

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

September 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.

William H. Batey II, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

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

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 11, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Southern California Edison's Recognition of City of Moreno Valley's Energy Leader Gold Tier Status
2. Presentation of Award for Excellence in Information Technology Practices to the City's Technology Services Division
3. Proclamation Recognizing Constitution Week, September 17 - 23, 2012
4. Proclamation Presentation Recognizing Richard A. Stewart's 20 Years of Service as a Moreno Valley Reserve Police Officer
5. Spotlight on Moreno Valley Business
 - a) O'Reilly Automotive DC
 - b) Sunnymead Village Dental Group

**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
SEPTEMBER 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 - Reverend O. J. Philpot, Christ Community 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.

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JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, 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 AUGUST 28, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 COOPERATIVE AGREEMENT WITH THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE SUNNYMEAD MASTER DRAINAGE PLAN LINE P-6, STAGE 2 (PROJECT NO. 4-0-00716) (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Cooperative Agreement with the Riverside County Flood Control and Water Conservation District (the District) for the Sunnymead Master Drainage Plan Line P-6, Stage 2;
2. Authorize the City Manager to execute the Cooperative Agreement; and
3. Direct the City Clerk to forward the signed Cooperative Agreement to the District.

A.4 APPROVE THE AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO PERMIT THE PROVISION OF PACE SERVICES STATEWIDE (Report of: City Manager's Office)

Recommendation:

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Approve an amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to permit the provision of PACE services statewide.

- A.5 ORDINANCE NO. 851 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030, "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE (RECEIVED FIRST READING AND INTRODUCTION ON AUGUST 28, 2012, BY A 5-0 VOTE) (REPORT OF: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT)

Recommendation:

Adopt Ordinance No. 851, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Ordinance No. 851

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI "Applications for Lighting", Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030, "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

- A.6 ORDINANCE NO. 852 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, (PA11-0013) AMENDING TITLE 9 CHAPTER 9.11, SECTION 9.11.040, "OFF STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENCY WITH THE CURRENT 2011 CALIFORNIA GREEN BUILDING CODE STANDARDS REQUIRING

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LOW-EMITTING, FUEL-EFFICIENT AND CARPOOL AND VANPOOL VEHICLE PARKING FOR NEW NON-RESIDENTIAL USES CITYWIDE (RECEIVED FIRST READING AND INTRODUCTION ON AUGUST 28, 2012, BY A 5-0 VOTE) (REPORT OF: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT)

Recommendation:

Adopt Ordinance No. 852, approving revisions to Title 9 and Section 9.11.040 "Off Street Parking Requirements" to provide consistency with the current 2011 California Green Building Code standards for low-emitting, fuel-efficient and carpool and vanpool vehicle parking for all new non-residential uses citywide.

Ordinance No. 852

An Ordinance of the City Council of the City of Moreno Valley, California, (PA11-0013) Amending Title 9 Chapter 9.11, Section 9.11.040, "Off Street Parking Requirements" To Provide Consistency with the Current 2011 California Green Building Code Standards Requiring Low-Emitting, Fuel-Efficient and Carpool and Vanpool Vehicle Parking for New Non-Residential Uses Citywide

- A.7 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 August 22 – September 4, 2012.

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 AUGUST 28, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

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- C.2 MINUTES - REGULAR MEETING OF AUGUST 28, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- D.2 MINUTES - REGULAR MEETING OF AUGUST 28, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

E. PUBLIC HEARINGS

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

- E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR NPDES (Report of: Public Works Department)

Recommendation: That the City Council:

1. After conducting the Public Hearing and accepting public testimony, direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballot for Assessor Parcel Number (APN) 485-081-034;
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 accepted Official Tally Sheet; and
4. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APN 485-081-034.

- E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR CSD ZONE M (Report of: Public

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Works Department)

Recommendation: That the CSD:

1. 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 APN 485-081-034;
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 accepted Official Tally Sheet; and
4. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APN 485-081-034.

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 RECAP OF JULY 4th AND DISBAND JULY 4th ADVISORY COMMITTEE (Report: Parks and Community Services Department)

Recommendation: That the City Council:

Acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District authorize disbanding the City's July 4th Advisory Committee.

G.3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES (Report of: City Attorney)

Recommendation: That the City Council:

Introduce Ordinance No. 853 that would clarify the method by which interest is calculated on delinquent civil citations.

Ordinance No. 853

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An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 1.10.080 of Chapter 1.10 of the City of Moreno Valley Municipal Code Relating to the Collection of Civil Fines and Penalties

- G.4 ANNUAL AGREEMENTS FOR SERVICES WITH THE CHAMBERS OF COMMERCE (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and approve the annual Agreements for Services with the Moreno Valley Chamber of Commerce and the Moreno Valley Hispanic Chamber of Commerce.

- G.5 APPOINTMENTS TO THE ARTS COMMISSION, THE SENIOR CITIZENS' BOARD AND THE TRAFFIC SAFETY COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. After reviewing the ballot provided by the City Clerk:
Appoint one member to the Arts Commission with a term expiring June 30, 2015; and
2. Appoint one member to the Senior Citizens' Board with a term expiring June 30, 2015; and
3. Appoint one member to the Traffic Safety Commission with a term expiring June 30, 2014; and
4. Confirm the appointment of Shor Denny to the Traffic Safety Commission as the Moreno Valley Parent Teacher Council (MV-PTA) representative for a term expiring June 30, 2013; or
5. Confirm the appointment of Lorey Ann Hargo to the Traffic Safety Commission as the Val Verde Parent Teacher Council (VVUSD-PTO) representative for a term expiring June 30, 2015; or
6. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

- G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

- G.7 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 of the City of Moreno Valley 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

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

ADJOURNMENT

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MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
August 28, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

1. RECOGNITION OF 2012 SUMMER READING PROGRAM SUPER READERS, BY MORENO VALLEY FRIENDS OF THE LIBRARY

2. EMPLOYEE OF THE QUARTER RECOGNITION, 2ND QUARTER 2012
 - a) MaryLou Antero, Accounts Payable Supervisor

 - b) Jim White, Accounting Technician

3. RECOGNITION OF MVTV-3 SCAN NATOA STAR AWARDS

**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
August 28, 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 6:35 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 - Mayor Richard A. Stewart

ROLL CALL

Council:

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

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Michele Patterson	Assistant to the City Manager
Richard Teichert	Financial and Administrative Services Director

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Robert Hansen
Michelle Dawson
Joel Ontiveros
Ahmad Ansari
Barry Foster
Tom DeSantis
Mike McCarty
Silvio Lanzas

City Attorney
Assistant City Manager
Police Chief
Public Works Director
Community and Economic Development Director
Interim Human Resources Director
Parks & Community Services Director
Battalion Chief

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

Mayor Richard A. Stewart opened the agenda items for the Consent Calendars for public comments; 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 JULY 10, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 APPROVAL OF THE CHECK REGISTER FOR MAY, 2012 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2012-67, approving the Check Register for the month of May, 2012 in the amount of \$13,875,994.96.

Resolution No. 2012-67

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of May, 2012.

A.4 APPROVAL OF THE CHECK REGISTER FOR JUNE, 2012 (Report of: Financial & Administrative Services Department)

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Recommendation:

Adopt Resolution No. 2012-68, approving the Check Register for the month of June, 2012 in the amount of \$22,489,803.50.

Resolution No. 2012-68

A Resolution of the City Council of the City of Moreno Valley, California Approving the Check Register for the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of June, 2012

- A.5 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO C P CONSTRUCTION CO. INC. FOR THE CORPORATE YARD SEWER IMPROVEMENTS – PROJECT NO. 803 0002 70 77 (Report of: Public Works Department/CPD)

Recommendation:

1. Award the construction contract to C P Construction Co., Inc. (C P Construction), PO Box 1206, Ontario, CA 91762, the lowest responsible bidder, for the Corporate Yard Sewer Improvements;
2. Authorize the City Manager to execute a contract with C P Construction;
3. Authorize the issuance of a Purchase Order to C P Construction in the amount of \$272,710.32 (\$227,258.60 plus 20% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C P Construction, up to but not to exceed the \$45,451.72 contingency; and
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 P Construction if no claims have been filed against the project.

- A.6 APPROVAL OF THE AGREEMENT TO FORM THE LAKE ELSINORE AND CANYON LAKE TOTAL MAXIMUM DAILY LOAD (TMDL) TASK FORCE (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement to Form the Lake Elsinore and Canyon Lake TMDL Task Force approved as to form by the City Attorney;

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2. Appoint the Community and Economic Development Director as the primary representative and appoint the Storm Water Program Manager as the alternate representative to the TMDL Task Force;
3. Authorize the Community and Economic Development Director to execute future amendments to the Agreement as approved by the City Attorney;
4. Authorize the Mayor to execute the Agreement; and
5. Direct the City Clerk to attest to the Mayor's signature and transmit the executed Agreement to the Santa Ana Watershed Project Authority.

A.7 REJECTION OF ALL BIDS FOR CONSTRUCTION OF THE TRANSPORTATION MANAGEMENT CENTER - PROJECT NO. 808 0005 70 76 (Report of: Public Works Department/TED)

Recommendation:

1. Reject all bids opened on July 2, 2012 for the Transportation Management Center project; and
2. Direct staff to re-advertise for construction bids for the Transportation Management Center project.

A.8 PA08-0072 – REQUEST TO CONDUCT A FULL ROAD CLOSURE OF RESOURCE WAY FROM CORPORATE STREET TO FREDERICK STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM SEPTEMBER 3, 2012 – OCTOBER 1, 2012 - DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP, SAN ANTONIO, TX 78230 (Report of: Community & Economic Development Department)

Recommendation:

Authorize a full road closure of Resource Way from Corporate Street to Frederick Street for the construction of street improvements from September 3, 2012 – October 1, 2012.

A.9 P11-048, PA08-0072 – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D12-002 FOR P11-048, PA08-0072 IMPROVEMENTS ASSOCIATED WITH THE CONCOURSE AT CENTERPOINT INDUSTRIAL BUILDING; NORTHWEST CORNER OF FREDERICK STREET AND CACTUS AVENUE; DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP, SAN ANTONIO, TX 78230 (Report of: Community & Economic Development Department)

Recommendation:

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1. Accept the Development Impact Fee Improvement Credit Agreement #D12-002 (DIF Agreement) for P11-048, PA08-0072 improvements and right-of-way dedications; and
2. Authorize the Mayor to execute the DIF Agreement.

A.10 P11-048, PA08-0072 - ACCEPT TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) IMPROVEMENT CREDIT / REIMBURSEMENT AGREEMENT #T12-001 -NORTHWEST CORNER OF FREDERICK STREET AND CACTUS AVENUE DEVELOPER: US REAL ESTATE LIMITED PARTNERSHIP 9830 COLONNADE BOULEVARD, SUITE 600, SAN ANTONIO, TX 78230 (Report of: Community & Economic Development Department)

Recommendation:

1. Accept the Transportation Uniform Mitigation Fee (TUMF) Improvement Credit/Reimbursement Agreement for P11-048, PA08-0072 public improvements;
2. Authorize the Mayor to execute the Agreement; and
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

A.11 PM 35150 – INDUSTRIAL – ACCEPT THE SUBSTITUTION AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS - NORTHWEST CORNER OF INDIAN STREET AND NANDINA AVENUE, DEVELOPER: FR/CAL MORENO VALLEY, LLC 114 PACIFICA, SUITE 220, IRVINE, CA 92618 (Report of: Community & Economic Development Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and Security for PM 35150;
2. Authorize the Mayor to execute the Agreement contingent upon the cash security being placed into the escrow account;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by FR/CAL Moreno Valley, LLC, upon acceptance of the substitution agreement and bonds; and
5. Authorize the City Engineer to execute any future time extension

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amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.12 ADOPTION OF A RESOLUTION OPPOSING SAN DIEGO COUNTY WATER AUTHORITY'S COST-SHIFT (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2012-69 opposing San Diego County Water Authority's Cost-Shift.

Resolution No. 2012-69

A Resolution of the City Council of the City of Moreno Valley, California, Opposing San Diego County Water Authority's Cost-Shift

A.13 APPROVE RESOLUTION NO. 2012-70 ADOPTING A LOW INCOME PROGRAM AND AMENDING THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

1. Approve Resolution No. 2012-70 adopting a Low-Income Assistance Program for the residential customers of Moreno Valley Electric Utility; and

Resolution No. 2012-70

A Resolution of the City Council of the City of Moreno Valley Adopting a Low-Income Assistance Program and Amending the Electric Rates for Moreno Valley Electric Utility

2. Adopts the amended Moreno Valley Utility Electric Rates as on file in the Public Works Department.

A.14 APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY OF MORENO VALLEY FOR GILMAN SPRINGS ROAD IMPROVEMENTS - PROJECT NO. 801 0042 70 77 (Report of: Public Works Department/CPD)

Recommendation:

1. Approve the Cooperative Agreement for the Gilman Springs Road Improvements project between the County of Riverside and the City of Moreno Valley;
2. Authorize the City Manager to execute the Cooperative Agreement;

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3. Authorize the Public Works Director/City Engineer to approve any minor changes that may be requested by the County of Riverside subject to the approval of the City Attorney; and
4. Authorize the Public Works Director/City Engineer to execute any future amendments to the Cooperative Agreement subject to the approval of the City Attorney.

A.15 APPROVAL OF THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH WILLDAN ENGINEERING TO PROVIDE UPDATES TO THE PAVEMENT MANAGEMENT PROGRAM - PROJECT NO. 801 0043 70 77 (Report of: Public Works Department/CPD)

Recommendation:

1. Approve the Agreement for Professional Consultant Services with Willdan Engineering to provide updates to the Pavement Management Program;
2. Authorize the City Manager to execute the Agreement for Professional Consultant Services with Willdan Engineering;
3. Authorize the issuance of a Purchase Order to Willdan Engineering in the amount of \$117,000.00 when the Agreement has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement with Willdan Engineering, up to but not to exceed the Purchase Order amount, subject to the approval of the City Attorney.

A.16 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO POWELL CONSTRUCTORS INC. FOR SR-60/MORENO BEACH DRIVE INTERCHANGE PHASE 1 IMPROVEMENTS – PROJECT NO. 801 0038 70 77 [FORMERLY PROJECT NO. 07-41570024] (Report of: Public Works Department/CPD)

Recommendation:

1. Award the construction contract for SR-60/Moreno Beach Drive Interchange Phase 1 Improvements to Powell Constructors Inc. (Powell), 8555 Banana Avenue, Fontana, CA 92335, the lowest responsible bidder;
2. ~~Acting as the Successor Agency, authorize the City Manager to access agency funds, subject to Oversight Board approval;~~
Amended Recommendation No. 2 to read as follows:
Acting as the Successor Agency, approve this action as a

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recognized payment obligation of the former Redevelopment Agency of the City of Moreno Valley, add it to the Recognized Obligation Payment Schedule, submit same to the Oversight Board for Approval, and authorize the City Manager to access agency funds only after Oversight Board approval.

3. Authorize the issuance of a Purchase Order for \$6,693,170.50 (\$5,354,536.40 bid plus 25% contingency of \$1,338,634.10) to Powell when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Powell, up to but not to exceed the Purchase Order's total contingency amount of \$1,338,634.10, subject to the approval of the City Attorney; and
5. Authorize intermittent full road closures of (1) Moreno Beach Drive between Ironwood Avenue and Trail Ridge Way and (2) Eucalyptus Avenue between Fir Avenue and Motor Way for the duration of construction anticipated to start on October 1, 2012 and be completed by October 1, 2013.

A.17 TRACT MAP 32711 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, FRONTING THE SOUTH SIDE OF JANET K DRIVE AT THE “T” INTERSECTION OF BOGUE STREET DEVELOPER - ISAAC GENAH AND GLORIA M. GENAH, TRUSTORS AND TRUSTEES OF THE CSA REVOCABLE TRUST DATED SEPTEMBER 10, 1993, 1430 TANGELO LANE, LA HABRA HEIGHTS, CA 90631, HANSON A. H. HO, TRUSTEE OF THE HO 2001 FAMILY TRUST, 2245 KINGSBRIDGE COURT, SAN DIMAS, CA 91773 (Report of: Community & Economic Development Department)

Recommendation:

1. Direct the City Clerk to forward the Notification of Requirement for Public Improvement Security for Tract 32711 to the County Recorder's Office for recordation; and
2. Contingent upon recordation of the Notification of Requirement for Public Improvement by the Riverside County Recorder's Office, authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with Tract 32711 for public improvements.

A.18 TRACT MAP 32710 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, OCALA COURT, NORTH OF IRONWOOD AVENUE AND EAST OF HEACOCK STREET, DEVELOPER - ISAAC GENAH AND GLORIA M. GENAH, TRUSTORS AND TRUSTEES OF THE CSA

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REVOCABLE TRUST DATED SEPTEMBER 10, 1993, 1430 TANGELO LANE, LA HABRA HEIGHTS, CA 90631, HANSON A. H. HO, TRUSTEE OF THE HO 2001 FAMILY TRUST, 2245 KINGSBRIDGE COURT, SAN DIMAS, CA 91773 (Report of: Community & Economic Development Department)

Recommendation:

1. Direct the City Clerk to forward the Notification of Requirement for Public Improvement Security for Tract 32710 to the County Recorder's Office for recordation; and
2. Contingent upon recordation of the Notification of Requirement for Public Improvement by the Riverside County Recorder's Office, authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with Tract 32710 for public improvements.

A.19 AWARD OF CITYWIDE CAMERA SURVEILLANCE PROJECT CONTRACT AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT AND SUPPORT AGREEMENT WITH AVRIO GROUP SURVEILLANCE SOLUTIONS, LLC PROJECT NO. TS-CCSS 2012-02 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Authorize the award of the Citywide Camera Surveillance Project contract to Avrio Group Surveillance Solutions, LLC (Avrio), 3 N. Harrison Street, Suite 100, Easton, Maryland 21601 in an amount not-to-exceed \$1,800,000 for installation;
2. Authorize the City Manager to sign the contract with Avrio; and
3. Authorize the City Manager to execute the support agreement with one-year of maintenance with additional one-year options for maintenance as follows:
Year 1 maintenance Included - No Charge
Year 2 maintenance \$98,000
Year 3 maintenance \$112,000
Year 4 maintenance \$125,000
Year 5 maintenance \$145,000

A.20 RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2012 (Report of: Financial & Administrative Services Department)

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Recommendation:

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

- A.21 ACCEPTANCE OF GRANT AWARD FROM THE NATIONAL ANIMAL CONTROL ASSOCIATION & THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (Report of: Financial & Administrative Services Department)

Recommendation:

1. Accept a grant award in the amount of \$6,000 from the National Animal Control Association (NACA) and the American Society for the Prevention of Cruelty to Animals (ASPCA) for the purpose of implementing ASPCA's ID-Me Animal Tagging Project; and
2. Approve revenue and expense appropriations in the grant amount of \$6,000 increasing the Animal Services budget for FY 2012-13 to reflect the grant acceptance.

- A.22 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT TO R.I.C. CONSTRUCTION COMPANY, INC., FOR THE CITY ANNEX BUILDING OFFICE RENOVATION PROJECT NO. 803 0004 30 40 (Report of: Human Resources/Facilities)

Recommendation:

1. Award the construction contract to R.I.C. Construction Company, Inc., 10675 "E" Avenue Hesperia, CA 92345 as the lowest responsible bidder, for the Moreno Valley Annex Renovation Project in an amount not to exceed \$1,252,000;
2. Authorize the City Manager to execute a contract with R.I.C.;
3. Approve an additional appropriation in the amount of \$400,000 increasing the project budget from \$1,000,000 currently approved to \$1,400,000 based on the actual bids received;
4. Approve a transfer of \$400,000 from the City Hall Development Impact Fee (DIF) Fund to the Annex 1 Renovation Project and approve the revenue and expense appropriations respectively to facilitate said transfer;
5. Authorize the issuance of a Purchase Order to R.I.C. in the amount of \$1,252,000 (\$1,138,000 base bid amount plus 10% contingency) when the contract has been signed by all parties;

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6. Authorize the Human Resources Director to execute any subsequent change orders to the contract with R.I.C. up to but not to exceed the Purchase Order contingency of \$114,000; and
7. Authorize the Human Resources Director to record the Notice of Completion upon determination that the work is complete, and release the retention to R.I.C. if no claims are filed against the project.

A.23 RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2013 TO JUNE 30, 2013 (Report of: Community & Economic Development Department)

Recommendation:

1. Acting in their capacity as Board Members as City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley: Adopt Resolution No. 2012-71 approving a Third Recognized Obligation Payment Schedule (“Third ROPS”), for the period of January 1, 2013 to June 30, 2013

Resolution No. 2012-71

A Resolution of the City Council of the City of Moreno Valley Serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley Approving the Third Recognized Obligation Payment Schedule for the Period of January 1, 2013 through June 30, 2013, and Authorizing the Executive Director or his Designee to make modifications thereto

2. Authorize the Executive Director or his designee to make modifications to the Schedule; and
3. Authorize the transmittal of the Third ROPS to the Oversight Board for review and approval.

Item A.23 pulled for separate action under Section F.

A.24 OVERVIEW OF REDEVELOPMENT TRAILER BILL AB 1484 (Report of: Community & Economic Development Department)

Recommendation:

Receive and file overview report of the Redevelopment Trailer Bill Assembly Bill 1484.

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- A.25 RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING PROPOSED ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2013 TO JUNE 30, 2013 (Report of: Community & Economic Development Department)

Recommendation:

1. Adopt Resolution No. 2012-72 approving the proposed Administrative Budget for the period of January 1, 2013 to June 30, 2013;

Resolution No. 2012-72

A Resolution of the City Council of the City of Moreno Valley serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley Approving the Proposed Administrative Budget and Authorizing the Executive Director or his Designee to Make Modifications Thereto

2. Authorize the Executive Director or his designee to make modifications to the Schedule; and
3. Authorize the transmittal of the proposed Administrative Budget to the Oversight Board for review and approval.

- A.26 TERMINATION OF AUTHORITY TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 7, IMPROVEMENT AREA NO. 2 OF THE CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

Acting as the legislative body of Community Facilities District No. 7 of the City of Moreno Valley approve Resolution No. 2012-73 terminating the authority to annex territory to CFD No. 7, Improvement Area No. 2.

Resolution No. 2012-73

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 7 of the City of Moreno Valley, Terminating the Authority to Annex Territory in the Future to Improvement Area No. 2 of Such Community Facilities District

- A.27 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

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Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of July 4 – August 21, 2012.

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 JULY 10, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JULY 10, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 10, 2012 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2, except Item A.23, which was pulled for separate action, as amended (Item A.16 - amendment was submitted to the recommendations, and Item A.19 – approval contingent upon the contractor providing acceptable form of security and insurance to the City) by m/Mayor Pro Tem William H. Batey II, s/Council Member Robin N. Hastings

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Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 A PUBLIC HEARING FOR A CITYWIDE AMENDMENT (PA10-0022) TO TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, "APPLICATIONS FOR LIGHTING", SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR LIGHTING. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no further action is required. Should the City Council choose to adopt the new standards, the following actions are required:
RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and
2. INTRODUCE Ordinance No. 851, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Ordinance No. 851

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI "Applications for Lighting", Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030, "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

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Mayor 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/Mayor Pro Tem William H. Batey II, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 2 by m/Mayor Pro Tem William H. Batey II, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

E.2 A PUBLIC HEARING (PA11-0013) FOR A CITYWIDE AMENDMENT TO TITLE 9, CHAPTER 9.11, SECTION 9.11.040, "OFF STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENCY WITH THE CURRENT 2011 CALIFORNIA GREEN BUILDING CODE STANDARDS REQUIRING LOW-EMITTING, FUEL-EFFICIENT AND CARPOOL AND VANPOOL VEHICLE PARKING FOR ALL NEW NON-RESIDENTIAL USES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. After conducting a public hearing, RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and
2. INTRODUCE Ordinance No. 852, approving revisions to Title 9 and Section 9.11.040 "Off Street Parking Requirements" to provide consistency with the current 2011 California Green Building Code standards for low-emitting, fuel-efficient and carpool and vanpool vehicle parking for all new non-residential uses citywide.

Ordinance No. 852

An Ordinance of the City Council of the City of Moreno Valley, California, (PA11-0013) Amending Title 9 Chapter 9.11, Section 9.11.040, "Off Street Parking Requirements" To Provide Consistency with the Current 2011 California Green Building Code Standards Requiring Low-Emitting, Fuel-Efficient and Carpool and Vanpool Vehicle Parking for New Non-Residential Uses Citywide

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

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Motion to Approve Recommendation No. 1 by m/Mayor Pro Tem William H. Batey II, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 2 by m/Mayor Pro Tem William H. Batey II, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

- E.3 HEARING ON PROPOSED RESOLUTIONS OF NECESSITY TO MAKE FINDINGS AND DETERMINATIONS AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT-OF-WAY FOR THE SR-60/MORENO BEACH INTERCHANGE PROJECT PHASE 2 - PROJECT NO. 801 0021 70 77 (Report of: Public Works Department/CPD)

Recommendation: That the City Council:

1. Conduct a hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;
2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;
3. Find the adoption of the proposed Resolutions of Necessity and acquisition of the fee and easement interests necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment and is excluded from NEPA in that this activity cannot individually or cumulatively have a significant effect on the human environment and no environmental assessment is required. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Initial Study/Negative Declaration (IS/ND) and its NEPA/CEQA Re-validation prepared for the Project;
4. Consider and find that the "Factual Summary to Support Findings Required in Resolutions Nos. 2012-63, 2012-64, 2012-65, and 2012-66" is true and correct as to each of the proposed Resolutions of Necessity;

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5. Consider, find and determine that each of the statements, findings and facts in each of the proposed Resolutions of Necessity is true and correct;
6. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interests to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-63

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee And The Easements In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Property [APN: 488-080-013];

7. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interests to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-64

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee And The Easements In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of

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Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Property [APNs: 488-080-014 And 488-080-017];

8. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interests to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-65

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee And The Easement In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Property [APN: 488-080-016];

9. If the City has not approved the "Agreement for Conveyance of Property" for the property identified in this proposed Resolution, adopt the following Resolution, which identifies the property by Assessor Parcel Number and the interest to be taken, by a vote of two-thirds of all members of the City Council.

Resolution No. 2012-66

A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition Of The Fee Interest In The Herein-Described Property Is Necessary For The State Route 60/Moreno Beach Interchange Improvement Project – Phase 2; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The

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Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Property [APN: 488-270-021]; and

10. Direct the City Attorney and Special Eminent Domain Counsel for the City to file appropriate actions in Eminent Domain, including making Deposits of Probable Compensation and to seek Orders for Prejudgment Possession and for all other appropriate orders.

Mayor Richard A. Stewart recused himself because of a conflict of interest regarding property described in Recommendation No. 6 as APN 488-080-013 owned by Chado & Chado Moreno Valley, Ltd. and left the Council Chamber.

Recess;

Reconvened

Mayor Pro Tem William H. Batey III announced that the Council will take actions relating to Resolution No. 2012-63 (APN: 488-080-013) and opened the public testimony portion of the public hearing for item described in Resolution No. 2012-63; there being none, public testimony was closed.

Motion to Approve Recommendation No. 2 for Resolution No. 2012-63 by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Motion to Find the adoption of the proposed Resolution of Necessity No. 2012-63 is exempt from the CEQA process pursuant to 15061 (b) of the CEQA Guidelines by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Motion to Find the proposed Resolution of Necessity 2012-63 is excluded from NEPA processes by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Motion to Approve Recommendation No. 4 for Resolution No. 2012-63 by m/Council Member Robin N. Hastings, s/Council Member Jesse L.

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Molina

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Motion to Approve Recommendation No. 5 for proposed Resolution 2012-63 by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Motion to Approve Recommendation No. 6 by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Motion to Approve Recommendation No. 10 for proposed Resolution No. 2012-63 by m/Council Member Robin N. Hastings, s/Council Member Jesse L. Molina

Approved by a vote of 4-0-1, Mayor Richard A. Stewart abstained.

Mayor Richard A. Stewart returned to the dais.

Mayor Richard A. Stewart opened the public testimony portion of the public hearing on the remaining three parcels (excluding Resolution 2012-63); there being none, public testimony was closed.

Motion to Approve Recommendation No. 2 for the remaining three parcels by m/Council Member Robin N. Hastings, s/Mayor Pro Tem William H. Batey II

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 3 by m/Council Member Robin N. Hastings, s/Mayor Pro Tem William H. Batey II

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 4 for Resolutions Nos. 2012-64, 2012-65 and 2012-66 by m/Council Member Robin N. Hastings, s/Mayor Pro Tem William H. Batey II

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 5 for the remaining three parcels by m/Council Member Robin N. Hastings, s/Mayor Pro Tem

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William H. Batey II

Approved by a vote of 5-0.

Motion to Approve Recommendations No. 7, 8 and 9 for Resolutions Nos. 2012-64, 2012-65 and 2012-66 by m/Council Member Robin N. Hastings, s/Mayor Pro Tem William H. Batey II

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 10 for the remaining three parcels by m/Council Member Robin N. Hastings, s/Mayor Pro Tem William H. Batey II

Approved by a vote of 5-0.

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

Item A.23 was pulled for separate action.

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

Motion to Approve as amended (Amended Item # 77 of Recognized Obligation Payment Schedule, ROPTS III, to include the name of the contractor - Powell Constructors Inc. and amend the amount of \$4.5 million listed on the Schedule to the amount of Purchase Order approved for Powell Constructors Inc. in Item A.16, which is \$6,693,170) by m/Mayor Pro Tem William H. Batey II, s/Council Member Marcelo Co

Approved by a vote of 5-0.

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)

Mayor Richard A. Stewart reported that a meeting on a general aviation intended use for March was held because of the use of federal funding; a small general aviation building will be built; the final tract map for medical project March LiveCare was approved.

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

G.2 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR NPDES (Report of: Public Works Department)

Recommendation: That the City Council:

Accept public comments regarding the mail ballot proceeding for Assessor Parcel Number (APN) 485-081-034 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

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

No action required.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR CSD ZONE M (Report of: Public Works Department)

Recommendation: That the CSD:

Accept public comments regarding the mail ballot proceeding for APN 485-081-034 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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

No action required.

G.4 DRAFT ENERGY EFFICIENCY AND CLIMATE ACTION STRATEGY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review the policies in the Draft Energy Efficiency and Climate Action Strategy Document and provide direction to staff in formulating a final document for consideration and approval.

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

Council's direction: come back in a year for an annual review, after

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bringing it back in October

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

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

G.5.1 Department Update: City Manager's Office. Verbal report by Assistant City Manager Assistant City Manager Michelle Dawson.

G.6 CITY ATTORNEY'S REPORT (Informational Oral Presentation - Not for Council Action) (Report of: City Attorney) - none

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

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

Vince Lauro

1. Campaigning for District 5

Deanna Reeder

1. Congratulated the City on the user-friendly City Web site

2. Highland Fairview's brochure regarding logistics center

3. Election for council seats

Victor (representing Inland United Soccer Fields)

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1. Soccer fields

Carol Wilkins

1. Cleaning up of wash at the Mountain View community by a golf course

Olive Lyons

1. Gap between the law enforcement and the community

George Hague

1. Health hazards created by warehouses/logistics centers

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

Council Member Marcelo Co

1. Relayed concerns from constituents regarding cars racing up and down the streets during daylight and nighttime hours; stated that we need to find a way to stop that; need to get the community involved to notify proper authorities
2. Observed that there are no crossing guards and no crosswalk at the new elementary school on Dracaea; we have to address this issue and assign somebody during the school hours
3. Praised the Police Department for resolving burglaries problems; received good comments from the community
4. A lot of businesses are craving for townhall meetings; they want to know what the City will do for them or with them; businesses want to stay here and need help from the City
5. Received many complains from constituents about water company charging a 70 dollars late penalty. The City has only one water company; we should have a competition to give people a choice; questioned the high prices for water; need to find a solution to this problem; water company is here to serve, not for profit
6. The most urgent issue in the City is creation of jobs
7. Regarding building more warehouses - we are only 9% built up on that;

MINUTES
August 28, 2012

we have a land and qualification of people; need to bring higher earning population to the City

8. All of us need to look forward to next year. Asked to vote for the right people for the City

Mayor Pro Tem William H. Batey III

1. Stated that South Sports Park is under construction to alleviate some of the overflow we had been experiencing with soccer and scheduling conflict; doing our best to put up fields as soon as possible

2. Addressed the issue of Edgemont's lack of improvements - The City Council made a commitment of \$13 million to improve the water district with the caveat that they will be willing to partner with the City and make the necessary improvements; that did not happen; stated he is working with the city manager to accomplish that and to bring the final resolution; the new person will need to facilitate improvements; street lights and sewer will have issues, as upgrades are expensive. Edgemont has a potential to be another job center; hopes that the entire district will be annexed to the city's maintained system in the future

3. School kids are coming back to school; asked residents to be careful while driving around schools

Council Member Robin N. Hastings

1. Enjoyed her council break and free time to spend with the family; her son visited from Kentucky

2. October 1 of this year, the City is going to be working on Moreno Beach Drive on and off ramps; the critical piece of that is the extension of Eucalyptus, which will make a huge difference to people who live, work and shop on the east end of the City; further improvements of Nason Street will allow for free flow of traffic; is thrilled that we are moving forward with additional improvements

3. On October 13, starting at 10 a.m., Artober Fest will be held at the Conference and Recreation Center - anybody with artistic endeavors, please contact the Arts Commission or go to the City's Web site; also that evening the MASH Bash will be held at the March Field Air Museum; tickets are available at the March Field Museum Web site

4. On October 24, a ribbon cutting for the Morrison Park Fire Station will be held; appreciates the support from staff and colleagues to make this happen

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5. On August 10, the funeral for Laura Froehlich was held - Ms. Froehlich has done a lot for our troops - since 9/11, she started meeting all troops that were deploying and returning to March base and raised money for troops; donations for troops are accepted now through Visterra Credit Union; requested to adjourn the meeting in memory of Laura Froehlich
6. Stated that she didn't vote for the use of general fund money for Rancho Bellago signs and that she doesn't support doing that now

Council Member Jesse L. Molina

1. Reiterated what Council Member Co said about water issues and high prices of water - lawns are drying up
2. Concerned about racing and requested speed humps; kids like to have fun riding motorcycles, but they don't realize that they are dangerous to other people
3. PUC controls electric utility company; questioned who controls rates of water company; water rates are going up; it's hard to keep green lawn
4. Moreno Valley is a great place to live; we have to work together to resolve issues, and together we can do it
5. We need more sports parks, specially soccer fields, practice fields; a new sports park will be built at the Moreno Valley college; need more centralized fields so the kids can walk to practice sports
6. Lack of jobs and things to do; need to bring jobs back to Moreno Valley; we are bouncing back up right now; always is looking what can be done

Mayor Richard A. Stewart

1. Attended with Council Member Co Eagle Scout Court of Honor on August 15; the project was improving baseball facilities
2. Attended 96th birthday party of one of the Planning Commissioner's mother
3. Attended a Hindu event at the Conference and Recreation Center with a very well known religious speaker from India who flew in by a helicopter; a very interesting event; a similar event might be held next year
4. Stated that a Waste Management truck driver received a special award for helping a 12 year old girl who was being attempted to be abducted - this shows a good citizen getting involved to help a citizen and police; asked if you see something going on, if you have a chance to assist an

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officer, please get involved; suggested to give awards to good samaritarians who get involved; most of major crimes are solved because concerned citizens report the information

5. Regarding newspaper article about the State of the City speech - covered important things in his speech; we have so much going on the City's south end, many projects bringing jobs

6. Regarding soccer fields - we have land available at March; plans have been drawn, but federal custom restricted it

7. Warehouses are using clean energy, electric forklifts, clean vehicles, and have restrictions on running vehicles

8. Supports big and small businesses; it is all part of the great plan

9. On October 13, MASH Bash will be held

10. On October 26, Mayor's event will be held with theme of Italian wedding; will be a fun event

11. On November 9 at the March Museum, a Boy Scouts Distinguished Citizen Dinner will be held

CLOSED SESSION - Canceled

Motion to Adjourn in memory of Laura Froehlich by m/Council Member Robin N. Hastings, s/Mayor Pro Tem William H. Batey II

Approved by a vote of 5-0.

MINUTES
August 28, 2012

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:22 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

MINUTES
August 28, 2012

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

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: September 11, 2012

TITLE: COOPERATIVE AGREEMENT WITH THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE SUNNYMEAD MASTER DRAINAGE PLAN LINE P-6, STAGE 2 (PROJECT NO. 4-0-00716)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Cooperative Agreement with the Riverside County Flood Control and Water Conservation District (the District) for the Sunnymead Master Drainage Plan Line P-6, Stage 2;
2. Authorize the City Manager to execute the Cooperative Agreement; and
3. Direct the City Clerk to forward the signed Cooperative Agreement to the District.

BACKGROUND

On April 12, 1988 the District, the City of Moreno Valley and the Redevelopment Agency (RDA) of the City of Moreno Valley entered into a Cooperative Agreement ("1988 Agreement") to establish potential flood control projects within redevelopment areas. Although some of the potential projects were identified as eligible for financing with future RDA tax increments, the 1988 Agreement did not obligate the City of Moreno Valley or the RDA to construct all or any of the projects. The Sunnymead Master Drainage Plan Line P-6, Stage 2 is listed in the as one of the potential flood control improvements that is not eligible for financing.

DISCUSSION

The Cooperative Agreement for the Sunnymead Master Drainage Plan Line P-6, Stage 2 identifies the City’s and the District’s responsibilities in regard to the construction, inspection, and maintenance of the storm drain facilities. The project is located on Eucalyptus Avenue east of Perris Boulevard and the facilities include approximately 700 linear feet of 36-inch reinforced concrete pipe as well as associated laterals and catch basins. The District, at its sole cost and expense, will be the lead agency responsible for the design, specification documents, construction and inspection of the facilities. The City will take part in the plan review, permit issuance and inspection of the facilities. Once the District determines that the project is complete and provides the City with a Notice of Completion, the City will accept the operation and maintenance of the facilities.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of agenda

EXHIBITS

Attachment 1 - Vicinity Map

Attachment 2 – Cooperative Agreement Sunnymead MDP Line P-6, Stage 2

Prepared By
Vicente Giron
Associate Engineer

Department Head Approval
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

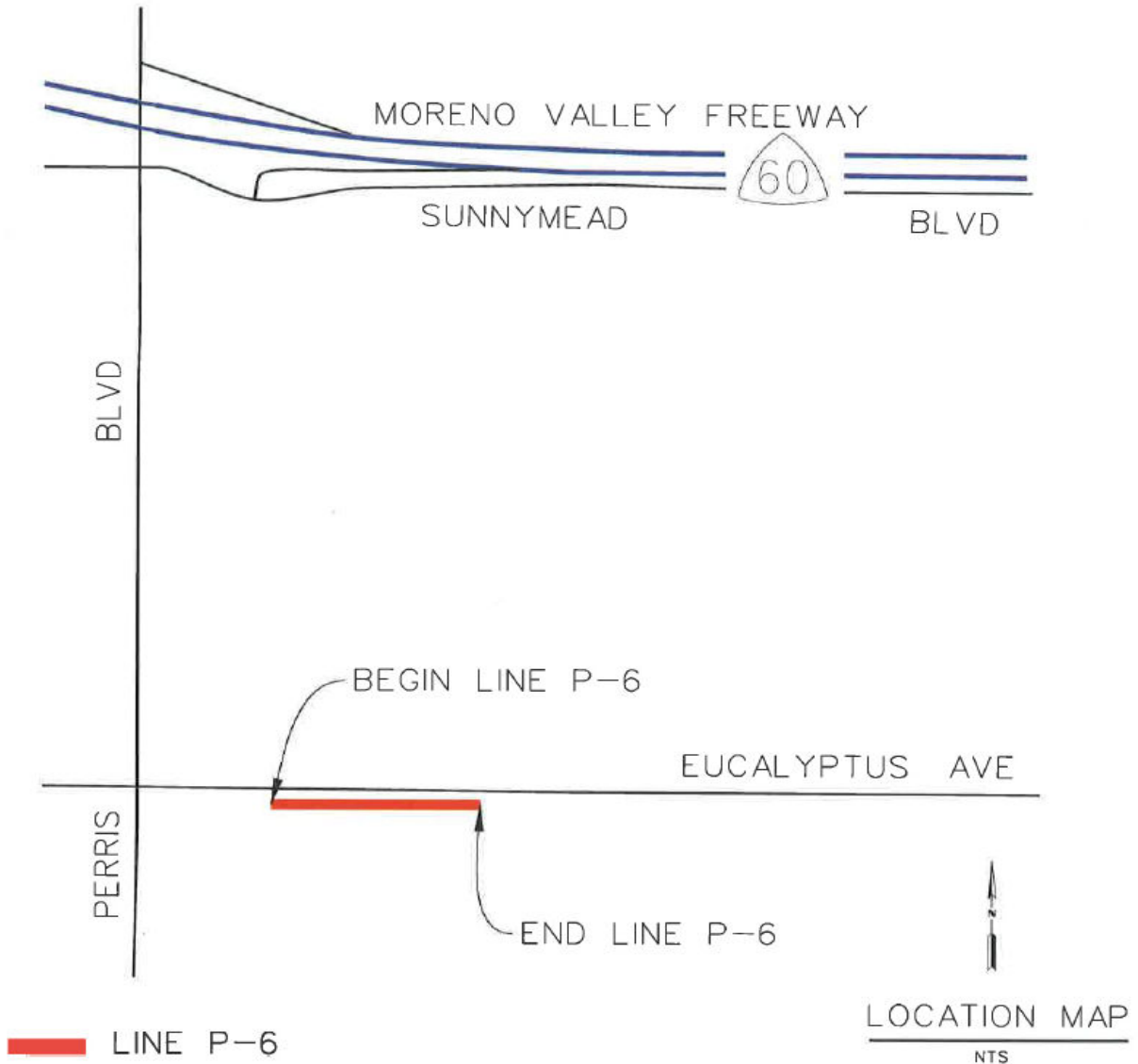
Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Concurred By
Barry Foster
Community & Economic Development Director

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

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SUNNYMEAD MDP LINE P-6
 STAGE 2
 PROJECT NO. 4-0-00716



CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
 Attachment 1

Sunnymead MDP
Line P-6, Stage 2
VICINITY MAP

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2012\9-11-12 - RCFCWCD Cooperative Agreement Line P-6 Stage 2 Attachment 1.doc

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1 COOPERATIVE AGREEMENT
2 SUNNYMEAD MDP LINE P-6, STAGE 2
3 (Project No. 4-0-00716)

4 The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION
5 DISTRICT, hereinafter called "DISTRICT", and the CITY OF MORENO VALLEY,
6 hereinafter called "CITY", hereby agree as follows:

7 RECITALS

8 A. DISTRICT has planned and budgeted for the construction of Sunnymead Master
9 Drainage Plan (MDP) Line P-6, Stage 2, hereinafter called "PROJECT", as shown in concept on
10 Exhibit "A" attached hereto and made a part hereof. PROJECT will be connected to an existing
11 underground storm drain located within Eucalyptus Avenue east of Perris Boulevard in the City
12 of Moreno Valley; and

13 B. PROJECT, as shown on DISTRICT Drawing No. 4-1030, consists of
14 approximately 700 lineal feet of reinforced concrete pipe along with associated connector pipes
15 and catch basins; and

16 C. DISTRICT is willing to (i) prepare plans and specifications for PROJECT in
17 accordance with applicable DISTRICT and CITY standards, (ii) advertise, award and administer
18 a public works construction contract for PROJECT, (iii) inspect the construction of PROJECT,
19 and (iv) fund all costs for the design, construction and inspection of PROJECT as set forth
20 herein; and

21 D. Construction of PROJECT will benefit CITY through reduced maintenance of its
22 streets and improved traffic safety during periods of flooding to the extent that CITY is willing
23 to (i) review and approve plans and specifications for PROJECT, (ii) grant DISTRICT the right
24 to construct PROJECT within CITY rights of way, and (iii) upon completion of the construction
25 of PROJECT, assume ownership, operation and maintenance responsibility of PROJECT; and
26

27 Attachment 2
28

1 E. The purpose of this Agreement is to memorialize the understandings by and
2 amongst CITY and DISTRICT with respect to the funding, construction, inspection, ownership,
3 operation and maintenance of PROJECT; and

4 F. It is in the best interest of the public to proceed with the construction of PROJECT
5 at the earliest possible date.

6 NOW THEREFORE, the parties hereto mutually agree as follows:

7 SECTION I

8 DISTRICT shall:

9
10 1. Prepare, at its sole cost and expense, construction plans and specification
11 documents for PROJECT in accordance with applicable DISTRICT and CITY standards and
12 submit to CITY for review and approval prior to advertising a public works construction
13 contract for PROJECT.

14 2. Pursuant to the California Environmental Quality Act (CEQA), act as the Lead
15 Agency and assume responsibility for the preparation, circulation, and adoption of all necessary
16 and appropriate CEQA documents pertaining to the construction, operation and maintenance of
17 PROJECT.
18

19 3. Secure, at its sole cost and expense, all necessary environmental, permits, licenses,
20 agreements, approvals, rights of way, rights of entry and temporary construction easements as
21 may be necessary for the construction, operation and maintenance of PROJECT unless
22 otherwise provided herein.
23

24 4. Advertise, award and administer a public works contract for the construction of
25 PROJECT.

26 5. Provide CITY with written notice that DISTRICT has awarded a construction
27 contract for PROJECT.
28

1 6. Notify CITY in writing at least twenty (20) days prior to the start of construction of
2 PROJECT.

3 7. Construct or cause to be constructed, PROJECT pursuant to a DISTRICT
4 administered public works contract in accordance with DISTRICT and CITY approved plans
5 and specifications and pay all costs associated therewith.

6 8. Inspect the construction of PROJECT including all surveying and materials testing.

7 9. At its own expense, relocate all sanitary sewers and all other utilities which conflict
8 with the construction of PROJECT and cannot be ordered to relocate by CITY at the utility
9 company's expense.

10 10. Within two (2) weeks of completing PROJECT construction, provide CITY with
11 written notice that PROJECT construction is substantially complete and request CITY to
12 conduct a final inspection of PROJECT.

13 11. Provide CITY with a copy of the Notice of Completion.

14 12. Provide CITY with a duplicate copy of 'Record Drawing' plans for PROJECT
15 following DISTRICT'S acceptance of PROJECT construction as being complete.

16
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18 SECTION II

19 CITY shall:

20 1. Review and approve PROJECT plans and specifications, at its sole cost and
21 expense, prior to DISTRICT advertising PROJECT for construction bids.

22 2. Grant DISTRICT, by execution of this Agreement, all rights to construct, inspect
23 operate and maintain PROJECT within CITY rights of way.

24 3. Issue a no fee encroachment permit to DISTRICT'S contractor(s) to construct
25 PROJECT within CITY rights of way.
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1 4. With the exception of sanitary sewers, relocate, or cause to be relocated at its own
2 expense, all CITY owned utilities that are in conflict with the construction of PROJECT.

3 5. Order the relocation of all utilities installed by permit or franchise within CITY
4 rights of way that are in conflict with the construction of PROJECT and which must be
5 relocated at the utilities company's expense.

6 6. Inspect construction of PROJECT, at its sole cost and expense, as set forth in
7 Section III.1.

8 7. Upon receipt of DISTRICT'S written notice that PROJECT construction is
9 substantially complete as set forth in Section I.10, conduct a final inspection of PROJECT.
10

11 8. Accept ownership and sole responsibility for the operation and maintenance of
12 PROJECT upon (i) receipt of DISTRICT'S Notice of Completion as set forth in Section I.11 and
13 (ii) receipt of a duplicate copy of 'Record Drawing' plans for PROJECT as set forth in Section
14 I.12.

15 SECTION III

16 It is further mutually agreed:

17
18 1. CITY personnel may observe and inspect all work being done on PROJECT but
19 shall provide any comments to DISTRICT personnel who shall be responsible for all
20 communications with DISTRICT construction contractor(s).

21 2. Except as otherwise provided herein, all construction work involved with
22 PROJECT shall be inspected by DISTRICT but shall not be deemed complete until DISTRICT
23 and CITY mutually agree that construction is completed.
24

25 3. In the event CITY desires to include any additional work as part of PROJECT,
26 CITY shall submit a written request to DISTRICT describing the additional work desired and
27 agree to pay DISTRICT for any agreed upon work requested. Payment for any additional work
28

1 shall be based upon actual quantities of materials installed at the contract unit prices bid or at the
2 negotiated change order prices.

3 4. CITY shall indemnify, defend, save and hold harmless DISTRICT and the County
4 of Riverside (including their respective officers, districts, special districts and departments, their
5 respective directors, officers, Board of Supervisors, elected and appointed officials, employees,
6 agents, representatives, independent contractors, and subcontractors) from any liabilities, claim,
7 damage, proceeding or action, present or future, based upon, arising out of or in any way
8 relating to CITY (including its officers, elected and appointed officials, employees, agents,
9 representatives, independent contractors, and subcontractors) actual or alleged acts or omissions
10 related to this Agreement, performance under this Agreement, or failure to comply with the
11 requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily
12 injury or death; (c) payment of attorney's fees; or (d) any other element of any kind or nature
13 whatsoever.
14

15 5. DISTRICT shall indemnify, defend, save and hold harmless CITY (including its
16 officers, elected and appointed officials, employees, agents, representatives, independent
17 contractors, and subcontractors) from any liabilities, claim, damage, proceeding or action,
18 present or future, based upon, arising out of or in any way relating to DISTRICT (including its
19 officers, Board of Supervisors, elected and appointed officials, employees, agents,
20 representatives, independent contractors, and subcontractors) actual or alleged acts or omissions
21 related to this Agreement, performance under this Agreement, or failure to comply with the
22 requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily
23 injury or death; (c) payment of attorney's fees; or (d) any other element of any kind or nature
24 whatsoever.
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1 6. Any waiver by DISTRICT or CITY of any breach by the other of any one or more
2 of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other
3 breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to
4 require from the others exact, full and complete compliance with any terms of this Agreement
5 shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or
6 CITY from enforcement hereof.

7 7. Any and all notices sent or required to be sent to the parties of this Agreement will
8 be mailed by first class mail, postage prepaid, to the following addresses:

9
10 RIVERSIDE COUNTY FLOOD CONTROL CITY OF MORENO VALLEY
11 AND WATER CONSERVATION DISTRICT 14177 Frederick Street
12 1995 Market Street Moreno Valley, CA 92553
13 Riverside, CA 92501 Attn: Mark Sambito
14 Attn: Design I Section

15 8. If any provision in this Agreement is held by a court of competent jurisdiction to
16 be invalid, void or unenforceable, the remaining provisions shall remain in full force and effect
17 without being impaired or invalidated in any way.

18 9. This Agreement is to be construed in accordance with the laws of the State of
19 California.

20 10. This Agreement is made and entered into for the sole protection and benefit of the
21 parties hereto. No other person or entity shall have any right of action based upon the
22 provisions of this Agreement.

23 11. This Agreement is the result of negotiations between the parties hereto, and with
24 the advice and assistance of their respective counsel. No provision contained herein shall be
25 construed against DISTRICT solely because, as a matter of convenience, it prepared this
26 Agreement in its final form.
27
28

1 12. This Agreement is intended by the parties hereto as a final expression of their
2 understanding with respect to the subject matter hereof, and is a complete and exclusive
3 statement of the terms and conditions thereof. This Agreement may be changed or modified
4 only upon the written consent of the parties hereto.

5 13. This Agreement may be executed and delivered in any number of counterparts or
6 copies, hereinafter called "COUNTERPART", by the parties hereto. When each party has
7 signed and delivered at least one COUNTERPART to the other parties hereto, each
8 COUNTERPART shall be deemed an original and, taken together, shall constitute one and the
9 same Agreement, which shall be binding and effective as to the parties hereto.
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IN WITNESS WEHREOF, the parties hereto have executed this Agreement on

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(to be filled in by the Clerk of the Board)

RECOMMENDED FOR APPROVAL: **RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
NEAL R. KIPNIS
Deputy County Counsel

By _____
Deputy

(SEAL)

Cooperative Agreement: Sunnymead MDP Line P-6, Stage 2
5/3/12
EWR:bjj

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RECOMMENDED FOR APPROVAL:

CITY OF MORENO VALLEY

By _____
AHMAD ANSARI
Public Works Director/City Engineer

By _____
HENRY GARCIA
City Manager

APPROVED AS TO FORM:

ATTEST:

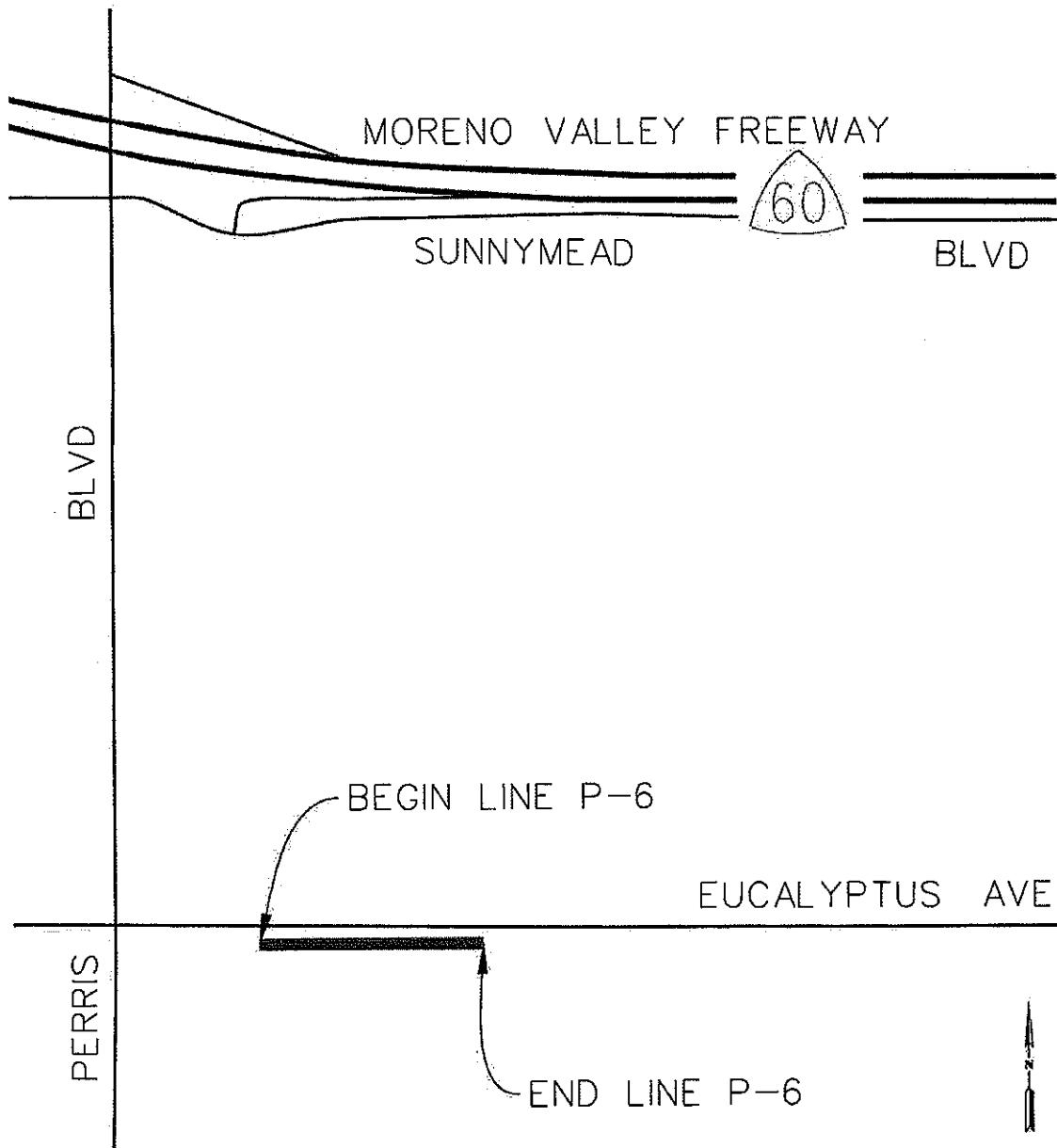
By _____
ROBERT HANSEN
City Attorney

By _____
JANE HALSTEAD
City Clerk

(SEAL)

Cooperative Agreement: Sunnymead MDP Line P-6, Stage 2
5/3/12
EWR:blj

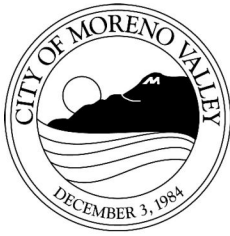
SUNNYMEAD MDP LINE P-6
STAGE 2
PROJECT NO. 4-0-00716



█ LINE P-6

LOCATION MAP
NTS

EXHIBIT "A"



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

Report to City Council

TO: Mayor and Members of the City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: September 11, 2012

TITLE: APPROVE AN AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO PERMIT THE PROVISION OF PACE SERVICES STATEWIDE

RECOMMENDED ACTION

Staff recommends that the City Council approve an amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to permit the provision of PACE services statewide.

BACKGROUND

In December, 2009, the City of Moreno Valley adopted a Resolution of Participation and an Implementation Agreement that allowed for the Western Riverside Council of Governments (WRCOG) to develop and implement a Property Assessed Clean Energy (PACE) Program. Called the HERO Program in Western Riverside County, this program allows property owners in the City to finance energy efficiency, water conservation, and renewable energy projects and to pay that financing back through a voluntary assessment on the property owner's tax bill. The HERO Program has both a residential and commercial component.

DISCUSSION

Since its launch in late 2011, WRCOG's HERO Program has been very successful. Currently, the residential component of the HERO Program has approved nearly \$50 million in financing for projects. Due to the Program's success, WRCOG staff has been examining the possibility of creating a Statewide HERO Program that would allow other jurisdictions in the California to offer HERO to its property owners under a program that would be administered by WRCOG. Jurisdictions that elect to participate in WRCOG's

Program would see considerable benefit as they would avoid the costs and considerable time it takes to develop a program from scratch. WRCOG, by providing a turn-key administrative service, would benefit by receiving revenues for the services provided.

There are two options that WRCOG can pursue in meeting its objective to implement a statewide program. These options include: 1) using WRCOG's current Joint Powers Agreement (JPA); or 2) creating a new JPA with a member agency. WRCOG staff is in the process of examining both options and will be making further recommendations to the WRCOG Executive Committee regarding the pros and cons of each option. Regardless of which option the WRCOG Executive Committee selects, the member jurisdictions need to take formal action to adopt the attached amendment to the JPA (attached).

ALTERNATIVES

1. Approve an amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to permit the provision of PACE services statewide. **Staff recommends this alternative as it will encourage energy and water efficiency in other jurisdictions and provide WRCOG with revenues.**

2. Not approve an amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to permit the provision of PACE services statewide. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no fiscal impact to the City.

CITY COUNCIL GOALS

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

ATTACHMENT

Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Permit the Provision of PACE Services statewide.

Prepared By:
Michelle Dawson
Assistant City Manager

Department Head Approval:
Michelle Dawson
Assistant City Manager

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

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**AMENDMENT TO THE JOINT POWERS AGREEMENT OF
THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO PERMIT THE PROVISION OF PACE SERVICES**

This Amendment to the Joint Powers Agreement (“Amended Agreement”) is made and entered into on the 11th day of September, 2012, by and between seventeen cities located within Western Riverside County and the County of Riverside (collectively the “Parties”).

RECITALS

WHEREAS, seventeen cities located within Western Riverside County and the County of Riverside have entered into a Joint Powers Agreement on April 1, 1991, and through subsequent amendments thereto (the “JPA”), to form the Western Riverside Council of Governments (“WRCOG”); and

WHEREAS, on July 21, 2008, Assembly Bill 811 (“AB 811”) was signed into law to amend Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) to authorize cities, counties, and cities and counties to establish voluntary contractual assessment programs to fund various renewable energy sources and energy efficiency improvements to property, commonly referred to as a Property Assessed Clean Energy (“PACE”) program; and

WHEREAS, the Legislative intent of AB 811 is to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to residential, commercial, industrial, or other real property; and

WHEREAS, Chapter 29 was subsequently amended by the enactment of AB 474 effective January 1, 2010, to enable a PACE program established pursuant to Chapter 29 to finance the installation of water efficiency improvements in addition to the improvements authorized to be financed pursuant to AB 811;

WHEREAS, WRCOG is authorized to implement the purposes of Chapter 29 to establish a PACE program pursuant to the provisions of Government Code Section 6502; and

WHEREAS, WRCOG has determined that it is within the best interests of the communities that it serves, and the State of California, for WRCOG to provide a PACE program pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, including the operation of a PACE financing program within Riverside County as well as outside Riverside County; and

WHEREAS, WRCOG desires to allow jurisdictions outside WRCOG’s jurisdictional boundaries to participate in WRCOG solely for the purpose of facilitating WRCOG’s implementation of PACE programs within their jurisdictional boundaries, but without providing

those local jurisdictions any of the rights common to the members within WRCOG’s jurisdiction pursuant to the JPA; and

WHEREAS, pursuant to Government Code sections 6500 *et seq.*, the parties to the JPA desire to amend the JPA to allow for the provision of PACE services, including the operation of a PACE financing program within and outside Riverside County.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1: The last sentence of Section 2.1 of the Agreement shall be amended to read as follows”

“Only the parties identified in this section and Associate Members approved under section 8.2 of this Agreement, if any, shall be considered contracting parties to this Agreement under Government code section 6502, provided that the rights of any Associate Member under this Agreement shall be limited solely those rights expressly set forth in a PACE Agreement authorized in section 8.2 of this Agreement.”

Section 2: The heading of Section VIII to the JPA is hereby amended to read as follows:

“PACE IMPLEMENTATION AND PARTICIPATION AGREEMENTS;
ASSOCIATE MEMBERSHIP”.

Section 3: Section 8.2 shall be added to the JPA and shall read as follows:

8.2 PACE Agreements; Associate Membership.

WRCOG shall be empowered to establish and operate one or more Property Assessed Clean Energy (“PACE”) programs pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code, and to enter into one or more agreements, including without limitation, participation agreements, implementation agreements and joint powers agreements and amendments thereto to fulfill such programs both within and outside the jurisdictional boundaries of WRCOG.

WRCOG, acting through its Executive Committee, shall be empowered to establish an “Associate Member” status that provides membership in WRCOG to local jurisdictions that are outside WRCOG’s jurisdictional boundaries but within whose boundaries a PACE program will be

established and implemented by WRCOG. Said local jurisdictions shall become Associate Members of WRCOG by adopting one or more agreements (the "PACE Agreement") on the terms and conditions established by the Executive Committee and consistent with the requirements of the Joint Exercise of Powers Act, being 5 of Division 7, Title 1 of the California Government Code (Sections 6500 et seq.) The rights of Associate Members shall be limited solely to those terms and conditions expressly set forth in the PACE Agreement for the purposes of implementing the PACE program within their jurisdictional boundaries. Except as expressly provided for by the PACE Agreement, Associate Members shall not have any rights otherwise granted to WRCOG's members by this Agreement, including but not limited to the right to vote, right to amend this Agreement, and right to sit on committees or boards established under this Agreement or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee.

Section 4: This amendment is to become effective in accordance with Section 9.1 of the JPA.

Section 5: All other provisions and terms of the JPA are to remain unchanged.

Section 6: This Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Parties hereto have caused this Amended Agreement to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

**SIGNATURE PAGE TO THE
AMENDMENT TO THE JOINT POWERS AGREEMENT OF
THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO PERMIT THE PROVISION OF PACE SERVICES**

ATTEST:

City Clerk
City of Banning

CITY OF BANNING

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Calimesa

CITY OF CALIMESA

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Canyon Lake

CITY OF CANYON LAKE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Corona

CITY OF CORONA

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Eastvale

CITY OF EASTVALE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Hemet

CITY OF HEMET

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Jurupa Valley

CITY OF JURUPA VALLEY

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Lake Elsinore

CITY OF LAKE ELSINORE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Meniffee

CITY OF MENIFEE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Moreno Valley

CITY OF MORENO VALLEY

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Murrieta

CITY OF MURRIETA

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Norco

CITY OF NORCO

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Perris

CITY OF PERRIS

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Riverside

CITY OF RIVERSIDE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of San Jacinto

CITY OF SAN JACINTO

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Temecula

CITY OF TEMECULA

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Wildomar

CITY OF WILDOMAR

By: _____

By _____
Mayor

Dated: _____

ATTEST:

County Clerk
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

ORDINANCE NO. 851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030, "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

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

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibits A through E.

1.4 The item was first heard as a public hearing by the City Council on July 12, 2011. At said meeting the item was continued to a study session meeting in March/April of 2012.

1.5 The item was discussed at City Council Study Session on April 3, 2012, with Council directing staff to place on an agenda for public hearing in August of 2012.

1.6 A second City Council public hearing was conducted for the project on August 28, 2012.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on August 28, 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 modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

ATTACHMENT 2

FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use. All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations** – The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare** – The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas.

Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

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

SECTION 5: NOTICE OF ADOPTION:

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

SECTION 6: EFFECTIVE DATE:

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

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

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

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

I, Jane Halsted, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 851 had its first reading on August 28, 2012, and had its second reading on September 11, 2012, and 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 September, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent or equivalent light intensity and 26 watts compact fluorescent or equivalent light intensity, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent or equivalent light intensity and 26 watts compact fluorescent or equivalent light intensity, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts or equivalent light intensity of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts or equivalent light intensity of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaires and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4. Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

- I. Lighting Exemptions. The following lighting is exempt from this Chapter:
 1. Swimming pool lighting
 2. Lighting for exit signs and other illumination required by the building code
 3. Lighting for exterior stairs and ramps, as required by the building code
 4. Decorative lighting, as approved by the Community and Economic Development Director
 5. Holiday and temporary lighting
 6. Low voltage landscape lighting
 7. Lights used for the illumination of flags as required by law.
 8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.
 9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.
 10. Exposed string outdoor lighting is exempt provided that:
 - a. Lighting shall consist exclusively of white light with a clear bulb;
 - b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.
- J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:
 1. The location of the site where the outdoor light fixtures will be installed;
 2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;
 3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.08.190 Street lighting.

~~_____ A. _____ Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~_____ B. _____ Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~_____ 1. _____ A utility owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~_____ 2. _____ A municipally owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~_____ C. _____ If a utility owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~_____ D. _____ If a municipally owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~_____ E. _____ Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility owned system and the public works director. (Ord. 359 (part), 1992)~~

EXHIBIT B

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9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.
2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.
3. Clustering of development on flatter areas of the site is strongly encouraged.
4. Dwelling units and structures shall be sited in a manner that will:
 - a. Retain outward views from each unit;
 - b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;
 - c. Preserve natural hydrology, native plant materials and areas of historic significance.
5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:
 - a. Use the natural ridgeline as a backdrop for structures;
 - b. Use landscape plant materials as a backdrop;
 - c. Use the structure to conceal cut slopes;
 - d. Retain major natural skyline profiles;
 - e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

EXHIBIT C

6. Encourage smaller pad to lot size ratios for all dwelling units.
 7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.
- B. Architectural Design. The following architectural design standards shall apply:
1. Building development color palettes, including roofing, fencing and exterior building materials, shall be “earth tones” compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.
 2. The design of the structure should give consideration to the lot’s size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.
 3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous “cookie-cutter” look.
 4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.
 5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.
 6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.
 7. The use of undulating walls that follow the land form are highly encouraged.
 8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.
 9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.
2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.
3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.
4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.
5. Road, driveway and walkway lights should be located on the “downhill” side and aimed toward the “uphill” side and should be fully shielded from below and only light the driveway surface.
6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.
7. Street lighting shall be limited to the greatest degree feasible to maintain a “dark sky” environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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“Land use ordinance” means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). “Minimum maintained lighting” means a method of measuring light at the ground level.

9.15.030

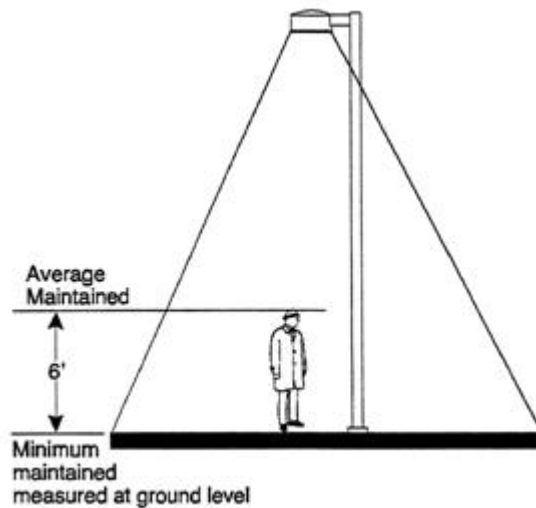


Figure 9.15.030-10

Lighting (Minimum Maintained)

“Light Trespass” means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

“Livestock” means and includes cows, bulls, calves and heifers, except pigs.

“Live/work unit” means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

EXHIBIT D

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9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.
2. Lighting should improve the visual identification of residences and businesses.
3. Energy efficient lighting of buildings is encouraged.
4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.
5. The location, color and intensity of private lighting should relate to and complement public lighting.
6. Lighting fixture design should complement the overall design theme of the project in which they are located.
7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.
8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

EXHIBIT E

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ORDINANCE NO. 852

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, (PA11-0013) AMENDING TITLE 9 CHAPTER 9.11, SECTION 9.11.040, "OFF STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENCY WITH THE CURRENT 2011 CALIFORNIA GREEN BUILDING CODE STANDARDS REQUIRING LOW-EMITTING, FUEL-EFFICIENT AND CARPOOL AND VANPOOL VEHICLE PARKING FOR NEW NON-RESIDENTIAL USES CITYWIDE

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

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on August 28, 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 modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The proposed modifications to the existing Municipal Code standards to require low-emitting, fuel efficient and carpool/vanpool vehicle parking for all new non-residential uses provides consistency with the 2011 California Green Building Code standards currently in place. The proposed Municipal Code modification and amendment is consistent with, and does not conflict with the goals, objectives, policies, and programs established within the General Plan.

ATTACHMENT 2

2. **Conformance with Zoning Regulations** – The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

FACT: The primary purpose of modifying current Municipal Code items related to carpool and vanpool vehicle parking provides consistency with the 2011 Green Building Code standards. The amendments and newly established language within the Municipal Code are consistent with applicable zoning standards, all other regulations within the Code and are internally consistent with the purpose and intent of Title 9. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare** – The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption, as there is no possibility that the modification of existing Municipal Codes related to present and future energy efficiency may have a significant effect on the environment, while the activity in this case would not be subject to CEQA requirements. The proposed amendment also does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

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

SECTION 5: NOTICE OF ADOPTION:

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

SECTION 6: EFFECTIVE DATE:

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

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

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

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

I, Jane Halsted, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 852 had its first reading on August 28, 2012 and had its second reading on September 11, 2012, and 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 September, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

9.11.040 Off-street parking requirements.

EXHIBIT A

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

Table 9.11.040A-12

Off-Street Parking Requirements

Use	Requirement	Covered Parking	Notes
Residential Uses			
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units			Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Studio	1.25/unit	1 covered/unit	
1 bedroom	1.5/unit	1 covered/unit	
2 bedrooms	2.0/unit	1 covered/unit	
3+ bedrooms	2.5/unit	2 covered/unit	
Senior housing			
Studio	1.0/unit	1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A)
1 bedroom	1.25/unit	1 covered/unit	

2+ bedrooms	1.5/unit	1 covered/unit	of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like).
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	

Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Commercial Uses	Requirement	Notes
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum.
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	

Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

Table 9.11.040D-12

Off-Street Parking Requirements

Use	Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

No. of Automobile Spaces Provided	No. of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5

151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

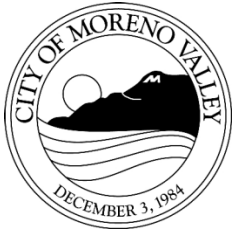
9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 826 § 3.4, 2011; Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359, 1992)

C. Low Emitting Fuel Efficient Carpool/Vanpool Vehicle Parking

1. Eight (8) percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool /vanpool vehicles for all new non-residential development.

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: September 11, 2012

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of August 22 – September 4, 2012.

<i>Reports on Reimbursable Activities</i> August 22 – September 4, 2012		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co	8/23/12	State of the City
Robin N. Hastings		None
Jesse L. Molina	8/23/12	State of the City
Richard A. Stewart	8/23/12	State of the City

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

Department Head Approval:
Jane Halstead
City Clerk

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

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**MINUTES - REGULAR MEETING OF AUGUST 28, 2012
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MINUTES - REGULAR MEETING OF AUGUST 28, 2012
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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**MINUTES - REGULAR MEETING OF AUGUST 28, 2012
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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

Report to City Council

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

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

AGENDA DATE: September 11, 2012

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR NPDES

PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR CSD ZONE M

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, after conducting the Public Hearing and accepting public testimony:

1. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballot for Assessor Parcel Number (APN) 485-081-034;
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 accepted Official Tally Sheet; and
4. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APN 485-081-034.

Staff recommends that the City Council, acting in its capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

1. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for APN 485-081-034;
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 accepted Official Tally Sheet; and
4. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APN 485-081-034.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

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

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Conditions of Approval for APN 485-081-034 require that a funding source be provided to help support the NPDES and the CSD Zone M programs. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owner of APN 485-081-034 ("Property Owner") the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. The Property Owner is given two opportunities to address the legislative body. These two opportunities are the Public Meeting which was held on August 28, 2012 and the Public Hearing on September 11, 2012, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the Property Owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance

records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballot is approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

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

The CSD Zone M annual charge was estimated based on the parcel's front linear footage to the existing Perris Blvd. median. Upon approval of the charge, APN 485-081-034 will be subject to the annual charge. If the APN is subdivided in the future the CSD Zone M charge shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing**, tabulate the ballots, verify, and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet, receive and file with the City Clerk's office the accepted Official Tally Sheet, and if approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate and the annual charge for CSD Zone M to APN 485-081-034 (and any division thereof). *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*
2. **Do not conduct the Public Hearing**, tabulate the ballots, verify, or accept the results of the mail ballot proceeding for APN 485-081-034. *This alternative would be contrary to Proposition 218 mandates.*

FISCAL IMPACT

For fiscal year (FY) 2012/13, the NPDES annual regulatory rate and estimated CSD Zone M charge is as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
APN 485-081-034 (and any division thereof)	\$218	\$850.68

Beginning in FY 2013/14, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

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

The CSD Zone M annual charge, paid by the adjacent new developments, provides funding for the maintenance of improved medians within the CSD. The property owner of APN 485-081-034 is being balloted to provide a funding source for the maintenance costs of an existing median. The CSD Zone M charge will offset a portion of the funds collected from the contributing parcels adjacent to this median. **Collection of the CSD Zone M annual charges are restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy

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

Community Image, Neighborhood Pride, and Cleanliness

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

Revenue Diversification and Preservation

The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for APN 485-081-034.

NOTIFICATION

The Property Owner was given the required 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, NPDES and Zone M ballots, instructions for marking and returning the ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the August 28, 2012, Public Meeting and September 11, 2012, Public Hearing was published in The Press-Enterprise on August 9, 2012. Additionally, the Public Hearing notification was published on August 23 and again on August 30, 2012.

ATTACHMENTS

Attachment 1: Mail Ballot Packet for APN 485-081-034

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Ahmad R. Ansari, P.E.,
Public Works Director/City Engineer

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

Concurred by:
Mark Sambito,
Engineering Division Manager

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

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Professors Fund IV
Attention: Bob Emri
990 Highland Dr., Suite 204
Solana Beach, CA 92075

July 5, 2012

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 485-081-034

******* OFFICIAL BALLOTS ENCLOSED *******

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Number (APN) 485-081-034 the opportunity to express support or opposition for the approval of the NPDES regulatory rate and services and for inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

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

CSD Zone M Charge

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

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate

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

CSD Zone M Charge

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

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate

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

CSD Zone M Charge

The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 485-081-034 is subdivided in the future. The charge levied shall not exceed the charge previously approved by the property owner.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate

For FY 2012/13, the NPDES maximum commercial/industrial regulatory rate is \$218 per parcel. The total amount of the NPDES rates levied for FY 2011/12 for the program as a whole was \$396,356.

CSD Zone M Charge

The CSD Zone M annual charge for FY 2012/13 for the existing Perris Blvd. median is \$850.68. The total amount of the CSD Zone M charges levied for FY 2011/12 for the program as a whole was \$156,303.84.

Annual Adjustment

NPDES Maximum Commercial/Industrial Regulatory Rate

Beginning in FY 2013/14, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

CSD Zone M Charge

Beginning in FY 2013/14, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 485-081-034 (and any division thereof) and shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Upon approval, the CSD Zone M charge shall be placed on the Riverside County property tax bill. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

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

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, August 28, 2012 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 11, 2012 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

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

Effect if Inclusion into and Approval of the Charges are Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if the ballot is marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballot is marked in favor of the annual charge.

Effect if Inclusion into and Approval of the Charges are Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If the returned valid ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If the returned valid ballot is marked opposing the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

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

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the two enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 11, 2012**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or









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

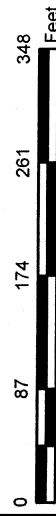
Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

Tentative Parcel Map 36449

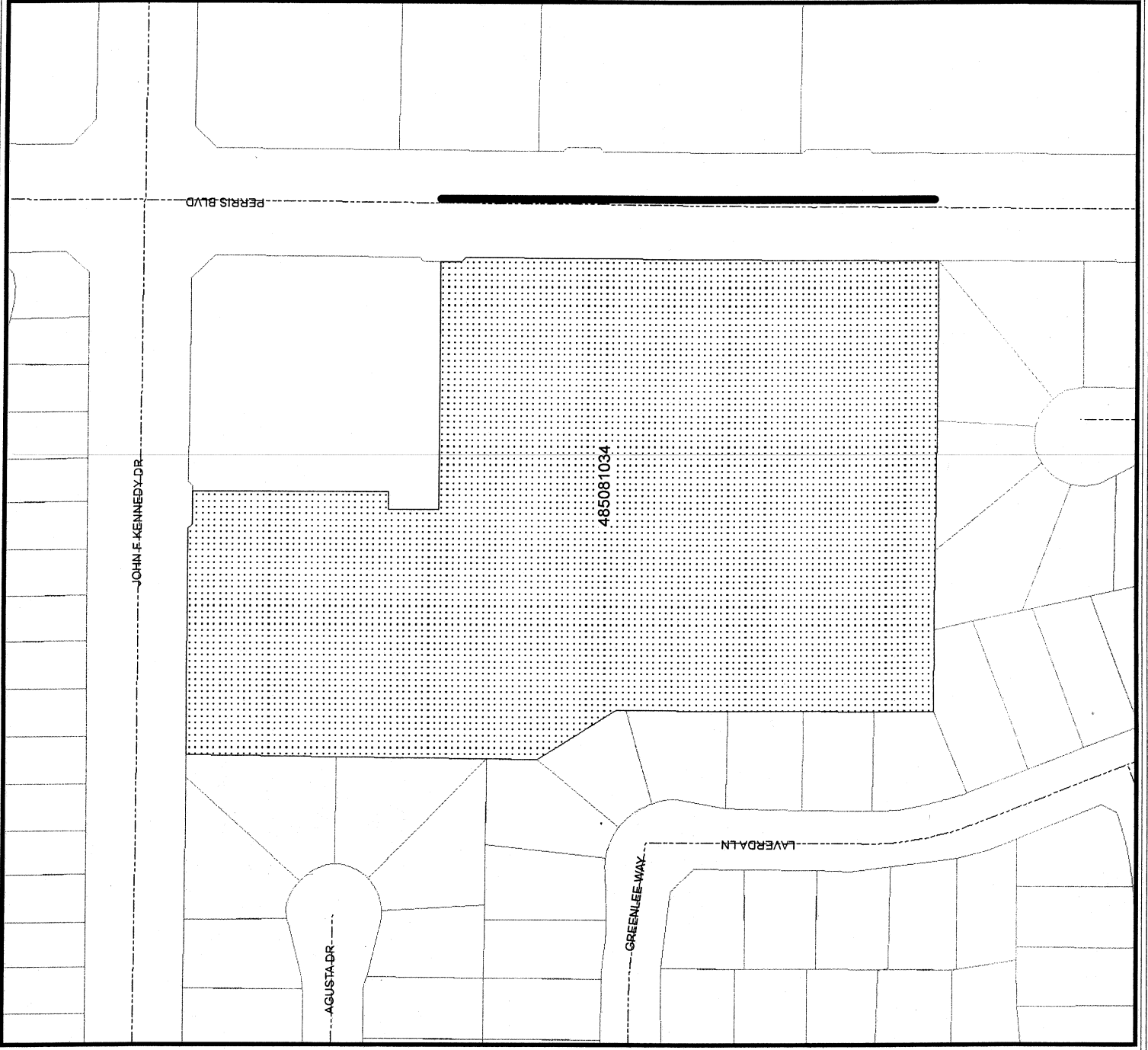
-  Median
-  Landscaped Areas
-  APN 485081034
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of July 2, 2012.



G:\AP\SDA\Family Dollar PA11-0041.mxd

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



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

LEVEL 1	LEVEL II
NPDES Administration <i>(Not covered by CSA 152)</i>	Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>	<p>Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.</p>
<p>Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics</p>	
PROPOSED PARCEL RATE	PROPOSED PARCEL RATE
Per Month \$2.67	Per Month \$12.58
Per Year \$32.00	Per Year \$151.00

Inflation Factor Adjustments

- FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
- FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
- FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
- FY 2009/2010 - no change = (\$35.00 & \$170.00)
- FY 2010/2011 - no change = (\$35.00 & \$170.00)
- FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)
- FY 2012/2013 - 2.7% = (\$37.00 & \$181.00)

**OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 485-081-034**

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

YES* — as property owner of APN 485-081-034, I approve the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2012/13, the NPDES maximum commercial/industrial regulatory rate is \$218 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2013/14, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 485-081-034, I do not approve the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
485-081-034 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$218

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on September 11, 2012, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

PROPERTY OWNER SIGNATURE DATE

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

**OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 485-081-034**

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

YES* — as the property owner of APN 485-081-034, **I approve** the fiscal year (FY) 2012/13 CSD Zone M charge of \$850.68 for the existing Perris Blvd. median. Beginning FY 2013/14, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. Upon approval, the CSD Zone M charge shall be placed on the Riverside County property tax bill. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

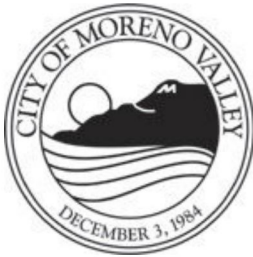
NO** — as the property owner of APN 485-081-034, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program shall result in noncompliance with the project's Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
485-081-034 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$850.68

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on September 11, 2012, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

PROPERTY OWNER SIGNATURE DATE

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



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

Report to City Council

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

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

AGENDA DATE: September 11, 2012

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR NPDES

PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR APN 485-081-034 BALLOTING FOR CSD ZONE M

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, after conducting the Public Hearing and accepting public testimony:

1. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballot for Assessor Parcel Number (APN) 485-081-034;
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 accepted Official Tally Sheet; and
4. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APN 485-081-034.

Staff recommends that the City Council, acting in its capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

1. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for APN 485-081-034;
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 accepted Official Tally Sheet; and
4. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APN 485-081-034.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

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

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Conditions of Approval for APN 485-081-034 require that a funding source be provided to help support the NPDES and the CSD Zone M programs. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owner of APN 485-081-034 ("Property Owner") the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. The Property Owner is given two opportunities to address the legislative body. These two opportunities are the Public Meeting which was held on August 28, 2012 and the Public Hearing on September 11, 2012, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the Property Owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance

records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballot is approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

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

The CSD Zone M annual charge was estimated based on the parcel's front linear footage to the existing Perris Blvd. median. Upon approval of the charge, APN 485-081-034 will be subject to the annual charge. If the APN is subdivided in the future the CSD Zone M charge shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing**, tabulate the ballots, verify, and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet, receive and file with the City Clerk's office the accepted Official Tally Sheet, and if approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate and the annual charge for CSD Zone M to APN 485-081-034 (and any division thereof). *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*
2. **Do not conduct the Public Hearing**, tabulate the ballots, verify, or accept the results of the mail ballot proceeding for APN 485-081-034. *This alternative would be contrary to Proposition 218 mandates.*

FISCAL IMPACT

For fiscal year (FY) 2012/13, the NPDES annual regulatory rate and estimated CSD Zone M charge is as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
APN 485-081-034 (and any division thereof)	\$218	\$850.68

Beginning in FY 2013/14, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

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

The CSD Zone M annual charge, paid by the adjacent new developments, provides funding for the maintenance of improved medians within the CSD. The property owner of APN 485-081-034 is being balloted to provide a funding source for the maintenance costs of an existing median. The CSD Zone M charge will offset a portion of the funds collected from the contributing parcels adjacent to this median. **Collection of the CSD Zone M annual charges are restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy

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

Community Image, Neighborhood Pride, and Cleanliness

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

Revenue Diversification and Preservation

The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for APN 485-081-034.

NOTIFICATION

The Property Owner was given the required 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, NPDES and Zone M ballots, instructions for marking and returning the ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the August 28, 2012, Public Meeting and September 11, 2012, Public Hearing was published in The Press-Enterprise on August 9, 2012. Additionally, the Public Hearing notification was published on August 23 and again on August 30, 2012.

ATTACHMENTS

Attachment 1: Mail Ballot Packet for APN 485-081-034

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Ahmad R. Ansari, P.E.,
Public Works Director/City Engineer

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

Concurred by:
Mark Sambito,
Engineering Division Manager

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

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Professors Fund IV
Attention: Bob Emri
990 Highland Dr., Suite 204
Solana Beach, CA 92075

July 5, 2012

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 485-081-034

******* OFFICIAL BALLOTS ENCLOSED *******

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Number (APN) 485-081-034 the opportunity to express support or opposition for the approval of the NPDES regulatory rate and services and for inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

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

CSD Zone M Charge

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

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate

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

CSD Zone M Charge

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

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate

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

CSD Zone M Charge

The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 485-081-034 is subdivided in the future. The charge levied shall not exceed the charge previously approved by the property owner.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate

For FY 2012/13, the NPDES maximum commercial/industrial regulatory rate is \$218 per parcel. The total amount of the NPDES rates levied for FY 2011/12 for the program as a whole was \$396,356.

CSD Zone M Charge

The CSD Zone M annual charge for FY 2012/13 for the existing Perris Blvd. median is \$850.68. The total amount of the CSD Zone M charges levied for FY 2011/12 for the program as a whole was \$156,303.84.

Annual Adjustment

NPDES Maximum Commercial/Industrial Regulatory Rate

Beginning in FY 2013/14, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

CSD Zone M Charge

Beginning in FY 2013/14, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 485-081-034 (and any division thereof) and shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Upon approval, the CSD Zone M charge shall be placed on the Riverside County property tax bill. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

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

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, August 28, 2012 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 11, 2012 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

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

Effect if Inclusion into and Approval of the Charges are Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if the ballot is marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballot is marked in favor of the annual charge.

Effect if Inclusion into and Approval of the Charges are Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If the returned valid ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If the returned valid ballot is marked opposing the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

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

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the two enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 11, 2012**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or









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

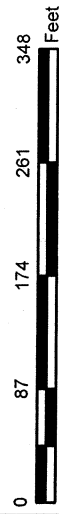
Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

Tentative Parcel Map 36449

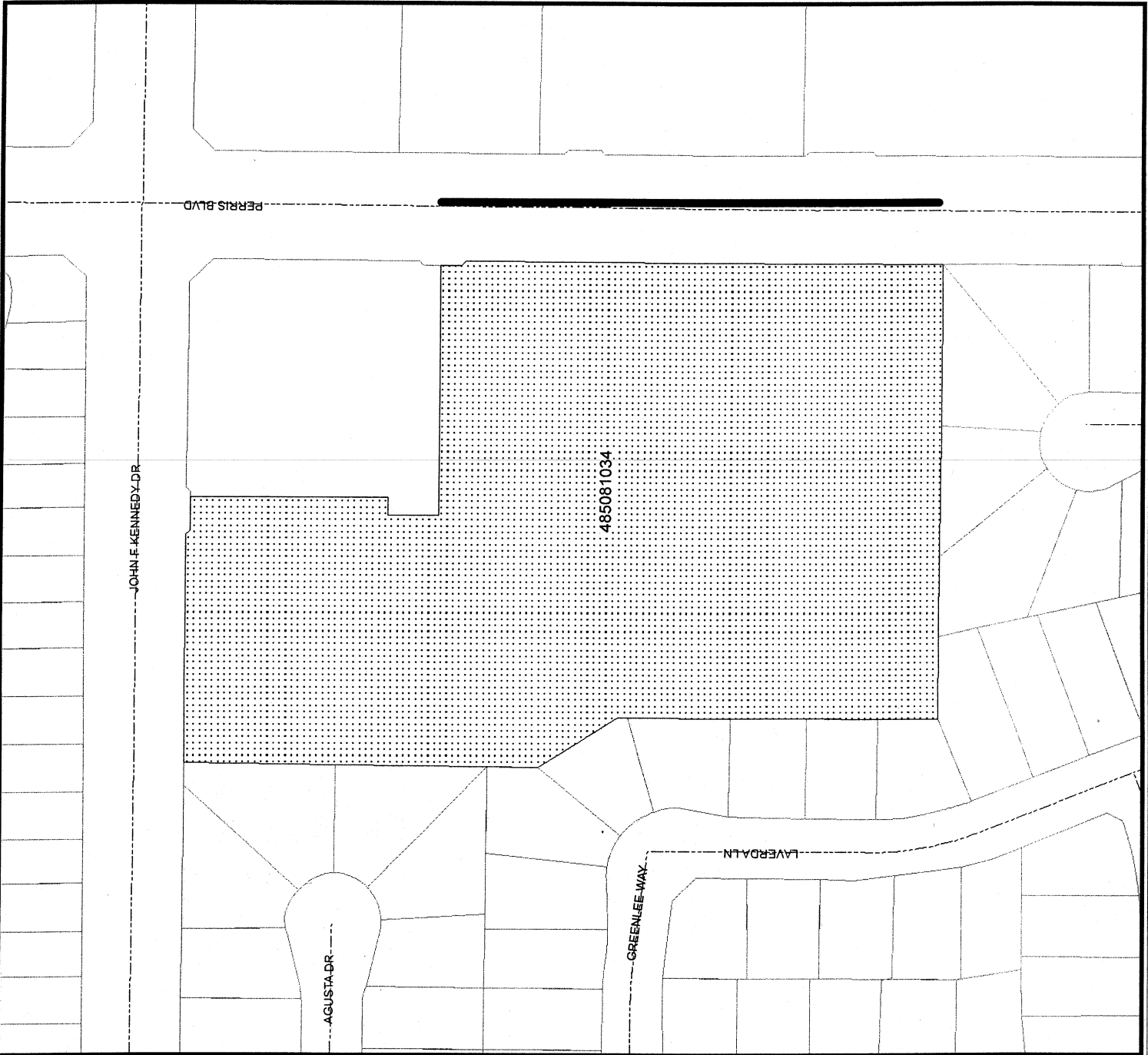
-  Median
-  Landscaped Areas
-  APN 485081034
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of July 2, 2012.



G:\AVP\SDA\Family Dollar PA11-0041.mxd

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



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

LEVEL 1	LEVEL II
NPDES Administration <i>(Not covered by CSA 152)</i>	Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>	<p>Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.</p>
<p>Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics</p>	
PROPOSED PARCEL RATE	PROPOSED PARCEL RATE
Per Month \$2.67	Per Month \$12.58
Per Year \$32.00	Per Year \$151.00

Inflation Factor Adjustments

- FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
- FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
- FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
- FY 2009/2010 - no change = (\$35.00 & \$170.00)
- FY 2010/2011 - no change = (\$35.00 & \$170.00)
- FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)
- FY 2012/2013 - 2.7% = (\$37.00 & \$181.00)

**OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 485-081-034**

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

YES* — as property owner of APN 485-081-034, I approve the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2012/13, the NPDES maximum commercial/industrial regulatory rate is \$218 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2013/14, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 485-081-034, I do not approve the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
485-081-034 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$218

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on September 11, 2012, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

PROPERTY OWNER SIGNATURE DATE

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

**OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 485-081-034**

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

YES* — as the property owner of APN 485-081-034, **I approve** the fiscal year (FY) 2012/13 CSD Zone M charge of \$850.68 for the existing Perris Blvd. median. Beginning FY 2013/14, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. Upon approval, the CSD Zone M charge shall be placed on the Riverside County property tax bill. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 485-081-034, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program shall result in noncompliance with the project's Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
485-081-034 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$850.68

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on September 11, 2012, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

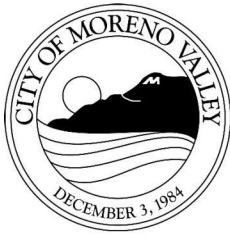
PROPERTY OWNER SIGNATURE DATE

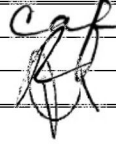
Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

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

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

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

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: September 11, 2012

TITLE: RECAP OF JULY 4th AND DISBAND JULY 4th ADVISORY COMMITTEE

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District authorize disbanding the City's July 4th Advisory Committee.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Staff met with the Board of Directors July 4th Subcommittee assigned to the 4th of July event. The Subcommittee recommended eliminating the City's July 4th Advisory Committee and encouraged staff to form volunteer committees as needed to enhance future City of Moreno Valley 4th of July celebrations.

BACKGROUND

Due to the drastic downturn in the economy, the 2011 Independence Day festivities for the City of Moreno Valley were unable to take place. The City Council and staff made the decision to offer these activities for 2012 with every effort made to make this celebration bigger and better, while at the same time trying to be fiscally prudent. A July 4th Advisory Committee, comprised of 10 residents, was formed to assist staff with this year's event in various areas including sponsorships, volunteers, entertainment, and enhancing the parade.

DISCUSSION

The 2012 Independence Day festivities were extremely successful from the parade through the fantastic fireworks show. The parade was enhanced with the participation of three marching bands highlighted by the highly regarded group, Pacific Crest Marching Band. The parade route was lined by hundreds of residents, who were treated to a well-orchestrated, exciting parade. The afternoon festival had a few new activities including a beer garden and a youth stage, as well as charging residents a nominal fee to enter the event. The main stage entertainment included the City's third Moreno Valley Idol competition and three excellent tribute bands. The evening concluded with a fantastic fireworks display put on by Pyro-Spectacular in conjunction with a KOLA-Radio simulcast.

Staff conducted a debriefing meeting with the July 4th Advisory Committee discussing successes, ideas for future events, and the necessity for a committee moving forward. The Committee was divided on whether the need for said committee is necessary for the 4th of July or if staff, with their vast experience, should just rely on formulating volunteer committees as deemed necessary. In meeting with the July 4th Council Subcommittee, they agreed with staff and the opinions that the Committee should be disbanded, and staff would formulate volunteers if needed.

ALTERNATIVES

1. Disband the July 4th Advisory Committee and utilize volunteer committees as needed for the event.
2. Do not disband the July 4th Advisory Committee.

FISCAL IMPACT

The expenses to conduct the parade were \$12,500, which was offset by \$6,000 in revenues, for a total bottom line of \$6,500. The festival cost approximately \$90,000 with revenues generated amounting to \$56,000 for a bottom line figure of \$34,000. The \$40,500 in expenditures was supplied by Zone A funds from the Parks and Community Services Department. The largest expense item provided for the Independence Day activities was the evening's fireworks display costing \$30,000. Revenues were generated in the following manner:

1. Sponsors \$26,550
2. Entry Fees \$10,157
3. Beer and Wine Garden \$9,255
4. Vendor Booths \$7,205
5. Miscellaneous \$2,833

SUMMARY

The 2012 4th of July Celebration was a huge success, and fiscally staff was below the estimated expense for this activity. The Committee should be congratulated for their time, ideas, and assistance in making this year’s event a positive experience. Staff will continue to research ways to improve, enhance, and seek collaboration for the 4th of July activities next year and beyond.

NOTIFICATION

Publication of the Agenda.

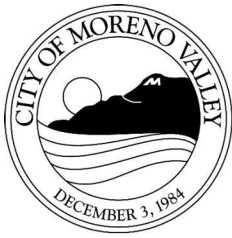
ATTACHMENTS/EXHIBITS

Prepared By:
Michael McCarty
Parks and Community Services Director

Department Head Approval:
Michael McCarty
Parks and Community Services Director

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

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

Report to City Council

TO: Mayor and City Council

FROM: Robert L. Hansen, City Attorney

AGENDA DATE: September 11, 2012

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 853 that would clarify the method by which interest is calculated on delinquent civil citations.

BACKGROUND

Chapter 1.10 of the City's Municipal Code sets forth the authority and regulation of the City's Civil Citation program. Civil citations are issued by the City's Code Enforcement, Building and Safety, Fire Prevention and Animal Services Divisions to individuals violating provisions of the City's Municipal Code. Citations impose an escalating fine of \$100 for the 1st offense, \$200 for a second offense, and \$500 for third and subsequent offenses in the same year.

Citation collection is managed by an outside vendor that tracks each citation and bills the responsible party for unpaid sums. If amounts remain unpaid and unappealed, they become subject to various collections mechanisms, including interception of personal state income tax refunds. Furthermore, if a citation remains unpaid for 30 days past its due date, interest begins to accumulate.

DISCUSSION

Section 1.10.080(E) of the Municipal Code establishes that the interest rate on delinquent accounts shall be set at 8%. However, this subsection does not explicitly state whether or not that interest should be simple or compound. Similarly, Section 1.10.080(E) does not explicitly state that the interest rate is an annual rate. City staff has been applying the code in a manner that is least burdensome on the public; simple interest at 8% annually. The proposed code amendment will simply clarify the intended rate calculation and would not result in any change to the way in which interest is calculated on existing or future citations. The change is recommended to avoid any possible future confusion.

ALTERNATIVES

1. Introduce Ordinance No. 853 that would clarify the method by which interest is calculated on delinquent civil citations at 8% annually with simple interest.
2. Alternatively, if the proposed clarification is desired but council wishes to change the method by which interest is calculated, discuss alternative rates or methods of calculation and give direction to staff.
3. Leave the existing ordinance in place without any changes.

ATTACHMENTS/EXHIBITS

1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES. CLEAN VERSION
2. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES. REDLINE VERSION

Prepared By:
Paul Early
Deputy City Attorney III

Concurred By:
Robert L. Hansen
City Attorney

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

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ORDINANCE NO. 853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES.”

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

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Section 1.10.80 of Chapter 1.10 of Title 1 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“1.10.080 Civil fines—Amount and penalties.

A. The maximum amount of a civil fine for violating particular provisions of this code shall be set forth in a schedule of civil fines adopted by resolution of the city council. The schedule may include escalating civil fine amounts for repeat code violations occurring within specified periods of time. A fine amount, not to exceed those set forth by resolution, may be imposed or reduced at the discretion of the citing officer or the city attorney.

B. Where no civil fine amount is specified by resolution of the city council, civil fines shall be in accordance with those specified in Section 1.01.230 of this code.

C. A late payment penalty shall be imposed for civil fines not paid within thirty (30) calendar days of their due date. The amount of the late payment penalty shall be one hundred (100) percent of the total amount of the civil fine owed.

D. In addition to any civil fine and/or late payment penalty, a hearing officer shall also assess administrative costs against the responsible person when it finds that a violation has occurred or that compliance has not been achieved within the time specified in the civil citation and any granted extensions thereof. Administrative costs may include any and all costs incurred by the city in connection with the matter including, but not limited to, costs of investigation, staffing costs incurred in preparation for an administrative hearing and for the administrative hearing itself, and costs for all reinspections of the property related to the violation(s).

E. Unless otherwise prohibited by law or regulation, all civil fines and administrative costs imposed pursuant to the provisions of this chapter shall accrue simple interest at the rate of eight percent (8%) annually until the civil fine or administrative costs, including interest thereon, is paid in full. Interest shall begin to accrue thirty (30) calendar days after the due date for the civil fine or

administrative costs and continue until the civil fine or administrative costs, including interest thereon, is paid in full.”

SECTION 2. EFFECT OF ENACTMENT:

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

SECTION 3. NOTICE OF ADOPTION:

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

SECTION 4. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this ____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 OF CHAPTER 1.10 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COLLECTION OF CIVIL FINES AND PENALTIES.

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

SECTION 1. MUNICIPAL CODE AMENDED:

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B. Where no civil fine amount is specified by resolution of the city council, civil fines shall be in accordance with those specified in Section 1.01.230 of this code.

C. A late payment penalty shall be imposed for civil fines not paid within thirty (30) calendar days of their due date. The amount of the late payment penalty shall be one hundred (100) percent of the total amount of the civil fine owed.

D. In addition to any civil fine and/or late payment penalty, a hearing officer shall also assess administrative costs against the responsible person when it finds that a violation has occurred or that compliance has not been achieved within the time specified in the civil citation and any granted extensions thereof. Administrative costs may include any and all costs incurred by the city in connection with the matter including, but not limited to, costs of investigation, staffing costs incurred in preparation for an administrative hearing and for the administrative hearing itself, and costs for all reinspections of the property related to the violation(s).

E. Unless otherwise prohibited by law or regulation, all civil fines and administrative costs imposed pursuant to the provisions of this chapter shall accrue simple interest at the rate of eight percent (8%) annually until the civil fine or administrative costs, including interest thereon, is paid in full. Interest shall begin to accrue thirty (30) calendar days after the due date for the civil fine or

administrative costs and continue until the civil fine or administrative costs, including interest thereon, is paid in full.”

SECTION 2. EFFECT OF ENACTMENT:

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

SECTION 3. NOTICE OF ADOPTION:

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

SECTION 4. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this ____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

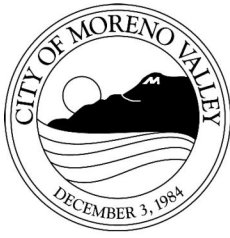
ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: September 11, 2012

TITLE: ANNUAL AGREEMENTS FOR SERVICES WITH THE CHAMBERS OF COMMERCE

RECOMMENDED ACTION

Staff recommends that the City Council review and approve the annual Agreements for Services with the Moreno Valley Chamber of Commerce and the Moreno Valley Hispanic Chamber of Commerce.

BACKGROUND

A chamber of commerce provides the important role of acting as a liaison between city government and the business community. A local chamber of commerce can help enhance a city's economic development efforts by actively working with the business community on a variety of retention and business support activities.

In Moreno Valley, there are three chambers of commerce – the Moreno Valley Chamber of Commerce (MVCC), the Moreno Valley Hispanic Chamber of Commerce (MVHCC), and the Moreno Valley Black Chamber of Commerce (MVBCC). City funding, through an annual Agreement of Services, is provided in exchange for a variety of specified business outreach services and special programs that improve the overall business climate in Moreno Valley. This is a common practice for cities and chambers in California.

DISCUSSION

Proposed compensation to the MVCC (\$18,090.00) and MVHCC (\$6,030.00) for FY 2012/13 reflects no further reductions from compensation in FY 2011/12 and complies with the Deficit Elimination Plan (DEP). Please note that in FY 2010/2011, the MVBCC opted out of a contractual agreement with the City of Moreno Valley.

Emphasis continues to be placed on the importance of the “Shop MoVal” program by the City, along with support by each Chamber as the point of contact and resource for the local business community. The proposed scopes of work for each Chamber are similar except the Moreno Valley Chamber of Commerce has a heightened role Business Support / Retention Services and coordinating special services such as liaison with March ARB, Leadership Moreno Valley and managing the Master Community Calendar. Please refer to Exhibits A and B for the full text of each Chamber’s scope of work.

ALTERNATIVES

1. Approve the renewal of the Agreement for Services with the two Chambers of Commerce as proposed per the established funding levels specified in the adopted DEP.

Staff recommends this alternative because the renewal of the Agreements as proposed properly compensates each Chamber commensurate with their respective proposed scopes of work, along with adherence to the DEP.

2. Reject the renewal of the Agreements and direct staff to pursue changes to the Agreement for Services.

FISCAL IMPACT

As part of the FY 2012/2013 Agreements for Services, City staff recommends adopting the following “Schedule of Compensation” for services rendered. This type of format clearly spells out the service delivery established through the contractual relationship between the City and the respective Chambers of Commerce. The difference in funding levels between the Chambers were in recognition of their respective scopes of service, size of membership and any special programs offered and or partnerships with the City. Please note the recommended funding level complies with the adopted FY 2012/13 Budget and the DEP.

<u>CHAMBERS OF COMMERCE</u>			
<u>COMPENSATION</u>			
	<u>TYPE OF SERVICE</u>		
		<u>MVCC</u>	
		<u>MVHCC</u>	
<input type="checkbox"/>	Basic Business Support and Retention Services	8,000	3,530
<input type="checkbox"/>	Participation in 2 Mega Mixers/Business Roundtable Program	1,500	1,500

<input type="checkbox"/>	Existing Expanded Program Items (March ARB liaison, Visitor Info Center, Leadership Moreno Valley, and manage Master Community Calendar)	7,590	N/A
<input type="checkbox"/>	Shop MoVal	1,000	1,000
Total		\$18,090	\$6,030

CITY COUNCIL GOALS

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

SUMMARY

The City contracts with two of the three Chambers of Commerce for business support services. Through the Agreements for Services, the City compensates the Moreno Valley Chamber of Commerce, and the Moreno Valley Hispanic Chamber of Commerce for a variety of specified services along with providing support services to the business community to enhance the vitality of the City of Moreno Valley.

ATTACHMENTS/EXHIBITS

Attachment 1: Proposed FY 2012/13 Agreement and Scope of Services for the Moreno Valley Chamber of Commerce.

Attachment 2: Proposed FY 2012/13 Agreement and Scope of Services for the Moreno Valley Hispanic Chamber of Commerce.

Prepared By:
Denise Bagley
Management Analyst

Department Head Approval:
Barry Foster
Community & Economic Development Director

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

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**CITY OF MORENO VALLEY
AGREEMENT FOR SERVICES**

This Agreement is made and entered into as of the 1st day of July, 2012 by and between the CITY OF MORENO VALLEY, a municipal corporation of the State of California, hereinafter referred to as "the City", and MORENO VALLEY CHAMBER OF COMMERCE, hereinafter referred to as "the Chamber", and

WITNESSETH AS FOLLOWS:

1. RECITALS:
 - (a) The City desires to retain the Chamber on the basis set forth herein to perform the services described in Exhibit A attached hereto and hereby incorporated by reference.
 - (b) The Chamber is ready, willing, and able to supply such services; and
2. SCOPE OF SERVICES: Under the direction of the Economic Development Director, or other designee of the City Manager, the Chamber shall provide said services as more specifically described in Exhibit A attached hereto and incorporated herein by this reference. During the period of the Agreement, the City, through the Economic Development Director, may revise the scope of services by meeting and consulting with the Chamber.
3. CONDITIONS:
 - (a) Upon prior approval and request of the City Manager and his or her designee, the Chamber shall work during such hours as may be necessary to provide the approved and requested services. The Chamber may determine when such hours will be worked, and may vary such hours from time to time within the Chamber's sole discretion, provided that the goals and objectives of the City are not thereby impeded or disrupted.
 - (b) During the term of this Agreement, the Chamber shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of the Chamber's duties under this Agreement.
4. COMPENSATION: For services rendered pursuant to this Agreement, payment of grant monies shall be made quarterly in equal payments in advance of each calendar quarter to the Chamber for the services identified in Exhibit A, Scope of Services and initialed in Exhibit B, Menu of Services, not to exceed \$18,090.00 annually. Payment shall be made upon receipt of an invoice. The Chamber shall also receive a complimentary business license list each quarter.
5. TERMS OF AGREEMENT: This Agreement shall commence as of July 1, 2012 and

Attachment 1

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

continue through June 30, 2013, unless terminated by either party as provided in Section 6 below. The term of this Agreement may be renegotiated upon mutual consent of the parties.

6. TERMINATION: This Agreement may be terminated at any time by either party here to without fault on the part of the other party. Notice of termination shall be given in writing and may be delivered personally or by mail as follows:

CITY

Community & Economic Development Director
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

CHAMBER

President
Moreno Valley Chamber of
12625 Frederick Street, E-3
Moreno Valley, CA 92553

7. INDEPENDENT CONTRACTOR: It is understood and agreed that the Chamber and any subcontractors hired by the Chamber are, and at all times shall be, independent contractors and nothing contained herein shall be construed as making the Chamber or any individual whose compensation for services is paid by the Chamber, an agent or employee of the City, or authorizing the Chamber to create or assume any obligation or liability for or on behalf of the City.

8. ADMINISTRATION OF CONTRACT:

- (a) City hereby appoints the Community & Economic Development Department Director, or his or her designee, as the City representative in the administration of this Agreement.
- (b) The Chamber hereby appoints the Chamber Executive Director as the Chamber's representative in the administration of this Agreement.

9. TIME: The Chamber shall devote such time to the performance of services pursuant to this Agreement as may be necessary for satisfactory and timely performance of the Chamber's obligations pursuant to this Agreement.

10. INDEMNIFICATION AND HOLD HARMLESS. The Chamber agrees to protect, defend, indemnify, and hold the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District, and their employees, agents, officers, and volunteers free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character occurring or in any way in connection with or arising, directly or indirectly, out of this Agreement, including injury to the Chamber's employees and all claims which arise from or are

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claim to be caused by the negligent acts of the Chamber, its agents or employees, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City and the Moreno Valley Community Services District, their agents or employees.

11. INSURANCE:

Insurance Requirements. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best’s Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability: The Chamber agrees to procure and maintain general liability insurance at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Chamber or any person acting for the Chamber or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Chamber or any person acting for the Chamber or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

A combined single limit for bodily injury and property damage liability of \$2,000,000 shall be considered equivalent to the above minimum limits. The amounts of such insurance shall not be deemed a limitation of the Chamber's agreement to save and hold the City harmless, and if the City becomes liable for an amount in excess of the insurance, the Chamber will save and hold the City harmless from the whole thereof. The coverage(s) provided pursuant to this Agreement shall be primary insurance and not contributory with any other insurance.

Workers' Compensation: The Chamber or any subcontractors hired by the Chamber shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Chamber, the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District against any loss, claim, or damage arising from any

AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce

injuries or occupational diseases happening to any worker employed by the Chamber or the Chamber's subcontractor in the course of carrying out the Agreement.

Evidence of Insurance: One or more Certificates of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District ("CSD"), their officers, employees, directors, agents, and volunteers are included as additional insured under this policy and the coverage(s) provided under this policy shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District, their officers, employees and agents, under any third party liability policy."

Notice to City, Insurance Coverage Change: The terms of the insurance policy or policies issued to provide the above insurance coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Chamber shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

12. EQUAL EMPLOYMENT OPPORTUNITY: During the performance of this Agreement, the Chamber will not unlawfully discriminate against subcontractor, employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap. The Chamber will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, age, religion, sex, national origin, or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Chamber agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause. The Chamber will, in all solicitations or advertisements for employees placed by or on behalf of the Chamber, state that all qualified applicants will receive consideration for employment without regard to race,

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

color, religion, sex, national origin, or physical handicap. The Chamber will cause the foregoing provisions to be inserted in all subcontractors for any work covered by this Agreement, provided that the foregoing provisions shall not apply to contract or subcontracts for standard commercial supplies or raw materials.

- 13. CHAMBER NOT AGENT: Except as City may specify in writing, the Chamber shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. The Chamber shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
- 14. ASSIGNMENT PROHIBITED: No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.
- 15. ATTORNEY'S FEES: In the event that it becomes necessary for either party to this Agreement to bring a lawsuit or other litigation to enforce any of the provisions of this Agreement, a court of competent jurisdiction may determine and fix reasonable attorney's fees to be paid the prevailing party in the litigation. The venue of any such lawsuit or other litigation may, at the option of the City, be laid in Riverside County, California, and the parties waive any right to change of venue.

IN WITNESS WHEREOF, the City and the Chamber have caused this Agreement to be executed as of the day and date first above written.

CITY OF MORENO VALLEY

MORENO VALLEY
CHAMBER OF COMMERCE

By: _____

By: _____

Title: _____

Title: _____

APPROVED AS TO FORM:

City Attorney

Attachments:

- Approved Certificate(s) of Liability Insurance with Additional Insured Endorsement for the period covered in this Agreement
- Approved Certificate of Workers' Compensation Insurance

Exhibit A
Moreno Valley Chamber of Commerce
SCOPE OF SERVICES
July 2012 to June 2013

- Article 1 The Moreno Valley Chamber of Commerce (“Chamber”) will continue to sponsor and operate Wake-Up Moreno Valley.
- Article 2 The Chamber will assist the City in its relationship with March Air Reserve Base and keep the City informed of the activities of the Military Affairs Committee.
- Article 3 The Chamber will serve as an information source for businesses seeking opportunities in Moreno Valley, as well as functioning as a visitor and information center.
- Article 4 Chamber will provide a personal welcome to new businesses and offer assistance in contacting governmental agencies.
- Article 5 Chamber will assist the City Economic Development staff in business retention and small business legislative support; including active participation and coordination of the Business Roundtable, Leadership Moreno Valley, the Business and City Connection Program, and the Economic Development Department Business Visitation Programs.
- Article 6 Chamber will create and maintain a master community calendar as part of their Special Events function and keep the City advised on a monthly basis. Included with this calendar will be the specific events and activities of the other local Chambers of Commerce.
- Article 7 The Chamber will maintain their ongoing committees and the services provided through those committees.
- Article 8 The City encourages the chambers of commerce to work in a cooperative manner on a variety of programs aimed at enhancing the business climate in Moreno Valley including the following activities:
- Article 9 Chamber shall cooperate with the Moreno Valley Hispanic and Moreno Valley Black Chambers of Commerce to conduct two Mega Mixers annually.
- Article 10 Chamber will increase responsibility and accountability for participation in conducting the Business Roundtable program including communication on invitees for Business Roundtable events.
- Article 11 Chamber shall assist the City in promoting the importance of shopping local

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

businesses to residents through the established "Shop MoVal Program".

Article 12 Chamber shall designate the City as a major sponsor and/or corporate sponsor with recognition on all sponsor literature and publications.

Article 13 Chamber shall grant the City one position on the Board of Directors or Corporate board. Any fees related to the designation of these positions are to be included as part of the City's financial commitment.

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

**Exhibit B
Moreno Valley Chamber of Commerce
MENU OF SERVICES
July 2012 to June 2013**

<u>TYPE OF SERVICE</u>	<u>Compensation</u>
<input type="checkbox"/> Basic Business Support and Retention Services	\$ 8,000
<input type="checkbox"/> Participation in 2 Mega Mixers/Business Roundtable Program	1,500
<input type="checkbox"/> Existing Expanded Program Items (March ARB liaison, Visitor Info Center, Leadership Moreno Valley, Business and City Connection program, Business Roundtable and manage a Master Community Calendar)	7,590
<input type="checkbox"/> Shop MoVal	1,000
Total	\$ 18,090

AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/01/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CS&SJ.F. WELCH INSURANCE SERVICES, INC. PO BOX 946580 MAITLAND, FL 32794-6580 Phone - 800-400-3276 Fax - 877-763-5122	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): EMAIL ADDRESS: PRODUCER CUSTOMER ID #:
INSURED MORENO VALLEY CHAMBER OF COMMERCE 12625 Frederick Street, Ste E- Moreno Valley, CA 92553	INSURER(S) AFFORDING COVERAGE INSURER A: American Casualty Company of Reading, Pennsylvania INSURER B: <i>ACXV CA</i> INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	N	4034591826	12/22/2011	12/22/2012	EACH OCCURRENCE \$1,000,000 ✓
	GENL AGGREGATE LIMIT APPLIES PER POLICY <input type="checkbox"/> PRO JECT <input checked="" type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 ✓ MED EXP (Any one person) \$10,000 ✓ PERSONAL & ADV INJURY \$1,000,000 ✓ GENERAL AGGREGATE \$2,000,000 ✓ PRODUCTS - COMP/OP AGG \$2,000,000 ✓
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DEDUCTIBLE RETENTION \$						EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/EMBER EXCLUDED? (Mandatory In NH) If yes, Describe under DESCRIPTION OF OPERATIONS below						WC STATUS-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT

RISK MANAGEMENT
 Approved
M. Aloy 2-6-12
 By _____ Date _____

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 City of Moreno Valley; Moreno Valley Community Services District, Redevelopment Agency of the City of Moreno Valley are Named as Additional Insureds - Owners, Lessees or Contractors.

CERTIFICATE HOLDER The City of Moreno Valley; Moreno Valley Community(See Endt) 14177 FREDERICK STREET MORENO VALLEY, CA 92552	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	--

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**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

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SB-300120-A
(Ed. 01/06)

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.
ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS LIABILITY COVERAGE FORM

SCHEDULE*

<p>Name Of Person Or Organization: City of Moreno Valley, Moreno Valley Community Services District Redevelopment agency of the city of Moreno Valley 14177 Frederick St Moreno Valley CA 92553</p>
<p>* Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.</p>

The following is added to Paragraph C. **Who Is An Insured:**

4. Any person or organization shown in the Schedule is also an insured, but only with respect to liability arising out of your ongoing operations performed for that insured.

Moreno Valley Chamber of Commerce
12/22/2011 – 12/22/2012
Policy #4034591826 ✓

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Chamber of Commerce**

POLICYHOLDER: JPY

SK



(NR)
ISSUE DATE: 05-01-2012

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

GROUP:
POLICY NUMBER: 1344343-2012
CERTIFICATE ID: 5
CERTIFICATE EXPIRES: 05-01-2013
~~05-01-2012/05-01-2013~~

CITY OF MORENO VALLEY
P.O. BOX 88005 , 14177 FREDERICK STRE
MORENO VALLEY CA 92552-0805

SK

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

James Neary
Authorized Representative

Thomas E. Rone
President and CEO

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 05-01-2004 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

**RISK MANAGEMENT
Approved**

M. Alomy 5-1-12
By Date

EMPLOYER

MORENO VALLEY CHAMBER OF COMMERCE, A
NON-PROFIT CORP.
12625 FREDERICK ST STE E3
MORENO VALLEY CA 92553

SK

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Exhibit A
**CITY OF MORENO VALLEY
AGREEMENT FOR SERVICES**

This Agreement is made and entered into as of the 1st day of July 2012, by and between the CITY OF MORENO VALLEY, a municipal corporation of the State of California, hereinafter referred to as "the City", and MORENO VALLEY HISPANIC CHAMBER OF COMMERCE, hereinafter referred to as "the Chamber", and

WITNESSETH AS FOLLOWS:

1. RECITALS:
 - (a) The City desires to retain the Chamber on the basis set forth herein to perform the services described in Exhibit A attached hereto and hereby incorporated by reference.
 - (b) The Chamber is ready, willing, and able to supply such services; and
2. SCOPE OF SERVICES: Under the direction of the Economic Development Director, or other designee of the City Manager, the Chamber shall provide said services as more specifically described in Exhibit A attached hereto and incorporated herein by this reference. During the period of the Agreement, the City, through the Economic Development Director, may revise the scope of services by meeting and consulting with the Chamber.
3. CONDITIONS:
 - (a) Upon prior approval and request of the City Manager and his or her designee, the Chamber shall work during such hours as may be necessary to provide the approved and requested services. The Chamber may determine when such hours will be worked, and may vary such hours from time to time within the Chamber's sole discretion, provided that the goals and objectives of the City are not thereby impeded or disrupted.
 - (b) During the term of this Agreement, the Chamber shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of the Chamber's duties under this Agreement.
4. COMPENSATION: For services rendered pursuant to this Agreement, payment of grant monies shall be made quarterly in equal payments to the Chamber for the services identified in Exhibit A, Scope of Services and initialed in Exhibit B, Menu of Services, not to exceed \$6,030 annually. Payment shall be made upon receipt of an invoice. The Chamber shall also receive a complimentary business license list each quarter.
5. TERMS OF AGREEMENT: This Agreement shall commence as of July 1, 2012 and continue through June 30, 2013, unless terminated by either party as provided in Section 6 below. The term of this Agreement may be renegotiated upon mutual consent of the parties.

Attachment 2

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

6. TERMINATION: This Agreement may be terminated at any time by either party hereto without fault on the part of the other party. Notice of termination shall be given in writing and may be delivered personally or by mail as follows:

CITY

Community & Economic Development Director
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

CHAMBER

President
Moreno Valley Hispanic
Chamber of Commerce
P.O. Box 246
Moreno Valley, CA 92556

7. INDEPENDENT CONTRACTOR: It is understood and agreed that the Chamber and any subcontractors hired by the Chamber are, and at all times shall be, independent contractors and nothing contained herein shall be construed as making the Chamber or any individual whose compensation for services is paid by the Chamber, an agent or employee of the City, or authorizing the Chamber to create or assume any obligation or liability for or on behalf of the City.
8. ADMINISTRATION OF CONTRACT:
- (a) City hereby appoints the Community & Economic Development Department Director, or his or her designee, as the City representative in the administration of this Agreement.
 - (b) The Chamber hereby appoints the Chamber President as the Chamber's representative in the administration of this Agreement.
9. TIME: The Chamber shall devote such time to the performance of services pursuant to this Agreement as may be necessary for satisfactory and timely performance of the Chamber's obligations pursuant to this Agreement.
10. INDEMNIFICATION AND HOLD HARMLESS. The Chamber agrees to protect, defend, indemnify, and hold the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District, and their employees, agents, officers, and volunteers free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character occurring or in any way in connection with or arising, directly or indirectly, out of this Agreement, including injury to the Chamber's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claim to be caused by the negligent acts of the Chamber, its agents or employees, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, the Moreno Valley Housing Authority and the Moreno Valley Community Services District, their agents or employees.

11. INSURANCE:

Insurance Requirements. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best’s Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability: The Chamber agrees to procure and maintain general liability insurance at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Chamber or any person acting for the Chamber or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Chamber or any person acting for the Chamber or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

A combined single limit for bodily injury and property damage liability of \$2,000,000 shall be considered equivalent to the above minimum limits. The amounts of such insurance shall not be deemed a limitation of the Chamber's agreement to save and hold the City harmless, and if the City becomes liable for an amount in excess of the insurance, the Chamber will save and hold the City harmless from the whole thereof. The coverage(s) provided pursuant to this Agreement shall be primary insurance and not contributory with any other insurance.

Workers' Compensation: The Chamber or any subcontractors hired by the Chamber shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Chamber and the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Chamber or the Chamber's subcontractor in the course of carrying out the Agreement.

Evidence of Insurance: One or more Certificates of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage

AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce

shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District ("CSD"), their officers, employees, directors, agents, and volunteers are included as additional insured under this policy and the coverage(s) provided under this policy shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Housing Authority and the Moreno Valley Community Services District, their officers, employees and agents, under any third party liability policy."

Notice to City, Insurance Coverage Change: The terms of the insurance policy or policies issued to provide the above insurance coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Chamber shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

12. EQUAL EMPLOYMENT OPPORTUNITY: During the performance of this Agreement, the Chamber will not unlawfully discriminate against subcontractor, employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap. The Chamber will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, age, religion, sex, national origin, or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Chamber agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause. The Chamber will, in all solicitations or advertisements for employees placed by or on behalf of the Chamber, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or physical handicap. The Chamber will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions shall not apply to contract or subcontracts for standard commercial supplies or raw materials.
13. CHAMBER NOT AGENT: Except as City may specify in writing, the Chamber shall have no authority, express or implied, to act on behalf of City in any capacity

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

whatsoever as an agent. The Chamber shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

- 14. ASSIGNMENT PROHIBITED: No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

- 15. ATTORNEY'S FEES: In the event that it becomes necessary for either party to this Agreement to bring a lawsuit or other litigation to enforce any of the provisions of this Agreement, a court of competent jurisdiction may determine and fix reasonable attorney's fees to be paid the prevailing party in the litigation. The venue of any such lawsuit or other litigation may, at the option of the City, be laid in Riverside County, California, and the parties waive any right to change of venue.

IN WITNESS WHEREOF, the City and the Chamber have caused this Agreement to be executed as of the day and date first above written.

CITY OF MORENO VALLEY

MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE

By: _____

By: _____

Title: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

City Attorney

Attachments:

Approved Certificate(s) of Liability Insurance with Additional Insured Endorsement for the period covered in this Agreement

Approved Certificate of Workers' Compensation Insurance

Exhibit A
Moreno Valley Hispanic Chamber of Commerce
SCOPE OF SERVICES
July 2012 to June 2013

Article 1 The Moreno Valley Hispanic Chamber of Commerce (“Chamber”) will provide participation / sponsorship in the following committees, services, and/or events:

1. Conduct the Cinco de Mayo Fiesta.
2. Participate in the City’s Fourth of July Parade/Celebration.
3. Celebrate Hispanic Heritage Month - September.
4. Participate in and support the Sister City Program with San Juan de Los Lagos.
5. Sponsor and operate monthly Adelante! Moreno Valley events and Chamber mixers to support Moreno Valley businesses.
6. Conduct an annual Installation Dinner and Recognition of the outstanding member Business of the Year.
7. Cooperate with the Moreno Valley Chamber of Commerce in their production of a master community calendar by providing logistical information about the Moreno Valley Hispanic Chamber of Commerce’s specific events and activities by the 10th day of each month.
8. Support the City of Moreno Valley through operation of the Se Habla Español program, which promotes Moreno Valley’s businesses to Spanish-speaking residents.
9. Facilitate Communication between Hispanic Business Owners and the City.
10. Continue to operate as point of contact for businesses seeking relocation to Moreno Valley.
11. Assist the City Economic Development staff with business retention and small business legislative support; including active participation and coordination of the Business Roundtable, and the Economic Development Department’s Business Visitation Program.

The City encourages the chambers of commerce to work in a cooperative manner on a variety of programs aimed at enhancing the business climate in Moreno Valley including the following activities:

Article 2 Chamber shall cooperate with the Moreno Valley and Moreno Valley Black Chambers of Commerce to conduct two Mega Mixers annually.

Article 3 Chamber will increase responsibility and accountability for participation in conducting the Business Roundtable program, including communication on invitees for Business Roundtable events.

Article 4 Chamber shall assist the City in promoting the importance of shopping local businesses to residents through the established “Shop MoVal Program”.

Article 5 Chamber shall designate the City as a major sponsor and/or corporate sponsor

AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce

with recognition on all sponsor literature and publications.



Article 6 Chamber shall grant the City one position on the Board of Directors or the Corporate Board. Any fees related to the designation of these positions are to be included as part of the City's financial commitment.

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

**Exhibit B
Moreno Valley Hispanic Chamber of Commerce
MENU OF SERVICES
July 2012 to June 2013**

<u>TYPE OF SERVICE</u>	<u>Compensation</u>
<input type="checkbox"/> Basic Business Support and Retention Services	\$ 3,530
<input type="checkbox"/> Participation in 2 Mega Mixers/Business Roundtable Program	1,500
<input type="checkbox"/> Shop MoVal	1,000
Total	\$ 6,030

AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce

 CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 03/15/2010
PRODUCER MARSHALL C. SCOTT STATE FARM INSURANCE 23020 ATLANTIC CIRCLE MORENO VALLEY, CA 92553		THIS CERTIFICATE IS ISSUED AS MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
		
INSURED THE MORENO VALLEY HISPANIC CHAMBER OF COMMERCE P.O. BOX 246 MORENO VALLEY, CA 92556-0246		INSURERS AFFORDING COVERAGE INSURER A: <u>State Farm Insurance</u> <u>AT(XV)CA</u> INSURER B: INSURER C: INSURER D: INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	92-XC-2752-9 ✓	12/14/2011	12/14/2012	EACH OCCURRENCE \$ 2,000,000 ✓ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 ✓ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 4,000,000 ✓ PRODUCTS - COMP/OP AGG \$ 4,000,000 ✓	
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$	
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$	RISK MANAGEMENT Approved <i>M. [Signature]</i> 2-7-12 By Date				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 LOCATION OF OPERATION: 23020 ATLANTIC CIRCLE, MORENO VALLEY, CA 92553, DEDUCTIBLE: \$500
 DESCRIPTION OF OPERATIONS: MONTHLY BOARD OF DIRECTORS MEETING AND ALL OTHER MVHCC ACTIVITIES HELD AT RIVERSIDE COUNTY REGIONAL MEDICAL CENTER
 ADDL INSURED: THE COUNTY OR RIVERSIDE, ITS AGENCIES, DISTRICTS, SPECIAL DISTRICTS, AND DEPARTMENTS, THEIR RESPECTIVE DIRECTORS, OFFICERS, BOARD OF SUPERVISORS, EMPLOYEES, ELECTED OR APPOINTED OFFICIALS, AGENTS OR REPRESENTATIVES, 26520 CACTUS AVE. MORENO VALLEY, CA. 92555

CERTIFICATE HOLDER ADDL INSURED: City of Moreno valley, Moreno Valley Community Service District, Community Redevelopment agency of Moreno Valley. PO BOX 88005	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
--	--

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

MORENO VALLEY CA 92553-9057

AUTHORIZED REPRESENTATIVE

Marshall Scott

ACORD 25 (2001/08)

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

POLICY NUMBER 92-XC-2752-9

IMPORTANT

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

ACORD 25 (2001/08)

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

FE-6320
(7/88)

**ADDITIONAL INSURED ENDORSEMENT
DESIGNATED PREMISES ONLY**

Policy No.: 92-XC-2752-9 ✓

Named Insured:
THE MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE
PO BOX 246
MORENO VALLEY CA 92556-0246



A++(XV)CA

Name of Additional Insured:
THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF MORENO
SERVICES DISTRIC ✓
14075 FREDERICK ST
MORENO VALLEY CA 92553-9057

Address of Additional Insured:
Interest of Additional Insured:
SPECIAL EVENT

Location of Premises:
23020 ATLANTIC CIR MORENO VALLEY CA

The word "insured", wherever used in this policy, also includes the designated person or organization named above as Additional Insured under the provisions of the policy Sections shown below as applicable by an "X" to the extent indicated.

- SECTION I. This applies only to **COVERAGE A - BUILDINGS.**
- SECTION I. This applies only to **COVERAGE B - BUSINESS PERSONAL PROPERTY.**

Description of Property

- SECTION II. This applies only to **COVERAGE L - BUSINESS LIABILITY** and **COVERAGE M - MEDICAL PAYMENTS** and then only with respect to the ownership, maintenance or use of the premises designated above and operations necessary or incidental thereto. These SECTION II coverages do not apply to:
 1. structural alterations or new construction performed by or on behalf of the designated person or organization;
 2. personal injury caused by the designated person or organization;
 3. liability the designated person or organization assumed under a contract; or
 4. **products-completed operations hazard** arising out of goods or inventory which are not sold or distributed by you or arising out of the manufacturing or packaging of such goods or inventory.

All other provisions of the policy apply.

FE-6320
(7/88)

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

FE-6494
(5/91)

**ADDITIONAL INSURED ENDORSEMENT
Managers or Lessors of Premises**

Policy No.: 92-XC-2752-9 ✓

Named Insured:
THE MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE
PO BOX 246
MORENO VALLEY CA 92556-0246



Name of Person or Organization:
CITY OF MORENO VALLEY, MORENO ✓
VALLEY COMMUNITY SERVICE ✓
DISTRICT COMM REDEVELOPMENT ✓
AGENCY OF MORENO VALLEY
PO BOX 88005
MORENO VALLEY CA 92552-0805

Designation of Premises:
23020 ATLANTIC CIR, MORENO VALLEY CA 92553-5911

WHO IS AN INSURED, under SECTION II DESIGNATION OF INSURED, is amended to include as an insured the person or organization shown above, but only with respect to their liability arising out of the ownership, maintenance or use of the premises leased to you and designated above.

This insurance does not apply to:

1. any occurrence which takes place after you cease to be a tenant in that premises; or
2. structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown above.

FE-6494
(5/91)

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

Policy NO. 92-XC-2752-9

FE-6671
Page 1 of 1

**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST
OTHERS TO US**

SCHEDULE

Policy Number: 92-XC-2752-9 ✓

Named insured: THE MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE
PO BOX 246
MORENO VALLEY CA 92556-0246

Name and Address of Person or Organization:

MORENO VALLEY AUTO MALL ASSOCIATION, MOSS BROTHERS TOYOTA, MOSS BROTHERS
HONDA, MOSS BROTHERS JEEP CHRYSLER, MORENO VALLEY PONTIAC GMC BUICK
& MORENO VALLEY CHEVROLET
12625 AUTO MALL DR
MORENO VALLEY CA 92555-4408

The following is added to Paragraph 10.b. of SECTION I AND SECTION II — COMMON CONDITIONS.
We waive any right of recovery we may have against the person or organization shown in the Schedule
because of payments we make for injury or damage arising out of:

- a. Your ongoing operations; or
- b. Your work done under contract with that person or organization and included in the products-completed operations hazard.

This waiver applies only to the person or organization shown in the Schedule.
All other policy provisions apply.

FE-6671

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**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

Subject: EXCEPTION TO WORKER COMP FORM
From: Denise Bagley (DeniseB@moval.org)
To: jesum_holguin@yahoo.com;
Date: Wednesday, February 1, 2012 2:57 PM

Please have your signature notarized and return to me as soon as possible. This is required to allow processing of MVHCC payments.

Thank you,

Denise Bagley
(951) 413-3454 office

EXCEPTION TO WORKER'S COMPENSATION COVERAGE

I, the undersigned, hereby affirm:

I certify that as the President of the Moreno Valley Hispanic Chamber of Commerce (MVHCC), I elect to not come under Worker's Compensation Laws pursuant to the Labor Code Section 3700, and that as such certify that the MVHCC has no employees. I acknowledge and certify this to be true by presenting this notarized document with signature to be included as part of the agreement for Chamber services/events.

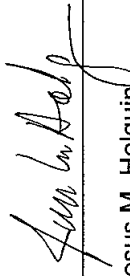
THAT I am the owner (sole proprietor) of does not apply, and;

THAT upon award of the contract to provide services, all work shall be performed without exception, for the term of the contract, exclusively and solely by the undersigned sole proprietor of the Company and;

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

THAT any deviation from this agreed upon practice shall constitute grounds for immediate termination of the agreement between the MVHCC and the City of Moreno Valley to provide services/events and I agree to defend, indemnify, and hold harmless the City of Moreno Valley, the Moreno Valley Community Services District and the Moreno Valley Redevelopment Agency against any and all claims, lawsuits, or other actions arising out of any deviation from this agreed upon practice.

I certify by my name affixed below under penalty of perjury that the foregoing is true and correct.



Jesus M. Holguin

2/6/12

Date

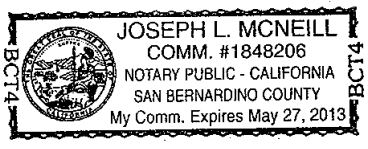
President, MVHCC

**AGREEMENT FOR SERVICES FY 2012/13
Moreno Valley Hispanic Chamber of Commerce**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of San Bernardino }
 On February 6, 2012 before me, Joseph L. McNeill - Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Jesus M. Holguin
Name(s) of Signer(s)

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

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Exception to Workers Compensation Coverage
 Document Date: February 6, 2012 Number of Pages: 2
 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Jesus M. Holguin
 Individual
 Corporate Officer — Title(s): President
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
 Signer Is Representing: _____

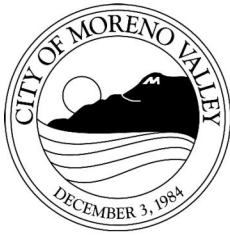


~~Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
 Signer Is Representing: _____~~



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

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: September 11, 2012

TITLE: APPOINTMENTS TO THE ARTS COMMISSION, THE SENIOR CITIZENS' BOARD AND THE TRAFFIC SAFETY COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint one member to the Arts Commission with a term expiring June 30, 2015;
2. Appoint one member to the Senior Citizens' Board with a term expiring June 30, 2015;
3. Appoint one member to the Traffic Safety Commission with a term expiring June 30, 2014;
4. Confirm the appointment of Shor Denny to the Traffic Safety Commission as the Moreno Valley Parent Teacher Council (MV-PTA) representative for a term expiring June 30, 2013;
5. Confirm the appointment of Lorey Ann Hargo to the Traffic Safety Commission as the Val Verde Parent Teacher Council (VVUSD-PTO) representative for a term expiring June 30, 2015; or
6. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

BACKGROUND

Applications were accepted by the City Clerk's Office to fill a vacancy for the Arts Commission, Senior Citizens' Board and Traffic Safety Commission. 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 Arts Commission has one vacant position with a term expiring June 30, 2015. The City Clerk's Office received one application for this position. Application was submitted by April Lyn Holliverse.

The Senior Citizens' Board has two vacant positions with terms expiring June 30, 2014, and two vacant positions with terms expiring June 30, 2015. The City Clerk's Office received one application for these positions. The application was submitted by Liz Williams.

The Traffic Safety Commission has one vacant position with terms expiring June 30, 2014. The City Clerk's Office received two applications for this position from Corey A. Jackson and Thomas Ketcham.

Pursuant to Municipal Code Section 2.27.020(b), insofar as practicable, the Traffic Safety Commission shall be composed of one representative of the Moreno Valley parent-teacher council and one representative of the Val Verde parent teacher council. Both representatives must be appointed by the Board of Directors of the council they respectively represent and confirmed by the City Council. In the event there is no parent teacher council, the board of trustees of the respective school district shall appoint a member to represent it and the member shall be confirmed by the city council. The Traffic Safety Commission has one vacant MV-PTA representative position with a term expiring June 30, 2013, and one vacant VVUSD-PTO representative position with a term expiring June 30, 2015.

The City Clerk's Office received a letter of recommendation from the Moreno Valley Council PTA to appoint Shor Denny as its MV-PTA representative on the Traffic Safety Commission, and a letter of recommendation from the Val Verde Unified School District to appoint Lorey Ann Hargo as its VVUSD-PTO representative on the Traffic Safety Commission.

ALTERNATIVES

The Arts Commission considers matters pertaining to the promoting arts activities and education in the City. The Traffic Safety Commission considers matters pertaining to traffic safety within the City; evaluates proposals for traffic control devices; evaluates the need for striping, signing or other measures not of a regulatory nature; and educates the public on traffic issues and responds to public concerns regarding traffic and pedestrian

safety. The Senior Citizens' Board considers matters pertaining to senior citizens, senior citizens programs, including policies for the Moreno Valley Senior Community Center. Choosing not to fill vacancies on the above-mentioned commissions 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 appointments.

NOTIFICATION

1. Publication of the agenda
2. Report and agenda mailed to applicants

ATTACHMENTS

1. Moreno Valley Council PTA letter of recommendation
2. Val Verde Unified School District letter of recommendation

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:

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Moreno Valley Council PTA
25643 Alessandro Blvd.
Moreno Valley, CA 92553

June 18, 2012

Mr. Eric Lewis
Traffic Safety Engineer
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

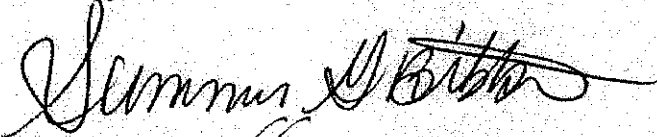
Dear Mr. Lewis,

Moreno Valley Council of PTA's nominates the following individual to the Traffic Safety Committee as our PTA representative:

Mrs. Shor Denny
28604 Maranda Ct
Moreno Valley CA 92555

Please feel free to call me at 951-318-8243 if you have any questions on this nomination.

Sincerely,


Summer Bibbee

President 2011-2013
Moreno Valley Council PTA
summerbib13@gmail.com
951-318-8243

cc: Council Executive Board

ATTACHMENT 1

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Val Verde Unified School District

975 W Morgan Street • Perris, CA 92571 • 951-940-6100

August 22, 2012

BOARD OF EDUCATION:

Fredy R. De Leon, J.D.
Stacey L. Guzman
Wraymond Sawyerr
Michael M. Vargas
D. Shelly Yarbrough

City of Moreno Valley
Traffic Safety Commission
14177 Frederick St.
Moreno Valley, CA 92552

Michelle Richardson, Ed.D.
Interim Superintendent

RE: Traffic Safety Commission Nomination

To Whom It May Concern:

Michelle Richardson, Ed.D.
Assistant Superintendent
Business Services

The Val Verde Unified School District would like to nominate Lorey Ann Hargo as the PTO representative for our District.

Michael McCormick
Assistant Superintendent
Education Services

Should you have any questions please do not hesitate to call my secretary, Vanessa Snell at 951.940.6100 extension 10601.

TBD
Assistant Superintendent
Student Services

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Richardson".

Michelle Richardson, Ed.D.
Interim Superintendent

TBD
Assistant Superintendent
Human Resources

Attachment 2

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