake proceedings pursuant to the Mello-Roos Act to dissolve CFD No. 4-I.

NOW, THEREFORE, the City Council of the City of Moreno Valley does ordain as follows:

<u>SECTION 1.</u> The City Council hereby finds and determines that:

a. CFD No. 4-I is not obligated to pay any outstanding debt; and

b. CFD No. 4-I does not currently levy any special tax.

<u>SECTION 2.</u> The City Council, acting pursuant to Government Code Section 53338.5, hereby dissolves CFD No. 4-I.

<u>SECTION 3.</u> The City Council hereby orders the City Clerk to file or cause the filing of an amendment to the Notice of Special Tax Lien which addendum shall state that CFD No. 4-I and all associated liens have been dissolved.

<u>SECTION 4.</u> Ordinance No. 821 is hereby repealed along with any authority of CFD No. 4-I to levy special taxes.

<u>SECTION 5.</u> This ordinance shall take effect thirty days after the date of its adoption.

<u>SECTION 6.</u> 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.

APPROVED AND ADOPTED this 8<sup>th</sup> day of January, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

3 Ordinance No. 856 Date Adopted: January 8, 2013

# Item No. G.2

# **ORDINANCE JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 856 had its first reading on December 11, 2012, and had its second reading on January 8, 2013 and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8<sup>th</sup> day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

(SEAL)

4 Ordinance No. 856 Date Adopted: January 8, 2013

Item No. G.2

WHEN RECORDED, RETURN TO:

CITY CLERK City of Moreno Valley 14177 Frederick St. Moreno Valley, CA. 92553

### THIRD AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

# Dissolution of Community Facilities District No. 4-Infrastructure of the City of Moreno Valley and Special Tax Lien

Pursuant to the requirements of Section 3117.5 (b) of the Streets and Highways Code and Government Code Section 53338.5, the undersigned CITY CLERK of the CITY OF MORENO VALLEY (the "City"), acting on behalf of COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE (the "District"), HEREBY GIVES NOTICE that proceedings have been conducted by the City Council of the City, acting as the legislative body of the District, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, to consider the dissolution of the District. On \_\_\_\_\_, 2013, at the conclusion of such proceedings, the City Council enacted Ordinance No. pursuant to which the City Council dissolved the District and ordered the recordation of this Amendment to Notice of Special Tax Lien (the "Amendment"). This Amendment amends that certain Notices of Special Tax Lien, heretofore recorded in the Office of the County Recorder of the County of Riverside, State of California on November 8, 2005 as Document No. 2005-0925946 (the "Original Notice of Special Tax Lien"), on January 17, 2008 as Document No. 2008-0027496 (the "Amendment to Notice of Special Tax Lien", and on December 15, 2010 as Document No. 2010-0602591 (the "Second Amendment to Notice of Special Tax Lien" and together with the Original Notice of Special Tax Lien and the Amendment to Notice of Special Tax Lien, the "Notice of Special Tax Lien"), by declaring that the District and the special tax lien identified in the Notice of Special Tax Lien have been dissolved.

The (a) names of the owner(s) of the real property included within the District as they appear on the last secured assessment roll as of the date of recording of this Notice and (b) the Assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included within the District are as set forth on the attached, referenced and incorporated Exhibit "A."

Reference is made to the original boundary map of the District recorded on September 22, 2005 as Instrument No. 2005-0785278 in Book 64, Page 17 of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder for the County of Riverside, State of California and the map entitled Annexation No. 1 to the

1

Community Facilities District No. 4-Infrastructure of the City of Moreno Valley recorded on November 29, 2007 as Instrument No. 2007-0720430, in Book 72, Page 48 in the office of said County Recorder which maps are the boundary maps of the District, including the Annexed Territory.

This Third Amendment to Notice of Special Tax Lien has been executed in the City of Moreno Valley, California on the date set forth below.

DATED: \_\_\_\_\_

CITY CLERK CITY OF MORENO VALLEY STATE OF CALIFORNIA

By:

City Clerk

# EXHIBIT A

# COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE OF THE CITY OF MORENO VALLEY

# AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

# **Taxable Property:**

Assessor's Parcel Number	Parcel Owner
297-170-027	Ridge Moreno Valley
297-170-064	Ridge Moreno Valley
297-170-065	Ridge Moreno Valley
297-170-067	IIT Inland Empire Logistics Center
297-170-068	IIT Inland Empire Logistics Center
297-170-069	IIT Inland Empire Logistics Center
297-170-072	IIT Inland Empire Logistics Center
297-170-075	Ridge Moreno Valley
297-170-076	Ridge Moreno Valley
297-170-078	Ridge Moreno Valley
297-170-082	Ridge MV Lot 3

# **Exempt Property:**

Assessor's Parcel Number	Parcel Owner
297-170-071	United States Postal Service
297-170-073	Centerpointe Business Park Property Owners Association
297-170-074	Centerpointe Business Park Property Owners Association
297-170-079	United States Postal Service

A - 1

This page intentionally left blank.



APPROVALS		
BUDGET OFFICER	Caf	
CITY ATTORNEY	R	
CITY MANAGER	-140	

# Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: December 11, 2012

TITLE:APPOINTMENTTOTHEPARKSANDRECREATIONCOMMISSION (TEENAGE MEMBER)

# RECOMMENDED ACTION

Recommendations: That the City Council:

- 1. Appoint Patrick Samones to the Parks and Recreation Commission as a teenage member for a term expiring November 25, 2015, or until high school graduation, whichever comes first.
- 2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

# BACKGROUND

The City Clerk's Office posted a Notice of Opening to fill the vacancy for the teen member position on the Parks and Recreation Commission with a term expiring on November 25, 2015, or until high school graduation, whichever comes first. Appropriate time frames with respect to posting notices of vacancies were followed.

As provided in the City's Municipal Code, the appointee will serve without compensation for a designated term.

The City Clerk's Office received one application for this position. Application was submitted by Patrick Samones.

The application was reviewed by the Parks and Recreation Commission staff liaison, Mel Alonzo, who recommends that the City Council appoint Patrick Samones to the Parks and Recreation Commission as a teenage member with a term expiring November 25, 2015, or until high school graduation, whichever comes first.

# ALTERNATIVES

A teenage member on the Parks and Recreation Commission provides input on activities and programs for teenagers in and around the City. By not appointing a teen representative, contributions from the teenage population would be greatly reduced, which is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council appoint a teen member to the Parks and Recreation Commission.

#### NOTIFICATION

- 1. Publication of the agenda
- 2. Report and agenda mailed to applicant

# **ATTACHMENTS**

None

Prepared by: Ewa Lopez Deputy City Clerk, CMC Department Head Approval: Jane Halstead City Clerk, CMC

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

Staff Report 2012\_Parks Teen Member.doc



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-1100

# Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: December 11, 2012

**TITLE:** APPOINTMENT TO THE ARTS COMMISSION

#### RECOMMENDED ACTION

Recommendations: That the City Council:

- 1. Appoint one member to the Arts Commission with a term expiring June 30, 2014.
- 2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

#### BACKGROUND

The City Clerk's Office posted a Notice of Opening to fill the vacancy on the Arts Commission with a term expiring on June 30, 2014. Appropriate time frames with respect to posting notices of vacancies were followed.

As provided in the City's Municipal Code, the appointee will serve without compensation for a designated term.

The City Clerk's Office received three applications for this position. Applications were submitted by Crystal Lauren Cornell, Debby Johnson and Belinda McCoy.

Per the Council-adopted policy, prospective applicants are required to attend at least one meeting of their desired board or commission prior to appointment. Applicants complied with this requirement.

#### ALTERNATIVES

The Arts Commission considers matters pertaining to the promoting arts activities and education in the City. Choosing not to fill a vacancy on the above-mentioned commission would result in decreased participation from residents. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointment.

#### **NOTIFICATION**

- 1. Publication of the agenda
- 2. Report and agenda mailed to applicants

#### **ATTACHMENTS**

None

Prepared by: Ewa Lopez Deputy City Clerk, CMC Department Head Approval: Jane Halstead City Clerk, CMC

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



APPROVALS	
BUDGET OFFICER	Caf
CITY ATTORNEY	Rest
CITY MANAGER	-mos

# Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: December 11, 2012

TITLE:ECONOMICDEVELOPMENT-RETAILANCHORREUSEINCENTIVE PROGRAM

#### RECOMMENDED ACTION

Recommendations: That the City Council:

1. Approve establishing a new Economic Development-Retail Anchor Reuse Incentive Program to help assist with the reuse of vacant anchor retail buildings in Moreno Valley.

#### BACKGROUND

Vacant anchor retail spaces cause problems for shopping centers because they reduce the overall traffic to a center. Over the past few years a number of retail anchor buildings have become vacant in Moreno Valley. The reason for the closings was not always because of poor sales, but often because of the challenging economy, along with financial difficulties of major companies such as Mervyns', Circuit City, Gottschalks, Linen N Things, Super Valu (Albertson's) and Best Buy. Many of these companies are no longer around and a couple more might soon disappear.

Working with many shopping center owners, city staff has been fortunate to have been able to help facilitate the reuse of a number of vacant anchor spaces with new users including Burlington Coat Factory, 99 Cents Only Store, TJ Maxx, Home Goods, Dollar General, Round 1, Superior Grocers, Harbor Freight Tools, Falles, CitiTrends, Fitness 19 and LA Fitness. While achieving some success there currently are seven vacant anchor spaces in Moreno Valley shopping centers including two at Towngate Center former Staples and Circuit City, one at the Moreno Valley Mall—former Gottschalks, one at Pigeon Pass Plaza—recently closed Albertson's, one at Stoneridge Towne Centre closed Best Buy, one at Moreno Beach Plaza II-former Petsmart and one at Sunnymead Town Center—former Stater Bros. While there are prospects potentially in play for four of these buildings—everything should be pursued to help a potential user pull the trigger on making a deal and reusing one of these vacant buildings.

# DISCUSSION

The challenge in reusing a vacant building is threefold—1) the economy is still soft and will be slow to recover, 2) typically these vacant buildings require substantial upgrades and **rehabilitation** for reuse and 3) potential users need to ascertain sufficient cash flow to warrant making significant investment in opening a new store in this marketplace. In the past, Moreno Valley and other cities had often used their Redevelopment Agencies to help with these types of projects. Moreno Valley did this with the reuse of the former Mervyns' store by Burlington Coat Factory. Unfortunately, redevelopment is no longer an available tool to use.

City staff recommends creating a new program to help with the reuse of vacant retail anchor buildings with a size greater than 20,000 sq. ft. The new program to be called the ED-Retail Anchor Reuse Incentive Program would include the following:

- A City staff representative from the Business Support & Neighborhoods Program Division would be assigned to work with a prospective reuse candidate to act as ombudsmen to help coordinate and fast-track a project through the planning and entitlement process in Development Services.
- 50% discount of the City's fees necessary for planning, plan check and inspection services.

The goal of the program will be to encourage investment into the productive reuse of vacant anchor retail buildings. Once reopened, the anchor stores will help stabilize a shopping center, along with producing sales tax revenue and most importantly producing new jobs. Creating this new incentive program could be key in the decision making process for a new business looking at an opportunity in this marketplace and doing business in Moreno Valley. Additionally, this new type of incentive program would work nicely with the City's approved 2-year Economic Development Action Plan—with five of the seven vacant anchor spaces being situated within focus areas for the ED Action Plan.

# **ALTERNATIVES**

- 1. Authorize the creation of the new ED-Retail Anchor Reuse Incentive Programs. Staff recommends this action because it will create another useful economic development tool and help facilitate the reuse of vacant anchor retail spaces in Moreno Valley.
- 2. Decline to approve the new incentive program which could limit and hinder reuse opportunities.

#### FISCAL IMPACT

The cost for discounting City fees by 50% is estimated at \$10,000 to \$12,000 depending on the complexity of rehabilitation work and upgrades being done on a vacant anchor building. Staff is recommending that a mid-year budget appropriation be pursued in the amount of \$50,000, which will allow for the funding of four projects.

#### **ATTACHMENTS**

N/A

Prepared By: Barry Foster Community & Economic Development Director 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:				

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	<budgetofficer> caf</budgetofficer>
CITY ATTORNEY	<cityattorney></cityattorney>
CITY MANAGER	<citymanager></citymanager>
	- VNA

# Report to City Council

- TO: Mayor and City Council
- **FROM:** Rick Teichert, Financial & Administrative Services Director
- AGENDA DATE: December 11, 2012

TITLE:REPORT OF FISCAL YEAR 2011-12 YEAR END AND FISCAL<br/>YEAR 2012-13 FIRST QUARTER STATUS; APPROVAL OF<br/>FISCAL YEAR 2011-12 CARRYOVERS AND FISCAL YEAR 2012-<br/>13 BUDGET ADJUSTMENT RECOMMENDATIONS

#### **RECOMMENDED ACTION**

Recommendations: That the City Council:

- 1. Receive and file this report on the status of the financial results for Fiscal Year (FY) 2011-12 and the first quarter ended September 30, 2012 for FY 2012-13.
- 2. Adopt Resolution No. 2012-108, approving the following:
  - a) Recommended budget amendments presented in Exhibit A, P1-P3 to be appropriated and included in the FY 2012-13 Approved Budget. The recommended appropriation changes total \$270,000 for the General Fund, \$564,000 for non-General Funds and \$834,000 in total for all funds.
  - b) Operating carryover expenditures from the FY 2011-12 approved budget presented in Exhibit A, P1-P3 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$458,283 for the General Fund, \$2,100,005 for non-General Funds and \$2,558,288 in total for all funds.
  - c) Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, P1-P2 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$9,962,247.

- 3. Approve the designation of \$101,000 of General Fund fund balance as designated for Outside Legal Services. These funds represent savings in the FY 2011-12 Legal Services Budget and provide a contingency in years when outside legal services may be needed beyond the anticipated budget.
- 4. Approve the position control changes summarized on page 10 of this report.

Recommendations: That the CSD:

- 1. Adopt Resolution No. CSD 2012-23, approving the following:
  - a) Operating carryover expenditures from the FY 2011-12 approved budget presented in Exhibit A, P4 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$110,000.
  - b) Capital Improvement Program (ČIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, page 3 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$5,000.

Recommendations: That the City Council as Successor Agency:

 Adopt Resolution No. SA 2012-109, approving the Capital Improvement Program (CIP) carryover expenditures from the FY 2011-12 approved budget presented in Exhibit B, P4 that are recommended to be re-appropriated to be completed as a component of the FY 2012-13 Approved Budget. The recommended appropriation changes total \$3,084,094.

#### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

#### BACKGROUND

The City Council is updated on the City's financial status through First Quarter and Mid-Year Budget Reviews which reflect operational results for each respective period. This First Quarter Budget Review for FY 2012-13 will focus on the City's General Fund, which represents the greatest focus as Council and staff work to bring the General Fund into balance consistent with the goals of the approved Deficit Elimination Plan approved in April 2011. The report also presents first quarter operational results from other key funds such as Community Services District (CSD) Zone A (Parks & Community Services), CSD Zone L (Library) and the Electric Utility. The City Council and staff have worked diligently during the past three years to reduce the structural General Fund deficit. The City Council approved the Three-Year Deficit Elimination Plan (DEP) establishing the framework for the City to balance the General Fund ongoing revenues and expenses by June 2014. The adoption of this plan and the stabilizing of revenues as the Great Recession ended provided an opportunity for the City to create and adopt a two-year budget based on the vision and direction provided in the Three-Year DEP. The City Council adopted the Two-Year Operating Budget – Fiscal Years 2011-12 and 2012-13 in May 2011. More recently, the City Council updated the FY 2012-13 budget in June 2012 reflecting updated revenue projections and certain service and expenditure adjustments setting the stage for the current approved FY 2012-13 budget.

The goal and direction as we review the current status of financial operations is to "Stay the Course" based on the DEP direction and established targets for using fund balance, and to only consider significant budget changes, with smaller adjustments to be absorbed within the approved existing budget framework. This report addresses the current status of financial operations and recommends a limited number of revenue and expense changes.

# Recap of FY 2011-12 General Fund Results

The final FY 2011-12 results were consistent with estimations made in the Mid-Year report to City Council in March 2012. The details are presented in Attachment 1. The DEP planned for \$6.7 million use of fund balance to balance the General Fund in FY 2011-12. The final approved FY 2011-12 General Fund Budget projected that the General Fund would use \$8.7 million in fund balance to absorb the FY 2011-12 deficit, which included a \$2 million transfer from fund balance for the police surveillance camera project funding. The actual use of Fund Balance was \$5.5 million, reflecting a favorable variance of \$0.4 million.

Revenues were adjusted upward as part of the mid-year budget amendment in March 2012. In light of this, revenues still finished higher than the revised budget by \$350,000, or 0.5%. The total revenue budget was \$74.3 million with actual revenues totaling \$74.65 million. The small positive revenue variance was driven by continued strong performance of Sales Tax revenues, exceeding the revised budget by \$1.2 million or 9%; and charges for services outpacing the updated revenue budget by \$1.2 million or 11%. These increases were offset by continued declines in interest revenue as a result of declining rates of return in the fixed income markets resulting in revenue below budget by \$1.6 million or 35% under budget.

Total General Fund expenditures were \$2.8 million or 3.4% under budget. The total expenditure budget was \$83.0 million with actual expenditures totaling \$80.2 million. The audited results for FY 2011-12 will be presented with the completion of the Comprehensive Annual Financial Report (CAFR) which will be presented to City Council in February 2013.

The positive variance below budget was driven primarily by the Police and Fire Department budgets underspending their budgets by 3.3% and 4.8%, respectively. The total public safety spending below budget was \$2.1 million or 3.7%. The balance of City Departments spent \$700,000 below budget or 2.7%. Overall, the City's General Fund expenditure budgets are much tighter, as designed by management and City Council strategy.

## DISCUSSION

#### First Quarter General Fund Status

First quarter revenues and expenditures are reflected in the report on Attachment 1. This first-quarter report updates the Mayor and Council regarding current year financial trends and provides the opportunity for Council to review the recommended actions related to the allocation of some additional new revenues. As adopted, the FY 2012-13 budget totals approximately \$178.9 million with the General Fund comprising \$79.6 million. The fund balance used to balance the General Fund budget is \$5.2 million, consistent with the DEP and the approved FY 2012-13 budget.

#### General Fund Revenue Update

Due to the uneven schedule of revenue receipts, combined with the year-end accrual process, revenues received through the first quarter of the fiscal year are historically only 8.8% of the annual budget, even though 25% of the fiscal year has elapsed. Through the first quarter of FY 2012-13, 9.2% of budgeted revenues have been received. Sales taxes continue to grow at a strong pace due to new businesses contributing new sales taxes to the City and from growth in sales of existing businesses. The City has experienced growth from the prior year in each of the last 10 quarters. Growth rates continue between 8 to 11 percent per quarter. Staff is projecting revenue growth of about \$300,000 to \$400,000 above the budgeted amount of \$13.8 million for FY 2012-13. Current sales tax collections for the first quarter reflect accrual reversals that make the cash collection appear low.

Property tax is stable with the FY 2012-13 actual assessed values for property in Moreno Valley supporting the budgeted amount of \$23.2 million. This amount includes an estimated increase of \$250,000 contributed from the Sketchers project, which is now included in the FY 2012-13 property tax assessment. Property taxes are received twice annually, in January and May 2013, which is reflected in the lack of property taxes reflected in the first quarter report.

Utility Tax revenue appears on track to achieve about 3% growth, keeping pace with budget estimates, which total \$16.06 million for FY 2012-13. The revenues track growth in utility rates and utility usage, which will conservatively achieve a 3% growth for the year.

The balance of revenues appears on track to meet or slightly exceed budgeted amounts.

#### General Fund Expenditure Update

Although not all expenditures have a straight-line spending pattern, operating expenditures should generally be within 25% of the annual budget at the end of the first quarter, since 25% of the fiscal year has elapsed. As shown in Attachment 1, General Fund expenditures through September are at 26.6% of the adjusted budget. This expenditure pace is consistent with expectations for the first quarter of activity. The percentage is slightly above the 25% mark due to a large payment made in the first quarter for the City's OPEB Trust commitment reflected in the "Non-Department" business unit, causing this business unit's year to date amount to be 34.4% of the total budget for this category.

The remaining budgets have been tightened and should reflect expenditures very close to budget as the year progresses. Staff does not anticipate significant variance from budget by year-end this fiscal year.

#### Fund Balance Use

The Three-Year Deficit Elimination Plan projected reducing the use of fund balance from an expected \$14 million per year to \$7.9 million in FY 2011-12 and \$3.5 million in FY 2012-13. The adopted budget uses Fund Balance of \$5.2 million in FY 2012-13. Although the adopted budget uses an additional \$1.5 million in fund balance, the City's ability to avoid the layoffs and service reductions planned in the 2<sup>nd</sup> year of the DEP are significant to the citizens of Moreno Valley. Staff is confident the growing revenues will close the gap, thereby staying on course and delivering the results planned and intended in the DEP, while saving significant jobs and services that would have otherwise been eliminated or reduced.

Fund Balance that was expected to decrease to \$15.6 million by June 30, 2013 is now expected to remain at an amount of about \$23 million at the end of the current fiscal year.

#### FY 2012-13 Budget Adjustments

Based on a variety of reasons, staff is recommending a very limited number of budget amendments as an element of this First Quarter Budget Report. Staff is recommending these items for Council approval now rather than holding them for a mid-year budget adjustment because they are time sensitive. Waiting on these items could cause undue burden on the respective departments. See Exhibit A for a comprehensive list of the recommended budget amendments, which are briefly described in the following narrative.

## EXPENDITURES

The recommended budget amendments for FY 2012-13 are \$270,000 for the General Fund and \$564,000 for non-General Funds, for a total of \$834,000. The requests represent just 0.3% of the General Fund and 0.2% of the non-General Funds budgets.

Recommended Adjustments for FY 2012-13 (see Exhibit A, P1-P3) include the following:

#### General Fund

• Financial and Administrative Services (FASD) Financial Operations - \$50,000 for Management Analyst for Time and Materials Developer Deposits (recurring cost fully funded from development fees):

The City has piloted using a Time and Materials process and approach to administer developer deposits and related costs. The review of the pilot program recently completed by the Community and Economic Development Department concluded that the program has been very successful in equitably managing the costs related to development programs. The review concluded that the program can be better managed by implementing process improvements that centralize the administration of the program in the Financial and Administrative Services Department through the addition of one Management Analyst that will be cost supported through the developer deposit program. This will also facilitate the use of project accounting capabilities in the new LOGOS system to make the central management of the deposits efficient and standard. This will also greatly improve the consistency of reporting information to developers and improve the timeliness of communication with developers. The Time and Materials process has been well-received by the development community and the requested, fee-funded position will allow the program to become a permanent program.

• FASD Financial Operations - \$65,000 for Budget Officer (recurring cost):

In FY 2008-09, City Council approved a budget officer position to coordinate the City's annual operating and capital budgets, analyze revenue and expenditure variances against approved budgets, prepare quarterly, mid-year, and year-end financial reports results, trends and projections; and prepare five-year revenue and expense projections, in conjunction with strategic and business plans for management. Due to the economic recession, this position was defunded in FY 2011-12. As a result, the FASD Director has taken over the long-range business planning, revenue and expense fund analysis has been neglected and financial reports to management as to the status of funds have progressively declined. The refunding of this position will provide management with timely financial reports that will provide information for effective decision-making. This position will establish five-year business plans for day-to-day operations that will help management in organization, planning and expenditure decisions and update these as necessary. This position will also formulate long-range strategic plans for management's review. This position will develop, coordinate, implement and monitor the City's operating

and capital budgets. This will ensure the timeliness of the City's annual budget process and cycle.

- <u>FASD Administration \$25,000 for City-wide Cost Allocation Plan (one-time cost):</u> The City has not updated its formal cost allocation plan addressing City-wide cost accounting and related allocations since 2005. It is appropriate that this study be updated every 3 or 4 years to ensure the accounting for allocated costs is reasonable and justified. In light of the significant organizational changes made during the past four years in response to the recent recession, it is imperative that the City update its cost allocation plan at this time. This plan will support costs related to charges to developer deposit accounts, support administrative charges to grants, as well as costs shared between the City's internal accounting entities. The plan will be updated annually by the new Management Analyst recommended in this report.
- <u>Library \$69,000 Transfer from General Fund to Library to cover FY 2012-13 Cost of Living Adjustment (recurring cost):</u> The approved budget omitted the necessary transfer from the General Fund to provide the funding for the June 2012 cost of living adjustment for Library staff. This action corrects that oversight.
- <u>Storm Water NPDES \$61,000 Transfer from the General Fund to the Storm Water</u> <u>NPDES Fund 2008 (one-time cost):</u>

This recommended transfer is for professional plan check services of Water Quality Management Plans (WQMPs). The transfer amount is based upon current projections in development related activities. The increase in expenses will be offset by increases in revenues. WQMPs are a State mandate of the current 2010 NPDES Permit. The City is required to process WQMPs for development projects. If the transfer is not approved, the maximum two-week turn-around for plan check services of WQMPs will be exceeded. The City does not have sufficiently trained staff to provide this service. Consultants are utilized to supplement Storm Water Management Program plan check services.

# Non-General Fund

 <u>City Attorney Risk Management - \$91,500 to fund a Senior Administrative Assistant</u> to support the Risk Management Program (recurring cost): The Risk Management Program was transferred to the City Attorney's Office to administer early in FY 2012-13. A Sr. Administrative Assistant position was established to support the requests for insurance certificates and other clerical support for the program at significant cost savings for the City. • FASD Special Districts - \$285,000 appropriation from fund balance to call bonds (one-time cost):

A portion of the CFD No. 2 bond proceeds were used to construct oversized sewer and water infrastructure for the Eastern Municipal Water District (EMWD). In return, EMWD entered into a Reimbursement Agreement to pay for the oversizing of the improvements. When CFD No. 3 was formed and refinanced the CFD No. 2 bonds, it assumed the EMWD Reimbursement Agreement. In September 2011, EMWD's reimbursement was used to call bonds for CFD No. 3. As a result of the bond call, the Reserve Requirement was recalculated and ultimately decreased, leaving further funds available to call additional bonds. The \$285,000 bond call for CFD No. 3 represents those additional funds and can only be used for this purpose.

• <u>Public Works - Re-Appropriation of Measure A funding for CIP projects (one-time action):</u>

On October 9, 2012, the City Council approved the transfers of \$867,396 from the Deposit Liability Trust Fund Moreno Valley Ranch Street Improvement account to the Public Works General Capital Projects Fund. Following the transfers of funds, the City Council authorized the allocation of these funds to cover a portion of construction costs for the Iris Pavement Resurfacing (\$587,396) and the Cactus Avenue/Nason Street Improvement project (\$280,000). As a result of the approved transfers, Measure A funds (Fund 2001) previously allocated to these projects were available for alternative street maintenance and traffic signal projects/expenditures. Of the available \$867,396, staff is requesting a \$420,396 budget reduction/return appropriation to fund balance and \$447,000 be reallocated as follows:

- a) Pavement & Rehab Slurry Seal Program (\$130,000)
- b) Alessandro Blvd Pavement Modification (\$72,000)
- c) Bike Lane Improvements (\$84,000)
- d) Traffic Signal Equipment/Upgrades (\$161,000)

The affected general ledger accounts will be adjusted to reflect the above change.

• <u>Moreno Valley Utility - \$187,500 to complete the implementation of the Ice Bear</u> program (one-time cost):

The City Council approved the Integrated Generation Management Project Ice Bear Deployment Agreement between Southern California Public Power Authority and the Moreno Valley Electric Utility. The total cost of the program is \$250,000 if all ten Ice Bear units are deployed. For FY 2011/12, the City Council approved \$62,500 from the MVU Public Purpose Funds (Fund 6010) for the first year of the program. Staff is requesting the approval of the remaining \$187,500 for FY 2012-13 to complete the implementation of the Ice Bear program.

# *Continuing appropriations from FY 2011-12 to FY 2012-13 – Operating and Capital Budgets*

All unexpended and unencumbered appropriations lapse at fiscal year-end and revert to fund balance. By Council policy, once the fiscal year-end closing process has identified

the items that are encumbered by purchase order, contract or other commitment at June 30<sup>th</sup>, these items are presented to Council for approval as continuing appropriations in the new fiscal year. Approval of continuing appropriations is a long-standing and annual recurring budgetary policy of the City.

As the prior fiscal year closes, certain budget activities and projects remain in progress and have not yet been completed. Staff routinely reviews these items during the annual process to close the books and returns to City Council with a request to approve the carry-over of budgets for projects still in progress as a Continuing Appropriation. Encumbrances, which are commitments related to contracts for goods or services that are in process and not yet completed are included in the continuing appropriations request.

Exhibit A provides the detail of staff's request for continuing appropriations for the FY 2012-13 Budget for operating expenses. Exhibit B provides the detail of Staff's request for continuing appropriations for the FY 2012-13 Budget for the Capital Improvement Plan. Details of the CIP carryover requests are available at the project level upon request.

# FY 2012-13 Fund Balance Designation

The City Attorney's Office achieved budget savings in FY 2011-12 totaling \$101,000. The City Manager and City Attorney recommend that this one-time savings be set-aside as fund balance designation for future Outside Legal Services costs. Use of outside or contract legal services varies from year to year based on the issues and liabilities facing the City. Since this is an unpredictable expenditure, it is prudent to set-aside funds for periods when more extensive outside legal services may be needed. These funds will be required to be appropriated by Council in the case that the volume of legal activity requires additional budget in any given year.

# **Position Control Actions**

The Position Control Roster approved by City Council on June 12, 2012 serves as an important internal control tool for City Council to establish authorized positions for the City while enabling staff to manage within the authorized and funded approved positions. Position Control addresses career authorized positions and does not include temporary positions. See the narrative supporting the budget recommendations on pages 6 and 7 of this report for justification for the three positions referenced in the Position Control actions below. In addition, staff is requesting to retitle a position from Human Resources Technician to Senior Administrative Assistant, which remains in the same salary grade and has no fiscal impact.

Full Time Equivalent	Position Count	Department	Position
1	1	FASD	Budget Officer
1	1	FASD	Management Analyst (Time & Materials)
1	1	City Attorney	Senior Administrative Assistant (Risk Management)
-1	-1	HR	Human Resources Technician
1	1	HR	Senior Administrative Assistant

#### Summaries of Other Major Funds

#### Community Services District (CSD) Zone A – Parks & Community Services

The revenues are tracking slightly ahead of expectations. The largest revenue sources are property tax and parcel fees, which are collected and remitted twice annually, in January and May 2013. Interest revenue is allocated based on investment pool returns and the CSD Zone A portion of the pool's earnings. The investment earnings show a positive 32% of the budget amount being allocated, while 25% of the year has lapsed. Charges for services are impacted by year-end accrual reversals. The revenues will normalize as the year progresses.

Expenses reflect 21% expended while 25% of the year has lapsed. This is consistent with expected first quarter performance, which also includes some accrual reversals for accrued expenses. Generally, costs are on track with expectations for the fund.

#### Community Services District (CSD) Zone L – Library

The revenues are tracking slightly ahead of expectations. The largest revenue source is property taxes, which are collected and remitted twice annually, in January and May 2013. Generally, revenues would be at about 9% of the annual budgeted amount. The actual percent of revenues received is 11%, this is slightly better than previous years.

Expenses reflect 19% expended while 25% of the year has lapsed. This is consistent with expected first quarter performance, which also includes some accrual reversals for accrued expenses. Generally, costs are on track with expectations for the fund.

#### Gas Tax

The revenues are consistent with expectations for the first quarter. The largest revenue source is gas taxes, which are collected and remitted by the State of California monthly. The percent received during the first quarter is impacted by accrual reversals for revenues received during July and August that are actually for the previous year. These

accrued revenues are reversed during the first quarter of the following year. Generally, revenues would be at about 9% of the annual budgeted amount. The actual percent of revenues received is 8.8%.

Expenses are also impacted by accruals for the prior year-end. Expenses are recorded as gas tax projects are completed and as programs are implemented. The operating programs are generally 15-21% of the annual budget. The largest expenditure from the Gas Tax fund is for Street Improvements. These costs will catch-up as the payments are recoded during the balance of the year.

#### Electric Utility

The Electric Utility is showing strong revenue performance for the first quarter of FY 2012-13. The revenues for the quarter reflect that they are 41.2% of the entire annual budget. The first quarter includes the hot summer months and is routinely the best performing quarter of the year for revenues.

First quarter expenditures are historically about 21% of the annual budget. The current first quarter reflects expenses reached 23% of the annual budgeted amount. This is slightly ahead of previous years but is consistent with the increased usage represented by the higher revenues. Staff will monitor the expenses closely and provide a mid-year report in March 2013.

# <u>SUMMARY</u>

The General Fund results for FY 2012-13 continue to be positive. This is a result of revenues out-performing budget by \$0.4 million or 0.5%, while expenditures finished under-budget by \$2.8 million or 3.4%. The net result was a use of fund balance of about \$5.5 million instead of the planned \$6.7 million.

General Fund revenues received through September 30<sup>th</sup> are meeting expectations based on historical experience. There are strong economic signs that certain key revenues will exceed expectations, but due to the periodic nature of the receipt of tax revenues, it is difficult to gauge this during the first three months of the fiscal year. Generally, expenditures are slightly below the expected expenditure pace for FY 2012-13. Therefore, although early in the fiscal year, results through the first quarter of FY 2012-13 are positive and indicate a stable outlook for the remainder of the fiscal year. As a result, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the actions already approved and implemented through the adopted FY 2012-13 Budget.

Based on continued stability in the City's General Fund revenues, staff is recommending a limited number of budget changes in conjunction with the First Quarter Budget Report. Staff continues to "Stay the Course" with the Deficit Elimination Plan goals and results in eliminating the General Fund budget deficit. Staff is beginning to prepare the Three-Year Budget that will be for the periods FY 2013-14 through FY

2015-16. This three year budget plan will demonstrate the final delivery of a balanced General Fund.

Staff will prepare and present a comprehensive update to the Mid-Year FY 2012-13 Budget in March 2013. The Three-Year Recommended Budget will be discussed beginning in April 2013, with final City Council approval anticipated in June, 2013.

#### NOTIFICATION

None.

#### **ATTACHMENTS**

Attachment 1: FY 2012-13 1<sup>st</sup> Quarter Review and FY2011/12 Year-End Status Report Attachment 2: Proposed Resolution – City Council Attachment 3: Proposed Resolution – CSD Attachment 4: Proposed Resolution – City Council as Successor Agency

Exhibit A: FY 2012-13 Proposed Budget Adjustments and Carryovers Exhibit B: FY 2012-13 Proposed CIP Carryovers and Reappropriations

Prepared By: Brooke McKinney Treasury Operations Division Manager Department Head Approval: Richard Teichert Financial & Administrative Services Director

Prepared By: Cynthia Fortune Financial Operations Division Manager

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

#### CITY OF MORENO VALLEY GENERAL FUND FY2012/13 1st Quarter Review and FY2011/12 Year End

		FY 2012-13				FY 2011-12		
				<u>% of</u>				<u>% of</u>
				<u>Actual</u> from				<u>Actual</u> from
Classification/Department	Budget	Actual	Variance	Budget	Budget	Actual	Variance	Budget
Revenue								
400000 - Taxes 401000 - Property Tax	23,200,000	389,434	(22,810,566)	1.7%	22,800,000	22,568,337	(231,663)	99.0%
402000 - Sales Tax	13,800,000	661,854	(13,138,146)	4.8%	12,835,000	14,003,992	1,168,992	109.1%
407000 - Utility Users Tax	16,060,000	2,413,347	(13,646,653)	15.0%	15,700,000	15,591,386	(108,614)	99.3%
404000 - Other Taxes	2,330,000	182,489	(2,147,511)	7.8%	2,290,000	2,356,757	66,757	102.9%
400000 - Taxes Total	55,390,000	3,647,125	(51,742,875)	6.6%	53,625,000	54,520,473	895,473	101.7%
420555 - Licenses & Permits	1,531,800	326,277	(1,205,523)	21.3%	1,648,800	1,522,407	(126,393)	92.3%
440000 - Fines & Forfeitures	606,500	79,634	(526,866)	13.1%	591,500	648,185	56,685	109.6%
460000 - Use of Money & Property	3,296,300	800,524	(2,495,776)	24.3%	4,492,768	2,907,848	(1,584,920)	64.7%
480555 - Intergovernmental	241,000	6,141	(234,859)	2.5%	436,222	398,193	(38,029)	91.3%
500000 - Charges for Services	10,398,660	1,230,153	(9,168,507)	11.8%	10,415,100	11,623,542	1,208,442	111.6%
580000 - Miscellaneous Revenue	2,423,550	590,475	(1,833,075)	24.4%	2,542,145	2,490,237	(51,908)	98.0%
800000 - Transfers In	568,013	149,880	(418,133)	26.4%	539,656	539,656	-	100.0%
Revenue Total	74,455,823	6,830,208	(67,625,615)	9.2%	74,291,191	74,650,540	359,349	100.5%
Expense								
10 City Council	587,270	120,178	(467,092)	20.5%	577,150	553,199	(23,951)	95.9%
12 City Clerk	541,564	94,631	(446,933)	17.5%	543,007	513,232	(29,775)	94.5%
14 City Attorney	961,369	176,827	(784,542)	18.4%	928,169	819,361	(108,808)	88.3%
16 City Manager	1,411,408	312,816	(1,098,592)	22.2%	1,398,087	1,345,078	(53,009)	96.2%
18 Human Resources	859,424	161,819	(697,605)	18.8%	890,959	773,317	(117,642)	86.8%
20 Community & Economic Dev	6,738,801	1,404,413	(5,334,388)	20.8%	6,333,075	6,481,447	148,372	102.3%
30 Financial & Management Svcs	5,462,800	1,078,148	(4,384,652)	19.7%	5,215,910	5,103,339	(112,571)	97.8%
40 Fire	17,212,496	4,102,731	(13,109,765)	23.8%	16,277,418	15,109,475	(1,167,943)	92.8%
60 Police	40,440,398	12,197,453	(28,242,945)	30.2%	40,823,152	39,098,243	(1,724,909)	95.8%
70 Public Works	2,334,540	455,209	(1,879,331)	19.5%	2,287,897	2,109,338	(178,559)	92.2%
99 Non-Department	3,088,900	1,061,617	(2,027,283)	34.4%	7,684,113	8,244,307	560,194	107.3%
Expense Total	79,638,970	21,165,842	(58,473,128)	26.6%	82,958,937	80,150,336	(2,808,601)	96.6%
NET	(5,183,147)	(14,335,634)	(9,152,487)		(8,667,746)	(5,499,796)	(3,167,950)	

#### CITY OF MORENO VALLEY ZONE A - Parks & Community Services FY2012/13 1st Quarter Review and FY2011/12 Year End

	_		FY 2012-13		-		FY 2011-12		
<u>Classif</u>	ication/Department	Budget	Actual	Variance	<u>% of</u> <u>Actual</u> <u>from</u> Budget	<u>Budget</u>	Actual	Variance	<u>% of</u> <u>Actual</u> <u>from</u> Budget
Revenue									
400000 - Taxes	401000 - Property Tax	1,695,100	70,206	(1,624,894)	4.1%	1,695,100	1,672,010	(23,090)	98.6%
	402000 - Sales Tax	-	-	-		-	-	-	
	407000 - Utility Users Tax	-	-	-		-	-	-	
400000 Taylog Ta	404000 - Other Taxes	-		-	4 4 0/	-	-	-	00.00/
400000 - Taxes To	tal	1,695,100	70,206	(1,624,894)	4.1%	1,695,100	1,672,010	(23,090)	98.6%
420555 - Licenses	& Permits	-	-	-		-	-	-	
440000 - Fines & F	orfeitures	-	-	-		-	-	-	
460000 - Use of Mo	oney & Property	500,000	160,859	(339,141)	32.2%	500,000	605,581	105,581	121.1%
480555 - Intergove	rnmental	-	-	-		-	-	-	
500000 - Charges	for Services	5,725,900	237,455	(5,488,445)	4.1%	5,703,900	6,288,337	584,437	110.2%
580000 - Miscellan	eous Revenue	76,500	26,722	(49,778)	34.9%	26,500	54,208	27,708	204.6%
800000 - Transfers	In _	307,500	76,875	(230,625)	25.0%	307,500	307,500	-	100.0%
Revenue Total	-	8,305,000	572,116	(7,732,884)	6.9%	8,233,000	8,927,636	694,636	108.4%
Expense									
35010 Parks & Co	mm Svcs - Admin	549,901	125,166	424,735	22.8%	531,894	519,992	11,903	97.8%
35210 Park Mainte		2,824,317	641,589	2,182,728	22.0%	2,797,243	2,684,012	113,231	96.0%
35211 Contract Pa		455,484	114,728	340,756	25.2%	452,347	388,868	63,479	86.0%
35212 Park Range		366,245	55,272	310,973	15.1%	349,721	366,228	(16,507)	104.7%
35213 Golf Course		292,438	46,971	245,467	16.1%	289,608	257,640	31,968	89.0%
35214 Parks Proje		169,612	32,953	136,659	19.4%	162,140	162,649	(509)	100.3%
35216 CFD#1		, -	-	-		908,183	1,841	906,342	0.2%
35310 Senior Proc	gram	541,208	104,153	437,055	19.2%	530,129	525,716	4,413	99.2%
35311 Community		192,973	32,110	160,863	16.6%	188,285	161,798	26,487	85.9%
35312 Community		163,926	52,988	110,938	32.3%	262,652	137,843	124,809	52.5%
35313 Conf & Rec	: Cntr	558,119	108,703	449,416	19.5%	551,830	549,465	2,365	99.6%
35314 Conf & Rec	: Cntr - Banquet	283,014	52,644	230,370	18.6%	277,728	287,329	(9,601)	103.5%
35315 Recreation	Programs	1,687,965	334,289	1,353,676	19.8%	1,637,920	1,514,313	123,607	92.5%
95011 Non-Dept Z	one A Parks	410,300	68,382	341,918	16.7%	250,300	250,300	-	100.0%
Expense Total	-	8,495,502	1,769,948	6,725,554	20.8%	9,189,980	7,807,996	1,381,984	85.0%
NET		(190,502)	(1,197,831)	(1,007,329)		(956,980)	1,119,641	2,076,621	
	=	/			=				

#### CITY OF MORENO VALLEY ZONE L - Library FY2012/13 1st Quarter Review and FY2011/12 Year End

	-	FY 2012-13			FY 2011-12				- or r
<u>Classifi</u>	cation/Department	Budget	Actual	Variance	<u>% of</u> <u>Actual</u> <u>from</u> Budget	Budget	Actual	Variance	<u>% of</u> <u>Actual</u> <u>from</u> Budget
Revenue									
400000 - Taxes	401000 - Property Tax 402000 - Sales Tax 407000 - Utility Users Tax	1,244,800 - -	56,730 - -	(1,188,070) - -	4.6%	1,244,800 - -	1,349,972 - -	105,172 - -	108.4%
	404000 - Other Taxes			-	_			-	
400000 - Taxes Tot	tal	1,244,800	56,730	(1,188,070)	4.6%	1,244,800	1,349,972	105,172	108.4%
420555 - Licenses 440000 - Fines & F 460000 - Use of Mo 480555 - Intergover 500000 - Charges f	orfeitures oney & Property rnmental for Services	- 60,600 - - 11,000	- 8,745 - - 5,188	(51,855) - (5,812) 207	14.4% 0.0% 47.2%	- 60,600 - 11,000 22,415	- 50,220 - 17,641 19,419 20,725	(10,380) - 17,641 8,419 (200)	82.9% 176.5%
580000 - Miscellan 800000 - Transfers		2,000	2,297	297	114.9%	23,415	22,725	(690)	97.1%
600000 - Transfers		506,800	126,699	(380,101)	25.0%	346,800	346,800	-	100.0%
Revenue Total	_	1,825,200	199,660	(1,625,540)	10.9%	1,686,615	1,806,776	120,161	107.1%
Expense 35110 Library		2.035.041	377,455	1,657,586	18.5%	2,016,462	1,950,861	65,601	96.7%
SSTTO LIDIALY	-	2,000,041	577,455	1,007,000	10.570	2,010,402	1,330,001	05,001	30.770
Expense Total	-	2,035,041	377,455	1,657,586	18.5%	2,016,462	1,950,861	65,601	96.7%
NET	-	(209,841)	(177,795)	32,046	=	(329,847)	(144,084)	185,763	

-778-

#### CITY OF MORENO VALLEY Gas Tax FY2012/13 1st Quarter Review and FY2011/12 Year End

		FY 2012-13		_		FY 2011-12		
Classification/Department	Budget	Actual	Variance	<u>% of</u> <u>Actual</u> from Budget	Budget	<u>Actual</u>	Variance	<u>% of</u> <u>Actual</u> <u>from</u> Budget
Revenue								
400000 - Taxes 401000 - Property Tax	-	-	-		-	-	-	
402000 - Sales Tax	-	-	-		-	-	-	
407000 - Utility Users Tax	-	-	-		-	-	-	
404000 - Other Taxes	-	-	-		-	-	-	
408000 - State Gasoline Tax	4,693,169	506,033	(4,187,136)	10.8%	4,693,169	4,138,712	(554,457)	88.2%
400000 - Taxes Total	4,693,169	506,033	(4,187,136)	10.8%	4,693,169	4,138,712	(554,457)	88.2%
420555 - Licenses & Permits	-	-	-		-	-	-	
440000 - Fines & Forfeitures	-	-	-		-	-	-	
460000 - Use of Money & Property	5,000	(810)	(5,810)	-16.2%	5,000	(802)	(5,802)	-16.0%
480555 - Intergovernmental	-	-	-		-	-	-	
500000 - Charges for Services	-	-	-		-	-	-	
580000 - Miscellaneous Revenue	1,411,000	4,336	(1,406,664)	0.3%	401,000	43,913	(357,087)	11.0%
800000 - Transfers In	160,000	39,999	(120,001)	25.0%	160,000	160,000	-	100.0%
Revenue Total	6,269,169	549,558	(5,719,611)	8.8%	5,259,169	4,341,823	(917,346)	82.6%
Expense								
45122 Public Works - Sign/Striping	960,771	175,733	785,038	18.3%	933,957	876,271	57,686	93.8%
45130 Crossing Guards	556,460	87,323	469,137	15.7%	517,279	565,314	(48,035)	109.3%
45220 Infrastructure Projects Eng	456,361	169,671	286,690	37.2%	430,975	418,755	12,220	97.2%
45311 Public Works - Street Maint	1,836,775	377,227	1,459,548	20.5%	1,862,197	1,831,066	31,131	98.3%
45312 Public Works - Concrete Maint	403,247	75,666	327,581	18.8%	387,737	360,278	27,459	92.9%
45314 Public Works - Graf Removal	377,834	59,275	318,559	15.7%	339,641	322,895	16,746	95.1%
45315 Public Works - Tree Trimming	429,367	90,354	339,013	21.0%	412,078	437,059	(24,981)	106.1%
80001 CIP - Street Improvements	15,071,000	38,054	15,032,946	0.3%	15,306,000	447,953	14,858,047	2.9%
80004 CIP - Drainage/Sewers/WaterLines	50,000		50,000	0.0%			-	
Expense Total	20,141,815	1,073,303	19,068,512	5.3%	20,189,864	5,259,591	14,930,273	26.1%
NET	(13,872,646)	(523,745)	13,348,901	=	(14,930,695)	(917,768)	14,012,927	

#### CITY OF MORENO VALLEY Moreno Valley Utility FY2012/13 1st Quarter Review and FY2011/12 Year End

	-	FY 2012-13			_	FY 2011-12			
<u>Classifi</u>	cation/Department	Budget	Actual	Variance	<u>% of</u> <u>Actual</u> <u>from</u> <u>Budget</u>	Budget	Actual	Variance	<u>% of</u> <u>Actual</u> <u>from</u> Budget
Revenue									
400000 - Taxes	401000 - Property Tax	-	-	-		-	-	-	
	402000 - Sales Tax	-	-	-		-	-	-	
	407000 - Utility Users Tax	-	-	-		-	-	-	
	404000 - Other Taxes	-	-	-	_	-	-	-	
400000 - Taxes Tot	tal	-	-	-	_	-	-	-	
420555 - Licenses	& Permits	-	-	-		-	-	-	
440000 - Fines & F	orfeitures	-	-	-		-	-	-	
460000 - Use of Mo	oney & Property	80,500	15,290	(65,210)	19.0%	80,500	140,019	59,519	173.9%
480555 - Intergover		-	-	-		-	-	-	
500000 - Charges f		16,988,600	7,085,312	(9,903,288)	41.7%	16,988,600	16,778,766	(209,834)	98.8%
580000 - Miscellane		173,000	6,879	(166,121)	4.0%	173,000	112,965	(60,035)	65.3%
800000 - Transfers	In -			-				-	
Revenue Total	-	17,242,100	7,107,480	(10,134,620)	41.2%	17,242,100	17,031,750	(210,350)	98.8%
Expense									
45510 Electric Utili	ity - General	14,693,462	3,445,249	11,248,213	23.4%	14,787,647	14,655,054	132,593	99.1%
45511 Public Purp		400,000	-	400,000	0.0%	330,000	329,070	930	99.7%
80005 CIP - Electri		125,939	-	125,939	0.0%	132,696	-	132,696	0.0%
96010 Non-Dept E		2,153,221	538,305	1,614,916	25.0%	2,153,221	2,153,221	-	100.0%
Expense Total	-	17,372,622	3,983,554	13,389,068	22.9%	17,403,564	17,137,344	266,220	98.5%
NET	-	(130,522)	3,123,927	3,254,449	=	(161,464)	(105,594)	55,870	

-779-

This page intentionally left blank.

#### RESOLUTION NO. 2012-108

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE REVISED OPERATING BUDGET FOR FISCAL YEAR 2012/13

WHEREAS, the City Council approved the Operating and Capital Budgets for the City for Fiscal Year 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 City Manager has heretofore submitted to the City Council proposed amendments to the Operating and Capital Budgets for the City for Fiscal Year 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 amendments to the Operating and Capital Budgets 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 amendments to the Operating and Capital Budgets 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 Revised Operating and Capital Budget as so desired; and

WHEREAS, the amended Operating and Capital Budgets, 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 Amendments to the Operating and Capital Budgets, as Exhibits A and B 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 part of the Annual Operating and Capital Budgets of the City of Moreno Valley for the Fiscal Year 2012/13.
- 2. The Proposed Amendments to Position Control included on page 10 of the staff report and as on file in the Office of the City Clerk, and as may have

Resolution No. 2012-108 Date Adopted: December 11, 2012 been amended by the City Council, is hereby approved and adopted as part of the Approved Position Control of the City of Moreno Valley for the Fiscal Year 2012/13.

- 3. 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.
- 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 11<sup>th</sup> day of December, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

#### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2012-108 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. 2012-108 Date Adopted: December 11, 2012

# Item No. G.6

This page intentionally left blank.

#### CITY OF MORENO VALLEY **GENERAL FUND** FY2012/13 Proposed Budget Adjustments and Carryovers

	Dept	Amende Budget		Proposed Adjustments	Description - Proposed Adjustments	Proposed Carryovers	Description - Proposed Carryovers	Revised Budget
	City Council	\$ 587,2	70	\$-	No Change	\$-	No Change	\$ 587,270
	City Clerk	541,5	64	-	No Change	-	No Change	541,564
	City Attorney	961,3	69	-	No Change	-	No Change	961,369
	City Manager	1,411,4	08	-	No Change	-	No Change	1,411,408
	Human Resources	859,4	24	-	No Change	-	Dept. Savings (120k) to transfer to Technology Svcs Fund for Payroll conversion consultant (shown in Non-Dept transfers out)	859,424
-785-	Community & Economic Dev	6,738,8	01	-	No Change	36,000	* Building & Safety plan check services	6,774,801
	Financial & Administrative Services	5,462,8	00	140,000	<ul> <li>* Management Analyst for Developer Deposit Activities (50k - 6 months) - fee supported</li> <li>* Citywide Cost Allocation Plan Study (25k)</li> <li>* Budget Officer (65k - 6 months)</li> </ul>	-	Dept. Savings (118k) to transfer to Technology Svcs Fund for Payroll conversion consultant (shown in Non-Dept transfers out)	5,602,800
	Fire	17,212,4	96	-	No Change	-	No Change	17,212,496
	Police	40,440,3	98	-	No Change	184,283	* To fund ballistic glass upgrade previously approved by Council; 84k will be reimbursed by Riverside County Asset Forfeiture Fund.	40,624,681
	Public Works	2,334,5	40	-	No Change	-	No Change	2,334,540
ltem	Non-Dept	3,088,9	00	130,000	<ul> <li>* Transfer to Library to cover 4.75% salary increase (69k)</li> <li>* Transfer to Stormwater Fund to cover NPDES permit fee increase (61k)</li> </ul>	238,000	* Transfer to Technology Services Fund to cover HR-Payroll conversion consultant for ERP implementation; using savings from HR (120k) and ENS (140k)	3,456,900
Z	FOTAL	\$ 79,638,9	70	\$ 270,000		\$ 458,283	FMS (118k).	\$ 80,367,253

#### CITY OF MORENO VALLEY Non-General Fund Expenditure Provisions FY2012/13 Proposed Adjustments and Carryovers

Dept/Fund	Amended Budget	Proposed Adjustments	Description - Proposed Adjustments	Proposed Carryovers	Description - Proposed Carryovers	Revised Budget
City Attorney 7010 - General Liability (14020)	\$ 1,318,852	\$ 91,500	* Senior Admin Asst	\$-	No Change	\$ 1,410,352
Community & Economic Dev						
2008 - Stormwater Management (20450)	581,609	-	No Change	61,000	* Transfer from General Fund for NPDES permit fee increase	642,609
2507- Neighborhood Stabilization Program (72701)	4,064,662	-	No Change	130,230	* Retail incentive programs and Employment resource center	4,194,892
2512 - CDBG (72611)	1,758,053	-	No Change	1,144,125	* Ongoing grant projects	2,902,178
Financial & Administrative Svcs 3707 - Automall Ref. CFD #3 Debt Svc (93707)	393,500	285,000	* In accordance with the Bond Indenture, funds will be used for a bond call for CFD #3 utilizing available CFD funds.	-	No Change	678,500
7210 - Tech Svcs - Enterprise Applications (25410)	1,440,403	-	No Change	51,150	* For continuous support applications	
				238,000	* Transfer from General Fund savings for HR-Payroll conversion	1,729,553
7210 - Tech Svcs - Telecommunications (25412)	1,030,038	-	No Change	22,000	* Upgrade of telephone systems in City Hall 2nd Floor& Annex 4	1,052,038
7210 - Tech Svcs - GIS (25413)	694,180	-	No Change	225,000	* Replacement of GIS solution	919,180
7210 - Tech Svcs - Records Mgmt System (25452)	-	-	No Change	109,000	<ul> <li>* Upgrade of records management system - City Clerk</li> </ul>	109,000
Police						
2705 - DUI Awareness Grant (76112)	-	-	No Change	59,000	Ongoing approved grant	59,000
2705 - Avoid the 30 Program (76212) 2705 - Sobriety Checkpoint Mini-grant (76411)	- 153,000	-	No Change No Change	9,500 26,000	Ongoing approved grant Ongoing approved grant	9,500 179,000

# CITY OF MORENO VALLEY Non-General Fund Expenditure Provisions FY2012/13 Proposed Adjustments and Carryovers

P -787-	ublic Works 2000 - Gas Tax Fund (45311) 2001 - Measure A	1,836,775 16,882,170	-	No Change * Reappropriation of CIP projects as a result of additional funding from the MV Ranch area deposit liability (\$867,400); Request is to reappropriate \$447,000 to other CIP projects & de-program \$420,400 (return to fund balance). Reappropriation to the following: 1. Pavement & Rehab Slurry Seal Program (\$130,000) 2. Alessandro Blvd Pavement Modification (\$72,000) 3. Bike Lane Improvements (\$84,000) 4. Traffic Signal Equipment, Upgrades (\$161,000) The affected general ledger accounts will be adjusted to reflect the above change.	25,000	* Purchase of bus replacement	1,861,775 16,882,170
	6010 - Electric Utility	14,693,462	187,500	* City Council approved the Integrated Generation Management Project Ice Bear Deployment Agreement between Southern California Public Power Authority and the Moreno Valley Electric Utility. City Council approved \$62k for the 1st year of the program. Request to approve the remaining \$187k in FY2012-13 to complete the implementation of the Ice Bear program.			14,880,962
Item No. G.6	OTAL	\$ 44,846,704	\$ 564,000	-	\$ 2,100,005		\$ 47,510,709

		ENO VALLEY COMMUNITY SE CSD Expenditure Prov 2012/13 Proposed Adjustment	isions		Exhibit A, P-4
)					
Administrative Services Library	2,035,041	- No Change	-	cover increases in subscription , books, delivery charges.	- 2,045,041
Parks 5010 - Zone A Community Events (35312)	163,926	- No Change		complete the purchase of oment (sound system)	263,926
TOTAL	\$ 2,198,967 \$	-	\$ 110,000		\$ 2,308,967

#### CITY OF MORENO VALLEY Capital Improvement Plan FY2012/13 Proposed Carryovers & Reappropriations

Dec is stifting d	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
Project/Fund	Budget	Carryovers		Budget
8001 - CIP - Street Improvements				
1010 GENERAL FUND	\$ 25,897	\$ 5,641	Public Works -HLFV Interchngs	\$ 31,538
2000 GAS TAX FUND	14,825,000	254,148	Nason/Cactus to Fir	15,079,148
2001 MEASURE "A" FUND	7,847,568	1,703,936	Annual Pavement Resurfacing	9,551,504
2002 PROP 42 REPLACEMENT FUNDS	50,000	23,049	Annual Pavement Resurfacing	73,049
2004 PROP 1B	-	71,724	Pavement Resurfacing	71,724
2512 COMM DEV BLK GRANTS (CDBG)	205,000	407,829	Dracaea Av/Perris BI-Patricia	612,829
2800 SCAG ARTICLE 3 FUND	75,000	(4,615)	City Wide Pedestrian - SB821	70,385
3000 FACILITY CONST FUND	5,279,000	1,580,351	Nason/Cactus Street Improvements	6,859,351
3002 PW GENERAL CAPITAL PROJECTS FD	3,032,000	(597,549)	Nason/Cactus Street Improvements	2,434,451
3003 TUMF CAPITAL PROJECTS FUND	2,348,933	1,432,320	Route 60/Nason & Moreno Beach	3,781,253
3301 DIF ARTERIAL STREETS CAPITAL P	1,216,850	1,051,303	Nason/Cactus Street Improvements	2,268,153
3302 DIF TRAFFIC SIGNAL CAPITAL PRO	2,000	270,000	Nason/Cactus Street Improvements	272,000
3311 DIF INTERCHANGE IMPRV CAP PROJ	-	173,794	•	173,794
3401 2005 LEASE REV BONDS-CAP/ADMN	693,592	(630,501)	Sunnymd Blvd/Frederick- Perris	63,091
6020 2007 TAXABLE LEASE REV BONDS	913,845	(68,437)	Nason/Cactus Street Improvements	845,408
8002 - CIP - Bridges				
2001 MEASURE "A" FUND	1,064,183	1,451,292	Heacock St. Bridge/PVSD Latera	2,515,475
2004 PROP 1B	5,000	(1,438)	Bridge Repair Maint Program	3,562
3311 DIF INTERCHANGE IMPRV CAP PROJ	-	24,480	S/R-60/ Nason St O/C Bridge	24,480
8003 - CIP - Buildings				
3000 FACILITY CONST FUND	1,644,718	10,525	Civic Ctr Site Impr (Exterior)	1,655,243
3005 FIRE SERVICES CAP FUND	-	73,335	Highland Fire Station	73,335
3006 PARKS & RECREATION CAP PROJ FD	12,986	20,000	Roof Replmnt-Gatewy&Westbluff	32,986
3401 2005 LEASE REV BONDS-CAP/ADMN	788,000	20,941	P/S Bldg Conversion Phase 2	808,941
8004 - CIP - Drainage, Sewers, Waterlines				
3000 FACILITY CONST FUND	1,250,000	(641)	Heacock St Chan/ S of Cactus	1,249,359
3002 PW GENERAL CAPITAL PROJECTS FD	2,000	89,866	Ironwood Imp-Heacock to Perris	91,866
8005 - CIP - Electric Utility				
6010 ELECTRIC FUND	125,939	6,757	LRB Funded Utility Projects	132,696
6020 2007 TAXABLE LEASE REV BONDS	146,731	16,644	MVU-Nason Bridge Project	163,375

#### CITY OF MORENO VALLEY Capital Improvement Plan FY2012/13 Proposed Carryovers & Reappropriations

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8007 - CIP - Parks				
3006 PARKS & RECREATION CAP PROJ FD	2,343,830	109,084	Community Park Renovation	2,452,914
8008 - CIP - Traffic Signals				
2001 MEASURE A	-	161,000	Traffic Signal Equipment Upgrades	161,000
2005 AIR QUALITY MGT FUND	57,064	184,199	Mo Val/ Riverside Intertie	241,263
3302 DIF TRAFFIC SIGNAL CAPITAL PRO	1,961,112	292,701	Lasselle/Margaret T/S	2,253,813
8009 - CIP - Underground Utilities				
7210 TECH SVCS FUND (ADMIN/OPER)	185,137	(43,397)	Citywide Fiber Optic Comm Exp	141,740
8010 - CIP - Other				
7210 TECH SVCS FUND (ADMIN/OPER)	-	1,873,906	Citywide Camera Surveillance	1,873,906
TOTAL	\$ 46,101,385	\$ 9,962,247		\$ 56,063,632

#### Exhibit B, P-3

#### MORENO VALLEY COMMUNITY SERVICES DISTRICT Capital Improvement Plan FY2012/13 Proposed Carryovers

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8007 - CIP - Parks 5113 CFD#1	91,000	5,000	Shadow Mtn Park Fencing	96,000
TOTAL	\$ 91,000	\$ 5,000		\$ 96,000

#### CITY AS SUCCESSOR AGENCY FOR THE RDA OF THE CITY OF MORENO VALLEY Capital Improvement Plan FY2012/13 Proposed Carryovers

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8001 - CIP - Street Improvements				
4820 SUCCESSOR AGENCY CAP PROJ	4,581,000	935,256	Sunnymead Blvd	5,516,256
4821 SUCCESSOR AGNCY 2007 TABS A CAP	5,681,800	393,954	Day St./Aless Blvd to Cottonwd	6,075,754
8002 - CIP - Bridges				
4821 SUCCESSOR AGNCY 2007 TABS A CAP	12,088,365	(602,174)	Nason/SR-60 Bridge	11,486,191
8003 - CIP - Buildings 4821 SUCCESSOR AGNCY 2007 TABS A CAP	900,000	2,288,123	Morrison Park Fire Station 107	3,188,123
8004 - CIP - Drainage, Sewers, Waterlines 4820 SUCCESSOR AGENCY CAP PROJ	80,000	(16,045)	Storm Drain/Day S of Cottnwd	63,955
4821 SUCCESSOR AGNCY 2007 TABS A CAP	135,945	84,980	Indian Basin, Appurtenant S/D	220,925
TOTAL	\$ 23,467,110	\$ 3,084,094		\$ 26,551,204

#### RESOLUTION NO. CSD 2012-23

#### A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE REVISED OPERATING BUDGET FOR FISCAL YEAR 2012/13

WHEREAS, the President and Board Members of the Moreno Valley Community Services District approved the Operating and Capital Budgets for the District for Fiscal Year 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 City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District proposed amendments to the Operating and Capital Budgets for the District for Fiscal Year 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 Revised 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 Revised 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 Revised Operating Budget as so desired; and

WHEREAS, the Proposed Revised 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 Amendments to the Operating and Capital Budgets, as Exhibits A and B 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 part of the Annual Operating and Capital Budgets of the Moreno Valley Community Services District for the Fiscal Year 2012/13.

> Resolution No. CSD 2012-23 Date Adopted: December 11, 2012

- 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. 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 11<sup>th</sup> day of December, 2012.

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 Resolution No. CSD 2012-23 Date Adopted: December 11, 2012

Item No. G.6

### **RESOLUTION JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that Resolution No. CSD 2012-23 was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 11th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

3 Resolution No. CSD 2012-23 Date Adopted: December 11, 2012

# Item No. G.6

This page intentionally left blank.

#### CITY OF MORENO VALLEY **GENERAL FUND** FY2012/13 Proposed Budget Adjustments and Carryovers

Dept	Amended Budget	Proposed Adjustments	Description - Proposed Adjustments	Proposed Carryovers	Description - Proposed Carryovers	Revised Budget
City Council	\$ 587,270	\$-	No Change	\$-	No Change	\$ 587,270
City Clerk	541,564	-	No Change	-	No Change	541,564
City Attorney	961,369	-	No Change	-	No Change	961,369
City Manager	1,411,408	-	No Change	-	No Change	1,411,408
Human Resources	859,424	-	No Change	-	Dept. Savings (120k) to transfer to Technology Svcs Fund for Payroll conversion consultant (shown in Non-Dept transfers out)	859,424
Community & Economic Dev	6,738,801	-	No Change	36,000	* Building & Safety plan check services	6,774,801
Financial & Administrative Services	5,462,800	140,000	<ul> <li>* Management Analyst for Developer Deposit Activities (50k - 6 months) - fee supported</li> <li>* Citywide Cost Allocation Plan Study (25k)</li> <li>* Budget Officer (65k - 6 months)</li> </ul>	-	Dept. Savings (118k) to transfer to Technology Svcs Fund for Payroll conversion consultant (shown in Non-Dept transfers out)	5,602,800
Fire	17,212,496	-	No Change	-	No Change	17,212,496
Police	40,440,398	-	No Change	184,283	* To fund ballistic glass upgrade previously approved by Council; 84k will be reimbursed by Riverside County Asset Forfeiture Fund.	40,624,681
Public Works	2,334,540	-	No Change	-	No Change	2,334,540
Non-Dept	3,088,900	130,000	<ul> <li>* Transfer to Library to cover 4.75% salary increase (69k)</li> <li>* Transfer to Stormwater Fund to cover NPDES permit fee increase (61k)</li> </ul>	238,000	* Transfer to Technology Services Fund to cover HR-Payroll conversion consultant for ERP implementation; using savings from HR (120k) and FMS (118k).	3,456,900
	\$ 79,638,970	\$ 270,000	-	\$ 458,283		\$ 80,367,253

## CITY OF MORENO VALLEY Non-General Fund Expenditure Provisions FY2012/13 Proposed Adjustments and Carryovers

Dept/Fund	Amended Budget	Proposed Adjustments	Description - Proposed Adjustments	Proposed Carryovers	Description - Proposed Carryovers	Revised Budget
City Attorney 7010 - General Liability (14020)	\$ 1,318,852	\$ 91,500	* Senior Admin Asst	\$-	No Change	\$ 1,410,352
Community & Economia Day						
Community & Economic Dev 2008 - Stormwater Management (20450)	581,609	-	No Change	61,000	* Transfer from General Fund for NPDES permit fee increase	642,609
2507- Neighborhood Stabilization Program (72701)	4,064,662	-	No Change	130,230	* Retail incentive programs and Employment resource center	4,194,892
2512 - CDBG (72611)	1,758,053	-	No Change	1,144,125	* Ongoing grant projects	2,902,178
Financial & Administrative Svcs 3707 - Automall Ref. CFD #3 Debt Svc (93707)	393,500	285,000	* In accordance with the Bond Indenture, funds will be used for a bond call for CFD #3 utilizing available CFD funds.	-	No Change	678,500
7210 - Tech Svcs - Enterprise Applications (25410)	1,440,403	-	No Change	51,150	* For continuous support applications	
				238,000	* Transfer from General Fund savings for HR-Payroll conversion	1,729,553
7210 - Tech Svcs - Telecommunications (25412)	1,030,038	-	No Change	22,000	* Upgrade of telephone systems in City Hall 2nd Floor& Annex 4	1,052,038
7210 - Tech Svcs - GIS (25413)	694,180	-	No Change	225,000	* Replacement of GIS solution	919,180
7210 - Tech Svcs - Records Mgmt System (25452)	-	-	No Change	109,000	<ul> <li>* Upgrade of records management system - City Clerk</li> </ul>	109,000
Police						
2705 - DUI Awareness Grant (76112)	-	-	No Change	59,000	Ongoing approved grant	59,000
2705 - Avoid the 30 Program (76212) 2705 - Sobriety Checkpoint Mini-grant (76411)	- 153,000	-	No Change No Change	9,500 26,000	Ongoing approved grant Ongoing approved grant	9,500 179,000

# CITY OF MORENO VALLEY Non-General Fund Expenditure Provisions FY2012/13 Proposed Adjustments and Carryovers

F -799-	Public Works 2000 - Gas Tax Fund (45311) 2001 - Measure A	1,836,775 16,882,170	-	No Change * Reappropriation of CIP projects as a result of additional funding from the MV Ranch area deposit liability (\$867,400); Request is to reappropriate \$447,000 to other CIP projects & de-program \$420,400 (return to fund balance). Reappropriation to the following: 1. Pavement & Rehab Slurry Seal Program (\$130,000) 2. Alessandro Blvd Pavement Modification (\$72,000) 3. Bike Lane Improvements (\$84,000) 4. Traffic Signal Equipment, Upgrades (\$161,000) The affected general ledger accounts will be adjusted to reflect the above change.	25,000	* Purchase of bus replacement	1,861,775 16,882,170
	6010 - Electric Utility	14,693,462	187,500	* City Council approved the Integrated Generation Management Project Ice Bear Deployment Agreement between Southern California Public Power Authority and the Moreno Valley Electric Utility. City Council approved \$62k for the 1st year of the program. Request to approve the remaining \$187k in FY2012-13 to complete the implementation of the Ice Bear program.			14,880,962
Item No. G.6	OTAL	\$ 44,846,704	\$ 564,000	-	\$ 2,100,005		<u>\$ 47,510,709</u>

		ENO VALLEY COMMUNITY SE CSD Expenditure Prov 2012/13 Proposed Adjustment	visions		Exhibit A, P-4
0					
Administrative Services Library	2,035,041	- No Change	•	* To cover increases in subscription costs, books, delivery charges.	- 2,045,041
Parks 5010 - Zone A Community Events (35312)	163,926	- No Change		To complete the purchase of equipment (sound system)	263,926
TOTAL	\$ 2,198,967 \$		\$ 110,000		\$ 2,308,967

Project/Fund		ed Project dget	ct Proposed Carryovers		Description - Proposed Carryovers	Re	Revised Project Budget	
8001 - CIP - Street Improvements								
1010 GENERAL FUND	\$	25,897	\$	5,641	Public Works -HLFV Interchngs	\$	31,538	
2000 GAS TAX FUND		14,825,000		254,148	Nason/Cactus to Fir		15,079,148	
2001 MEASURE "A" FUND		7,847,568		1,703,936	Annual Pavement Resurfacing		9,551,504	
2002 PROP 42 REPLACEMENT FUNDS		50,000		23,049	Annual Pavement Resurfacing		73,049	
2004 PROP 1B		-		71,724	Pavement Resurfacing		71,724	
2512 COMM DEV BLK GRANTS (CDBG)		205,000		407,829	Dracaea Av/Perris BI-Patricia		612,829	
2800 SCAG ARTICLE 3 FUND		75,000		(4,615)	City Wide Pedestrian - SB821		70,385	
3000 FACILITY CONST FUND		5,279,000		1,580,351	Nason/Cactus Street Improvements		6,859,351	
3002 PW GENERAL CAPITAL PROJECTS FD		3,032,000		(597,549)	Nason/Cactus Street Improvements		2,434,451	
3003 TUMF CAPITAL PROJECTS FUND		2,348,933		1,432,320	Route 60/Nason & Moreno Beach		3,781,253	
3301 DIF ARTERIAL STREETS CAPITAL P		1,216,850		1,051,303	Nason/Cactus Street Improvements		2,268,153	
3302 DIF TRAFFIC SIGNAL CAPITAL PRO		2,000		270,000	Nason/Cactus Street Improvements		272,000	
3311 DIF INTERCHANGE IMPRV CAP PROJ		_,		173,794	S/R-60/ Nason St Interchange		173,794	
3401 2005 LEASE REV BONDS-CAP/ADMN		693,592		(630,501)	Sunnymd Blvd/Frederick- Perris		63,091	
6020 2007 TAXABLE LEASE REV BONDS		913,845		(68,437)	Nason/Cactus Street Improvements		845,408	
8002 - CIP - Bridges								
2001 MEASURE "A" FUND		1,064,183		1,451,292	Heacock St. Bridge/PVSD Latera		2,515,475	
2004 PROP 1B		5,000		(1,438)	Bridge Repair Maint Program		3,562	
3311 DIF INTERCHANGE IMPRV CAP PROJ		-		24,480	S/R-60/ Nason St O/C Bridge		24,480	
8003 - CIP - Buildings								
3000 FACILITY CONST FUND		1,644,718		10,525	Civic Ctr Site Impr (Exterior)		1,655,243	
3005 FIRE SERVICES CAP FUND		-		73,335	Highland Fire Station		73,335	
3006 PARKS & RECREATION CAP PROJ FD		12,986		20,000	Roof Replmnt-Gatewy&Westbluff		32,986	
3401 2005 LEASE REV BONDS-CAP/ADMN		788,000		20,941	P/S Bldg Conversion Phase 2		808,941	
8004 - CIP - Drainage, Sewers, Waterlines								
3000 FACILITY CONST FUND		1,250,000		(641)	Heacock St Chan/ S of Cactus		1,249,359	
3002 PW GENERAL CAPITAL PROJECTS FD		2,000		89,866	Ironwood Imp-Heacock to Perris		91,866	
8005 - CIP - Electric Utility								
6010 ELECTRIC FUND		125,939		6,757	LRB Funded Utility Projects		132,696	
6020 2007 TAXABLE LEASE REV BONDS		146,731		16,644	MVU-Nason Bridge Project		163,375	

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8007 - CIP - Parks				
3006 PARKS & RECREATION CAP PROJ FD	2,343,830	109,084	Community Park Renovation	2,452,914
8008 - CIP - Traffic Signals				
2001 MEASURE A	-	161,000	Traffic Signal Equipment Upgrades	161,000
2005 AIR QUALITY MGT FUND	57,064	184,199	Mo Val/ Riverside Intertie	241,263
3302 DIF TRAFFIC SIGNAL CAPITAL PRO	1,961,112	292,701	Lasselle/Margaret T/S	2,253,813
8009 - CIP - Underground Utilities				
7210 TECH SVCS FUND (ADMIN/OPER)	185,137	(43,397)	Citywide Fiber Optic Comm Exp	141,740
8010 - CIP - Other				
7210 TECH SVCS FUND (ADMIN/OPER)	-	1,873,906	Citywide Camera Surveillance	1,873,906
TOTAL	\$ 46,101,385	\$ 9,962,247		\$ 56,063,632

#### Exhibit B, P-3

#### MORENO VALLEY COMMUNITY SERVICES DISTRICT Capital Improvement Plan FY2012/13 Proposed Carryovers

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8007 - CIP - Parks 5113 CFD#1	91,000	5,000	Shadow Mtn Park Fencing	96,000
TOTAL	\$ 91,000	\$ 5,000		\$ 96,000

#### CITY AS SUCCESSOR AGENCY FOR THE RDA OF THE CITY OF MORENO VALLEY Capital Improvement Plan FY2012/13 Proposed Carryovers

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8001 - CIP - Street Improvements				
4820 SUCCESSOR AGENCY CAP PROJ	4,581,000	935,256	Sunnymead Blvd	5,516,256
4821 SUCCESSOR AGNCY 2007 TABS A CAP	5,681,800	393,954	Day St./Aless Blvd to Cottonwd	6,075,754
8002 - CIP - Bridges 4821 SUCCESSOR AGNCY 2007 TABS A CAP	12,088,365	(602,174)	Nason/SR-60 Bridge	11,486,191
8003 - CIP - Buildings 4821 SUCCESSOR AGNCY 2007 TABS A CAP	900,000	2,288,123	Morrison Park Fire Station 107	3,188,123
8004 - CIP - Drainage, Sewers, Waterlines 4820 SUCCESSOR AGENCY CAP PROJ 4821 SUCCESSOR AGNCY 2007 TABS A CAP	80,000 135,945	(16,045) 84,980	Storm Drain/Day S of Cottnwd Indian Basin, Appurtenant S/D	63,955 220,925

#### RESOLUTION NO. SA 2012-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY SERVING AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE REVISED OPERATING BUDGET FOR FISCAL YEAR 2012/13

WHEREAS, the City Council approved the Capital Budget for the City of Moreno Valley Serving as Successor Agency for Fiscal Year 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 City Manager has heretofore submitted to the City Council proposed amendments to the Capital Budget for the City for Fiscal Year 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 amendments to the Capital 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 amendments to the Capital 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 Revised Budget as so desired; and

WHEREAS, the amended Capital 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, SERVING AS THE SUCCESSOR AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Amendments to the Capital Budget, as Exhibit B 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 part of the Annual Operating and Capital Budgets of the City of Moreno Valley for the Fiscal Year 2012/13.

1 Resolution No. SA 2012-109 Date Adopted: December 11, 2012

- 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. 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 11<sup>th</sup> day of December, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

**City Attorney** 

## **RESOLUTION JURAT**

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. SA 2012-109 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3 Resolution No. SA 2012-109 Date Adopted: December 11, 2012

## Item No. G.6

This page intentionally left blank.

Decise (/Europh	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
Project/Fund	Budget	Carryovers	Froposed Carryovers	Budget
8001 - CIP - Street Improvements				
1010 GENERAL FUND	\$ 25,897	\$ 5,641	Public Works -HLFV Interchngs	\$ 31,538
2000 GAS TAX FUND	14,825,000	254,148	Nason/Cactus to Fir	15,079,148
2001 MEASURE "A" FUND	7,847,568	1,703,936	Annual Pavement Resurfacing	9,551,504
2002 PROP 42 REPLACEMENT FUNDS	50,000	23,049	Annual Pavement Resurfacing	73,049
2004 PROP 1B		71,724	Pavement Resurfacing	71,724
2512 COMM DEV BLK GRANTS (CDBG)	205,000	407,829	Dracaea Av/Perris BI-Patricia	612,829
2800 SCAG ARTICLE 3 FUND	75,000	(4,615)	City Wide Pedestrian - SB821	70,385
3000 FACILITY CONST FUND	5,279,000	1,580,351	Nason/Cactus Street Improvements	6,859,351
3002 PW GENERAL CAPITAL PROJECTS FD	3,032,000	(597,549)	Nason/Cactus Street Improvements	2,434,451
3003 TUMF CAPITAL PROJECTS FUND	2,348,933	1,432,320	Route 60/Nason & Moreno Beach	3,781,253
3301 DIF ARTERIAL STREETS CAPITAL P	1,216,850	1,051,303	Nason/Cactus Street Improvements	2,268,153
3302 DIF TRAFFIC SIGNAL CAPITAL PRO	2,000	270,000	Nason/Cactus Street Improvements	272,000
3311 DIF INTERCHANGE IMPRV CAP PROJ	_,	173,794		173,794
3401 2005 LEASE REV BONDS-CAP/ADMN	693,592	(630,501)	Sunnymd Blvd/Frederick- Perris	63,091
6020 2007 TAXABLE LEASE REV BONDS	913,845	(68,437)	Nason/Cactus Street Improvements	845,408
8002 - CIP - Bridges				
2001 MEASURE "A" FUND	1,064,183	1,451,292	Heacock St. Bridge/PVSD Latera	2,515,475
2004 PROP 1B	5,000	(1,438)	Bridge Repair Maint Program	3,562
3311 DIF INTERCHANGE IMPRV CAP PROJ	-	24,480	S/R-60/ Nason St O/C Bridge	24,480
8003 - CIP - Buildings				
3000 FACILITY CONST FUND	1,644,718	10,525	Civic Ctr Site Impr (Exterior)	1,655,243
3005 FIRE SERVICES CAP FUND	-	73,335	Highland Fire Station	73,335
3006 PARKS & RECREATION CAP PROJ FD	12,986	20,000	Roof Replmnt-Gatewy&Westbluff	32,986
3401 2005 LEASE REV BONDS-CAP/ADMN	788,000	20,941	P/S Bldg Conversion Phase 2	808,941
8004 - CIP - Drainage, Sewers, Waterlines				
3000 FACILITY CONST FUND	1,250,000	(641)	Heacock St Chan/ S of Cactus	1,249,359
3002 PW GENERAL CAPITAL PROJECTS FD	2,000	89,866	Ironwood Imp-Heacock to Perris	91,866
8005 - CIP - Electric Utility				
6010 ELECTRIC FUND	125,939	6,757	LRB Funded Utility Projects	132,696
6020 2007 TAXABLE LEASE REV BONDS	146,731	16,644	MVU-Nason Bridge Project	163,375

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8007 - CIP - Parks				
3006 PARKS & RECREATION CAP PROJ FD	2,343,830	109,084	Community Park Renovation	2,452,914
8008 - CIP - Traffic Signals				
2001 MEASURE A	-	161,000	Traffic Signal Equipment Upgrades	161,000
2005 AIR QUALITY MGT FUND	57,064	184,199	Mo Val/ Riverside Intertie	241,263
3302 DIF TRAFFIC SIGNAL CAPITAL PRO	1,961,112	292,701	Lasselle/Margaret T/S	2,253,813
8009 - CIP - Underground Utilities				
7210 TECH SVCS FUND (ADMIN/OPER)	185,137	(43,397)	Citywide Fiber Optic Comm Exp	141,740
8010 - CIP - Other				
7210 TECH SVCS FUND (ADMIN/OPER)	-	1,873,906	Citywide Camera Surveillance	1,873,906
TOTAL	\$ 46,101,385	\$ 9,962,247		\$ 56,063,632

#### Exhibit B, P-3

#### MORENO VALLEY COMMUNITY SERVICES DISTRICT Capital Improvement Plan FY2012/13 Proposed Carryovers

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8007 - CIP - Parks 5113 CFD#1	91,000	5,000	Shadow Mtn Park Fencing	96,000
TOTAL	\$ 91,000	\$ 5,000		\$ 96,000

#### CITY AS SUCCESSOR AGENCY FOR THE RDA OF THE CITY OF MORENO VALLEY Capital Improvement Plan FY2012/13 Proposed Carryovers

Project/Fund	Amended Project Budget	Proposed Carryovers	Description - Proposed Carryovers	Revised Project Budget
8001 - CIP - Street Improvements				
4820 SUCCESSOR AGENCY CAP PROJ	4,581,000	935,256	Sunnymead Blvd	5,516,256
4821 SUCCESSOR AGNCY 2007 TABS A CAP	5,681,800	393,954	Day St./Aless Blvd to Cottonwd	6,075,754
8002 - CIP - Bridges				
4821 SUCCESSOR AGNCY 2007 TABS A CAP	12,088,365	(602,174)	Nason/SR-60 Bridge	11,486,191
8003 - CIP - Buildings				
4821 SUCCESSOR AGNCY 2007 TABS A CAP	900,000	2,288,123	Morrison Park Fire Station 107	3,188,123
8004 - CIP - Drainage, Sewers, Waterlines				
4820 SUCCESSOR AGENCY CAP PROJ	80,000	(16,045)	Storm Drain/Day S of Cottnwd	63,955
4821 SUCCESSOR AGNCY 2007 TABS A CAP	135,945	84,980	Indian Basin, Appurtenant S/D	220,925
TOTAL	\$ 23,467,110	\$ 3,084,094		\$ 26,551,204