

#### **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

February 14, 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 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

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

## AGENDA CITY COUNCIL OF THE CITY OF MORENO VALLEY February 14, 2012

#### **CALL TO ORDER**

#### SPECIAL PRESENTATIONS

- 1. Proclamation Recognizing February 2012 as American Heart Month
- 2. "Spotlight on Moreno Valley Business"

#### **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 FEBRUARY 14, 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

**ROLL CALL** 

#### **INTRODUCTIONS**

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

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

#### **JOINT CONSENT CALENDARS (SECTIONS A-D)**

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, City as Successor Agency for the Redevelopment Agency, Housing Authority and 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 SPECIAL MEETING OF JANUARY 10, 2012 (Report of: City Clerk Department)

#### **Recommendation:**

Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JANUARY 24, 2012 (Report of: City Clerk Department)

#### Recommendation:

Approve as submitted.

A.4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING CHAPTER 6.12 AND SECTION 9.28.260 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE REGULATION AND CONTAINMENT OF SHOPPING CARTS (RECEIVED FIRST READING AND INTRODUCTION ON JANUARY 24, 2012 BY A 5-0 VOTE) (Report of: Community and Economic Development Department)

#### Recommendation:

Adopt Ordinance No. 838, Establishing provisions of Chapter 6.12 and 9.28.260 of the City of Moreno Valley Municipal Code regarding the Containment of Shopping Carts.

Ordinance No. 838

An Ordinance of the City Council of the City of Moreno Valley, California, Establishing Chapter 6.12 and Section 9.28.260 of the City of Moreno

Valley Municipal Code, relating to the Regulation and Containment of Shopping Carts

A.5 APPROVE THE ESTABLISHMENT OF AN ACCOUNT WITH THE LOCAL AGENCY INVESTMENT FUND (LAIF) FOR THE CITY OF MORENO VALLEY AS SUCCESOR AGENCY OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Financial & Administrative Services Department)

#### Recommendation:

Serving as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley, Adopt Resolution 2012-10, Authorizing the Opening of an Account with the Local Agency Investment Fund (LAIF) for the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley and Designating a List of Authorized Signers for the Account.

Resolution No. 2012-10

A Resolution of the City Of Moreno Valley Serving as the Successor Agency to the Community Redevelopment Agency of Moreno Valley, Authorizing Investment of Monies in the Local Agency Investment Fund

A.6 APPOINTMENT OF AN ALTERNATE TO THE MARCH JOINT POWERS AUTHORITY (MJPA) SUCCESSOR AGENCY OVERSIGHT COMMITTEE (Report of: City Clerk Department)

#### Recommendation:

Approve Mayor Richard A. Stewart's recommendation to appoint William H. Batey II to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

A.7 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

#### Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of January 18 – February 7, 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 JANUARY 24, 2012 (Report of: City AGENDA February 14, 2012

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 JANUARY 24, 2012 (Report of: City Clerk Department)

#### Recommendation:

Approve as submitted.

C.3 APPROVE THE ESTABLISHMENT OF AN ACCOUNT WITH THE LOCAL AGENCY INVESTMENT FUND (LAIF) FOR THE CITY OF MORENO VALLEY HOUSING AUTHORITY (Report of: Financial & Administrative Services Department)

#### Recommendation:

The City of Moreno Valley Housing Authority adopt Resolution No. HA 2012-03 authorizing the opening of an account with the Local Agency Investment Fund (LAIF) for the City of Moreno Valley Housing Authority and designating a list of authorized signers for the account.

Resolution No. HA 2012-03

A Resolution of the City of Moreno Valley Housing Authority Authorizing Investment of Monies in the Local Agency Investment Fund

#### 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 JANUARY 24, 2012 (Report of: City Clerk Department)

#### **Recommendation:**

Approve as submitted.

#### E. PUBLIC HEARINGS - NONE

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.

### 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)
  - b) Report by Council Member Robin N. Hastings on the Western Riverside Council of Governments (WRCOG)
  - c) Report by Council Member Jesse L. Molina on the Riverside Transit Agency (RTA)
- G.2 JULY 4TH UPDATE (ORAL PRESENTATION) (Report of: Parks and Community Services Department)
- G.3 APPOINTMENTS TO THE ARTS COMMISSION, THE LIBRARY COMMISSION, THE RECREATIONAL TRAILS BOARD AND THE ACCESSIBILITY APPEALS BOARD (Report of: City Clerk Department)

#### **Recommendation: That the City Council:**

- 1. Appoint one member to the Arts Commission with a term expiring June 30, 2014; and
- 2. Appoint one member to the Library Commission with a term expiring June 30, 2012; and
- 3. Appoint one member to the Recreational Trails Board with a term expiring June 30, 2014; and
- 4. Appoint one member to the Accessibility Appeals Board as a Construction Representative with a term expiring June 30, 2014; or
- 5. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.
- G.4 RESOLUTION OF THE CITY OF MORENO VALLEY ACTING AS THE SUCCESSOR AGENCY APPROVING AN AMENDED ENFORCEABLE

OBLIGATION PAYMENT SCHEDULE (CONTINUED FROM JANUARY 24, 2012 BY A 5-0 VOTE) (Report of: Community & Economic Development Department)

#### **Recommendation: That the City Council:**

 Acting as successor Agency Adopt Resolution No. 2012-08 approving an Amended Enforceable Obligation Payment Schedule; and

Resolution No. 2012-08

A Resolution of the City of Moreno Valley Acting as the Successor Agency Approving an Amended Enforceable Obligation Schedule and Authorizing the Executive Director to Make Modifications Thereto

- 2. Authorize the Executive Director of the Successor Agency or his designee to make modifications to the Schedule, as needed.
- G.5 APPOINT MEMBERS TO THE SUCCESSOR AGENCY OVERSIGHT BOARD (Report of: Community & Economic Development Department)

#### **Recommendation: That the City Council:**

Serving as the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley validate the Mayor's two appointments to the Successor Agency Oversight Board (SAOB).

G.6 RESOLUTION OF SUPPORT FOR LOCAL CONTROL OF ONTARIO INTERNATIONAL AIRPORT (Report of: City Manager's Office)

#### **Recommendation: That the City Council:**

 Approve Resolution No. 2012-11 in support of the City of Ontario's commitment to gain local control of Ontario International Airport (ONT); and

Resolution No. 2012-11

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Transfer of Ontario International Airport (Ont) to Local Control

- 2. Direct the City Clerk to communicate this action to the Mayors or Los Angeles and Ontario, the Acting Administrator of the Federal Aviation Administration, and state and federal elected representatives.
- G.7 CITY MANAGER'S REPORT (Informational Oral Presentation not for Council action)

#### H. LEGISLATIVE ACTIONS

#### H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1.1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (CONTINUED FROM JANUARY 10, 2012 ON A 4-0-1 VOTE, BATEY ABSENT) (Report of: Public Works Department)

#### **Recommendation: That the City Council:**

- 1. Receive and file this report; and
- Introduce Ordinance No. 837, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance).

#### Ordinance No. 837

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

- 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 OF THE COMMUNITY REDEVELOPMENT AGENCY OR THE 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 and the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

#### CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Number of Cases: 5

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

Number of Cases: 5

- 3 SECTION 54957 PUBLIC EMPLOYMENT
  - a) Public Employee Annual Performance Evaluation: City Clerk

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

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### MINUTES SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AND CITY OF MORENO VALLEY HOUSING AUTHORITY

#### SPECIAL MEETING – 6:30 PM January 10, 2012

#### **CALL TO ORDER**

The Special Meeting of the City Council of the City of Moreno Valley and the City of Moreno Valley Housing Authority was called to order at 6:31 p.m. by Mayor Richard A. Stewart in the Council Chamber located at 14177 Frederick Street.

#### **ROLL CALL**

Council:

Richard A. Stewart Mayor

Jesse L. Molina Council Member Marcelo Co Council Member Robin N. Hastings Council Member

Absent:

William H. Batey II Mayor Pro Tem

Staff:

Jane Halstead City Clerk

Kathy Gross Executive Assistant

Henry T. Garcia City Manager Robert L. Hansen City Attorney

Michelle Dawson Assistant City Manager

Richard Teichert Financial & Administrative Services Director

John Anderson Police Chief
Abdul Ahmad Interim Fire Chief

Ahmad Ansari Public Works Director/City Engineer

Barry Foster Community & Economic Development Director

Tom DeSantis Interim Human Resources Director Mike McCarty Parks & Community Services Director

#### PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA

Mayor Richard A. Stewart opened the agenda item for public comments, which were received from Pete Bleckert, Deanna Reeder (Oppose Items 1 & 2), and Jim Jernigan (Supports Item 1).

#### SPECIAL ORDER OF BUSINESS:

CONSIDERATION OF RESOLUTION 2012-04, ADOPTING A RESOLUTION ELECTING TO HAVE THE CITY OF MORENO VALLEY SERVE AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY PURSUANT TO HEALTH & SAFETY CODE SECTION 34173(D)(1) (Report of: City Attorney)

#### **Recommendation: That the City Council:**

Adopt Resolution 2012-04, electing to have the City of Moreno Valley serve as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley pursuant to Health & Safety Code Section 34173(d)(1)

#### Resolution No. 2012-04

A Resolution Of The City Council Of The City Of Moreno Valley, California, Electing To Have The City Of Moreno Valley Serve As The Successor Agency To The Community Redevelopment Agency Of The City Of Moreno Valley Pursuant To California Health & Safety Code Section 34173 And Electing To Have The City Of Moreno Valley Retain The Housing Assets And Housing Functions Previously Performed By The Community Redevelopment Agency Of The City Of Moreno Valley And Assign Same To The City Of Moreno Valley Housing Authority

# Motion to Approve Item 1 by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 4-0-1, Mayor Pro Tem William H. Batey II absent.

Robert L. Hansen, City Attorney, made clarification that the Resolution 2012-04 that was distributed to City Council via hard copy at the meeting is the correct Resolution that the City Council is currently making a motion to approve.

CONSIDERATION OF RESOLUTION NO. HA 2012-01, ADOPTING A RESOLUTION ASSUMING THE HOUSING FUNCTIONS AND ACCEPTING A TRANSFER OF RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS OF THE COMMUNITY

SPECIAL MEETING MINUTES January 10, 2012 REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY PURSUANT TO HEALTH & SAFETY CODE SECTION 34176 (Report of: City Attorney)

#### **Recommendation: That the City Council:**

Acting in its capacity as the Commission for the City of Moreno Valley Housing Authority adopt Resolution No. HA 2012-01, assuming the housing functions and accepting a transfer of rights, powers, assets, liabilities, duties, and obligations of the Community Redevelopment Agency of the City of Moreno Valley pursuant to Health & Safety Code Section 34176.

#### Resolution No. HA 2012-01

A Resolution Of The City Council Of The City Of Moreno Valley, California, In Their Capacity As Commissioners Of The City Of Moreno Valley Housing Authority, Accepting From The City Of Moreno Valley The Assignment Of Housing Assets And Functions Of The Community Redevelopment Agency Of The City Of Moreno Valley Pursuant To California Health & Safety Code Section 34176

## Motion to Approve Item 2 by m/Commissioner Jesse L. Molina, s/Commissioner Marcelo Co Approved by a vote of 4-0-1, Vice-Chair William H. Batey II absent.

Robert L. Hansen, Housing Authority Counsel, made clarification that the Resolution No. HA 2012-01 that was distributed to the Commissioners via hard copy at the meeting is the correct Resolution that the Commissioners is currently making a motion to approve.

#### **ADJOURNMENT to Regular City Council Meeting**

There being no further business to conduct, the Special Meeting was adjourned at 6:59 p.m. to the Regular City Council Meeting by <u>unanimous informal consent</u>.

Submitted by:	
City Clerk Jane Halstead, City Clerk, CMC Housing Authority Secretary	
Approved by:	
Mayor Richard A. Stewart Chairman, Moreno Valley Housing Authority	

#### **MINUTES**

#### **JOINT MEETING OF THE**

CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

**BOARD OF LIBRARY TRUSTEES** 

MORENO VALLEY HOUSING AUTHORITY
FINO VALLEY PUBLIC FACILITIES FINANCING CORPORA

MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

#### REGULAR MEETING – 6:30 PM January 24, 2012

#### CALL TO ORDER

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley, the Board of Library Trustees and the Moreno Valley Housing Authority was called to order at 6:31 p.m. by Mayor Richard A. Stewart in the Council Chamber located at 14177 Frederick Street.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem William H. Batey II

#### INVOCATION - Pastor Paul Cunningham, Calvary Baptist Church

#### **ROLL CALL**

Council:

Richard A. Stewart Mayor

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

Staff:

Jane Halstead City Clerk

Juliene Clay Administrative Assistant

Richard Teichert Financial & Administrative Services Director

Robert L. Hansen City Attorney

Michelle Dawson Assistant City Manager

Michele Patterson Assistant to the City Manager

Cheryl Evans Lieutenant Abdul Ahmad Fire Chief

Ahmad Ansari Public Works Director

Barry Foster
Tom DeSantis
Mike McCarty

Community & Economic Development Director Interim Human Resources Director Parks & Community Services Director

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

Mayor Richard A. Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder A3, A6, A7, A11 (oppose), and Pete Bleckert A5 (oppose), A12.

#### A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.

MINUTES - SPECIAL MEETING OF JANUARY 3, 2012 (Report of: City A.2 Clerk Department)

#### **Recommendation:**

Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JANUARY 10, 2012 (Report of: City Clerk Department)

#### Recommendation:

Approve as submitted.

A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

#### **Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of January 4-17, 2012.

A.5 APPROVAL OF CHECK REGISTER FOR NOVEMBER, 2011 (Report of: Financial & Administrative Services Department)

#### Recommendation:

Adopt Resolution No. 2012-05, approving the Check Register for the month of November, 2011 in the amount of \$9,210,007.84

Resolution No. 2012-05

- A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of November, 2011
- A.6 PA07-0165 (PM 35859) ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-002 FOR PARCEL MAP NO. 35859 IMPROVEMENTS ASSOCIATED WITH THE FIRST SAN MICHELE LOGISTICS COMPLEX NORTHWEST CORNER OF PERRIS BOULEVARD AND NANDINA AVENUE, DEVELOPER: FIRST INDUSTRIAL REALTY TRUST, INC., EL SEGUNDO, CA 90245 (Report of: Community & Economic Development Department)

#### Recommendation:

- Accept the Development Impact Fee Improvement Credit Agreement #D11-002 (DIF Agreement) for Parcel Map No. 35859 improvements and right-of-way dedications; and
- 2. Authorize the Mayor to execute the DIF Agreement
- A.7 PA04-0063 (PM 32326) ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT REIMBURSEMENT AND/OR CREDIT AGREEMENT #D10-002 FOR PARCEL MAP NO. 32326 IMPROVEMENTS ASSOCIATED WITH THE CENTERPOINTE BUSINESS PARK, BETWEEN FREDERICK STREET AND HEACOCK STREET AND CACTUS AVENUE AND BRODIAEA AVENUE, DEVELOPER: RIDGE MORENO VALLEY PROPERTY, LLC, LONG BEACH, CA 90803 (Report of: Community & Economic Development Department)

#### Recommendation:

- Accept the Development Impact Fee Improvement Reimbursement and/or Credit Agreement #D10-002 (DIF Agreement) for Parcel Map No. 32326 improvements and right-of-way dedications; and
- 2. Authorize the Mayor to execute the DIF Agreement
- A.8 UPDATED STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES FOR 2012 (Report of: City Manager's Office)

#### Recommendation:

Review and adopt the proposed State and Federal Legislative Advocacy Priorities for 2012.

A.9 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR NET ENERGY METERING (NEM) SURPLUS ENERGY COMPENSATION FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

#### Recommendation:

Approve Resolution No. 2012-06, amending the Electric Rates for Net Energy Metering (NEM) Surplus Energy Compensation for Moreno Valley Utility

Resolution No. 2012-06

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, for Net Energy Metering (NEM) Surplus Energy Compensation for Moreno Valley Utility

A.10 PROPOSED RESOLUTION FOR A SUMMARY VACATION OF PUBLIC STORM DRAIN EASTMENT, AS SHOWN ON LOT 14 OF PARCEL MAP 23656, INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department/CPD)

#### Recommendation:

- Adopt the proposed Resolution, summarily vacating the public storm drain easement as shown on Lot 14 of Parcel Map 23656 (APN 481-020-028), located on the south side of Ironwood Avenue east of Heacock Street; and
- 2. Direct the City Clerk to certify said Resolution and transmit a copy of the Resolution to the County Recorder's office for recording.
- A.11 RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDING FROM THE CALIFORNIA SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVE PROGRAM FOR THE NASON/ALESSANDRO MEDICAL ARTS DISTRICT (NAMAD) MASTER PLAN (Report of: Community & Economic Development Department)

#### Recommendation:

ADOPT Resolution No. 2012-07, authorizing the submittal of an application for funding from the California Sustainable Communities Planning Grant and Incentive Program fro the Nason/Alessandro Medical Arts District (NAMAD) Master Plan.

Resolution No. 2012-07

Resolution of the City of Moreno Valley Authorizing Submittal of an Application Entitled The Nason/Alessandro Medical Arts District Master Plan for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006

(Proposition 84)

A.12 REPLACEMENT PURCHASE OF POLICE ENFORCEMENT MOTORCYCLES (Report of Police Department)

#### Recommendation:

- Authorize the purchase of four (4) replacement Honda ST-1300PAB Police Motorcycles and related emergency equipment totaling \$110,136;
- 2. Authorize the transfer of \$97,160 from the Equipment Replacement Reserve Fund (Fund 757) to the General Fund to fund four (4) 2011 Honda ST-1300PAB replacement Police Motorcycles and related emergency equipment;
- 3. Authorize the following budget appropriations/adjustments:
  - a. Appropriate \$97,160 from General Fund fund balance to the Police Dept. Traffic, Vehicle Replacement object (010.62310.6642.645); and
  - b. Transfer of \$12,976 from Police Dept. Traffic, Maintenance and Repair Machine Equip. object (010.62310.6281) to Police Dept. Traffic, Vehicle Replacement object (010.62310.6642.645); and
- 4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to Huntington Beach Honda in the amount of \$110,136.
- A.13 APPROVAL OF TWO PROFESSIONAL SERVICE CONTRACTS AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH JD EDGE SOFTWARE (Report of: Financial & Administrative Services Department)

#### Recommendation:

- Approve two (2) Independent Contractor Agreements with JD Edge Software; and
- 2. Authorize the City Manager to execute the agreements and purchase orders with JD Edge Software for quoted costs not-to-exceed \$73,280.00.
- A.14 APPOINTMENT TO MARCH JOINT POWERS AUTHORITY (MJPA) SUCCESSOR AGENCY OVERSIGHT COMMITTEE (Report of: City Clerk Department)

#### Recommendation:

Approve Mayor Richard A. Stewart's recommendation to appoint Richard A. Stewart to serve as the City of Moreno Valley's representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

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

- B.1 ORDINANCES READING BY TITLE ONLY Recommendation: Waive reading of all Ordinances.
- B.2 MINUTES SPECIAL MEETING OF JANUARY 3, 2012 (Report of: City Clerk Department)

#### **Recommendation:**

Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JANUARY 10, 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.
- C.2 MINUTES SPECIAL MEETING OF JANUARY 3, 2012 (Report of: City Clerk Department)

#### **Recommendation:**

Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JANUARY 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.1.1 MINUTES REGULAR MEETING OF JANUARY 10, 2012 (Report of:

#### City Clerk Department)

#### Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 with Item A3 as amended by m/Mayor Pro Tem William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

ADJOURNMENT OF THE CITY COUNCIL MEETING TO THE ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

#### **ADJOURN**

### ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

#### CALL TO ORDER

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

#### **ROLL CALL**

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

### PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CORPORATION.

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

#### SPECIAL ORDER OF BUSINESS

1 MINUTES - MVPFFC SPECIAL MEETING OF MAY 24, 2011 (Report of: City Clerk's Office)

#### Recommendation:

Approve as submitted.

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

Approved by a vote of 4-0-1, Board Member Jesse L. Molina abstained.

ADJOURNMENT OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC AUTHORITY FINANCING CORPORATION (MVPFA)

#### **ADJOURN**

### ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

#### CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley, the Board of Library Trustees and the Moreno Valley Housing Authority was called to order at 6:56 p.m. by Chairman Richard A. Stewart in the Council Chamber located at 14177 Frederick Street.

#### **ROLL CALL**

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

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

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 Board Member, staff member or other person.

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

#### SPECIAL ORDER OF BUSINESS

1 MINUTES - MVPFA ANNUAL REGULAR MEETING OF JANUARY 25, 2011 (Report of: City Clerk's Office)

#### **Recommendation:**

Approve as submitted.

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

ADJOURNMENT OF THE MORENO VALLEY PUBLIC AUTHORITY FINANCING AUTHORITY (MVPFA) TO THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

#### **ADJOURN**

### ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

#### CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley, the Board of Library Trustees and the Moreno Valley Housing Authority was called to order at 6:58 p.m. by Chairman Richard A. Stewart in the Council Chamber located at 14177 Frederick Street.

#### **ROLL CALL**

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

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

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 Board member, staff member or other person.

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

#### SPECIAL ORDER OF BUSINESS

1 There are no reports or issues before the authority.

ADJOURNMENT OF THE CITY COUNCIL MEETING TO THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

#### **ADJOURN**

RECONVENE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE MORENO VALLEY HOUSING AUTHORITY

#### RECONVENE

#### E. PUBLIC HEARINGS

Mayor Richard A. Stewart opened the public testimony portion of the public hearing. Public testimony was received from Mike Rios (oppose).

E.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING CHAPTER 6.12 AND SECTION 9.28.260 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE REGULATION AND CONTAINMENT OF SHOPPING CARTS (Report of: Community and Economic Development Department)

#### Recommendation:

Introduce Ordinance No. 838, Establishing provisions of Chapter 6.12 and 9.28.260 of the City of Moreno Valley Municipal Code regarding the Containment of Shopping Carts.

Ordinance No. 838

An Ordinance of the City Council of the City of Moreno Valley, California, Establishing Chapter 6.12 and Section 9.28.260 of the City of Moreno Valley Municipal Code, relating to the Regulation and Containment of Shopping Carts

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

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

There was a report from the Federal Lobbyist regarding the Legislative Agenda. A decision was made to solicit a State Lobbyist because of the need to work with Sacramento on creating some form of agency specifically for military re-use.

G.2 ANNUAL REPORT OF ADVISORY BOARDS AND COMMISSIONS (ORAL PRESENTATION) (Report of: City Clerk's Department)

Reports were given by the following Advisory Boards/Commissions:

Arts Commission - Ruth Van Hala

Environmental and Historical Preservation Board - Naeem Qureshi

Library Commission - Kristina Dixon

Parks and Recreation Commission - Stuart Swan

Planning Commission - George Salas, Jr. for Ray Baker

Recreational Trails Board - Kim Nelson

Senior Citizens Board - Delories Anderson

Traffic Safety Commission - None

G.3 CONSIDERATION OF RESOLUTION NO. HA 2012-02, A RESOLUTION OF THE MORENO VALLEY HOUSING AUTHORITY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DESIGNATING OFFICERS OF THE HOUSING AUTHORITY, ADOPTING PERSONNEL RULES AND REGULATIONS AND A CONFLICT OF INTEREST CODE PURSUANT TO HEALTH & SAFETY CODE SECTION 34278, PROVIDING FOR THE TIME AND PLACE OF HOLDING REGULAR MEETINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 34283, RATIFYING PRIOR ACTIONS TAKEN BY CITY OFFICIALS ACTING IN THE CAPACITY OF HOUSING AUTHORITY OFFICERS, DESIGNATING THE MAYOR AS CHAIRPERSON AND THE MAYOR PRO TEM AS VICE-CHAIRPERSON PURSUANT TO HEALTH & SAFETY CODE SECTIONS 34277 AND 34278, CREATING THE MORENO VALLEY HOUSING AUTHORITY

FUND AND ANY OTHER SUBSIDIARY FUNDS TO SEGREGATE THE ACCOUNTING ACTIVITY OF THE LOW AND MODERATE HOUSING ASSETS RECEIVED FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND ACCEPTING THE TRANSFER OF THE LOW AND MODERATE HOUSING ASSETS OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE MORENO VALLEY HOUSING AUTHORITY FUND AS OF FEBRUARY 1, 2012 (Report of: City Attorney)

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

#### **Recommendation: That the City Council:**

In its capacity as the Commission for the Moreno Valley Housing Authority adopt Resolution No. HA 2012-02, a Resolution of the Moreno Valley Housing Authority of the City of Moreno Valley, California, Designating Officers of the Housing Authority, Adopting Personnel Rules and Regulations and a Conflict of Interest Code pursuant to Health & Safety Code Section 34278, Providing for the Time and Place of Holding Regular Meetings pursuant to Health & Safety Code Section 34283, Ratifying Prior Recommendation: Taken by City Officials Acting in the Capacity of Housing Authority Officers, and Designating the Mayor as Chairperson and the Mayor Pro Tem as Vice-Chairperson pursuant to Health & Safety Code Sections 34277 and 34278; Creating the Moreno Valley Housing Authority Fund and any other subsidiary funds to segregate the accounting activity of the Low and Moderate Housing Assets received from the Community Redevelopment Agency of the City of Moreno Valley; and Accepting the transfer of the Low and Moderate Housing assets of the Community Redevelopment Agency of the City of Moreno Valley to the Moreno Valley Housing Authority Fund as of February 1, 2012.

#### Resolution No. HA 2012-02

A Resolution No. HA 2012-02 A Resolution of the Moreno Valley Housing Authority of the City of Moreno Valley, California, Designating Officers of the Housing Authority, Adopting Personnel Rules and Regulations and a Conflict of Interest Code, Providing for the Time and Place of Holding Regular Meetings of the Housing Authority, Ratifying Recommendation: of City Officials Acting in the Capacity of Housing Authority Officers, Designating the Mayor as Chairperson and the Mayor Pro Tem as the Vice-Chairperson, Creating the Moreno Valley Housing Authority Fund and Any Other Subsidiary Funds to Segregate the Accounting Activity of the Low and Moderate Housing Assets Received from the Community Redevelopment Agency of the City of Moreno Valley, and Accepting the Transfer of the Low and Moderate Housing Assets of the Community Redevelopment Agency of the City of Moreno Valley to the

Moreno Valley Housing Authority Fund as of February 1, 2012

## Motion to Approve by m/Vice Chair William H. Batey II, s/Commissioner Jesse L. Molina Approved by a vote of 5-0.

G.4 REQUEST FOR CITY COUNCIL DIRECTION IN PROCEEDING WITH AN ELECTION ON THE QUESTION OF DIRECTLY ELECTED MAYOR AND AUTHORIZATION TO HIRE REDISTRICTING CONSULTANT (CONTINUED FROM JANUARY 10, 2012 ON A 4-0-1 VOTE, BATEY ABSENT) (Report of: City Attorney)

Mayor Richard A. Stewart opened the agenda item for public comments, which were received from Mike Rios (support), Tom Jerele, Sr. (support), Pete Bleckert, Deanna Reeder, Ms. Smith (not present).

#### **Recommendation: That the City Council:**

- Determine whether the City should be divided into four (4), six (6) or eight (8) new City Council Districts to submit to the voters along with the question of creating the office of directly elected Mayor;
- 2. Authorize the proposed redistricting of the City into four (4), six (6) or eight (8) City Council Districts; authorize the City Manager to execute a contract with National Demographics Corporation for redistricting services pursuant to their written proposal in an amount not to exceed \$30,000.00; and appropriate \$30,000 from the General Fund fund balance to account No. 010.13110.6291.293;
- 3. Bring back to the City Council for further discussion the newly created City Council Districts before submitting same to the Planning Commission for findings as required by law;
- 4. Direct staff to prepare all necessary documents and ordinances to submit to the Planning Commission for findings as required by law; and
- 5. Direct staff to prepare all necessary documents, resolutions and ordinances for the City Council to call an election on the matter of a directly elected Mayor and four (4), six (6) or eight (8) City Council Districts for the November 6, 2012, municipal general election.

Motion to Approve all recommendations as listed above by m/Mayor Pro Tem William H. Batey II, s/Council Member Robin N. Hastings
Failed by a vote of 2-3, Mayor Richard A. Stewart, Council Member Jesse L. Molina, Council Member Marcelo Co opposed.

Motion to bring item back after the November 2012 election, by m/Mayor Richard A. Stewart, s/Council Member Jesse L. Molina
Failed by a vote of 3-2, Mayor Pro Tem William H. Batey II, Council Member Robin N. Hastings, Mayor Richard A. Stewart opposed.

#### **AGENDA ORDER**

PUBLIC COMMENTS <u>ON ANY SUBJECT NOT ON THE AGENDA</u> 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.

#### Brett Dickerson

- 1. Create jobs
- 2. Truck Stops

#### Deanna Reeder

1. Directly elected Mayor

#### Daryl Terrell

1. Create jobs

#### Tom Jerele, Sr.

- 1. Truck stops
- 2. Directly elected Mayor
- 3. Economy

#### **Bunny Hawkins**

- 1. Directly elected Mayor
- 2. Recall

AGENCY

#### **AGENDA ORDER**

G.5 RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE; RESOLUTION OF THE CITY OF MORENO VALLEY ACTING AS THE SUCCESSOR AGENCY APPROVING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE, AND ESTABLISHMENT BY THE CITY COUNCIL OF ACCOUNTING FUNDS BY THE SUCCESSOR

(Report of: Community & Economic Development Department)

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

#### Recommendation:

 Adopt Resolution No. RDA 2012-01 approving an Amended Enforceable Obligation Payment Schedule; and

Resolution No. RDA 2012-01

Resolution No. RDA 2012- 01, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Amended Enforceable Obligation Schedule and Authorizing the Executive Director to Make Modifications Thereto

## Motion to Approve by m/Agency Member Jesse L. Molina, s/Agency Member Marcelo Co Approved by a vote of 5-0.

2. Authorize the Executive Director of the Redevelopment Agency or his designee to make modifications to the Schedule, as needed and transmit it to the City of Moreno Valley, such successor agency as shall hereafter be stablished pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the State Controller's Office, the Department of Finance of the State of California, and the Riverside County Auditor-Controller's Office.

## Motion to Approve by m/Agency Member Jesse L. Molina, s/Agency Member Marcelo Co Approved by a vote of 5-0.

#### Recommendation: That the City Council:

 Adopt Resolution No. 2012-08 approving an Amended Enforceable Obligation Payment Schedule; and

Resolution No. 2012-08

A Resolution of the City of Moreno Valley Acting as the Successor Agency Approving an Amended Enforceable Obligation Schedule and Authorizing the Executive Director to Make Modifications Thereto

 Authorize the Executive Director of the Successor Agency or his designee to make modifications to the Schedule, as needed and transmit it to the City of Moreno Valley, such successor agency as shall hereafter be established pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the State Controller's Office, the

Department of Finance of the State of California, and the Riverside County Auditor-Controller's Office.

## Motion to continue to February 14, 2012, by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

#### **Recommendation: That the City Council:**

 Create the Redevelopment Obligation Retirement Fund and any other subsidiary funds necessary to segregate the accounting activity of the Successor Agency; and

## Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

2. Create the Riverside County Flood Control District Trust Fund as of January 25, 2012 and transfer Community Redevelopment Agency of the City of Moreno Valley pass-through property tax increment funds held on behalf of the County Flood Control District to the Trust Fund as of January 25, 2012.

## Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

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

None

#### H. LEGISLATIVE ACTIONS

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

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

#### Mayor Pro Tem William H. Batey II

- 1. Moreno Valley worked a long time on getting a directly elected mayor, and the citizens of Moreno Valley want a directly elected mayor.
- 2. Attended the Moreno Valley Chamber of Commerce Installation Dinner. Congratulations to Dr. Conyers, Moreno Valley Citizen of the Year; Ayres Hotel and Spa Large Business of the Year; Brandman University Medium Business of the Year; and Margarita's Grill Restaurant and Catering Small Business of the Year.
- 3. Assemblyman Mike Morrell recently held a luncheon recognizing several top Chamber businesses in the Inland Empire. Five Moreno Valley businesses were recognized. Congratulations to Wizard's Party House, iHerb, Moreno Valley Car Wash, PIP Printing and Waste Management.
- 4. Congratulations to Moreno Valley's new Fire Chief, Abdul Ahmad.

#### Council Member Marcelo Co

1. Tonight's action was taken so the people aren't taxed anymore. Moreno Valley cannot continue spending money on something that can happen later. The money should be spent on fire and police, and to bring in infrastructure and businesses, which will bring in jobs.

#### Council Member Robin N. Hastings

- When the directly elected mayor was put on the ballot, 83 percent of the people voted for it. In 2010 the people had to wait until after the election in November before it was discussed again, which was then continued until today. The residents deserve the opportunity to choose whether or not to elect a mayor.
- 2. As a point of clarification regarding what Deanna Reeder brought up about the development agreement for Aqua Bella, she didn't mention the Nason Street Bridge or the Moreno Beach Bridge improvements. She talked about the development agreement which contains specific improvements to Nason tied to the Aqua Bella project.
- 3. The Moreno Valley Chamber of Commerce Installation and Citizen of the Year Dinner was a great event. It was held at March Field. Congratulations to the Moreno Valley businesses that were recognized and to Dr. Conyers.
- 4. Congratulations to our new Fire Chief.

#### Council Member Jesse L. Molina

- 1. There is a problem with the exchange server, and emails are unavailable. Call the office for the alternative email address.
- 2. Moreno Valley should look at becoming a charter city and then look at the directly elected mayor. Wait until the economic plan bears fruit, but not right now. A Mayor-at-Large will be a figurehead, which is what Moreno Valley has now.

#### Mayor Richard A. Stewart

- 1. There was a Forum presented last week by staff and the City Manager regarding the new plan for the industrial park. Economist John Husing did a numerical and statistical analysis of the region, jobs, and where the City is going. The need for moving ahead is there.
- 2. Attended the Rising Stars Academy Charter School ribbon cutting and had a tour. It is located in the Canyon Springs Shopping Center. It's another option for people who don't want to attend a traditional school setting.
- 3. The word stupid was not used by anyone on this Council. The word used was misinformed after listening to a group speak against something that wasn't before Council. A speaker made a statement tonight demanding a strong mayor. That wasn't what was being discussed or voted on. The City Attorney made it clear in order to have a strong mayor the city would have to be changed to become a charter city. The directly elected mayor issue was delayed because of the redistricting that needed to be done by law, not because of the election. If it was discussed after the November 2012 election, it could still possibly be held during the 2014 election. It will be revisited again.

There being no further business to conduct, the meeting was adjourned at 10:01 p.m. by <u>unanimous informal consent.</u>

#### **CLOSED SESSION**

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

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

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

The Closed Session will be held pursuant to Government Code:

- 1 SECTION 54956.9(a) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
  - a Case: Sipple et al v. City of Alameda et al

Court: Superior Court of the State of California, County of Los

Angeles

Case No: BC 462270

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

Number of Cases: 5

3 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

Reportable action.

#### **ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 10:12 p.m. by unanimous informal consent.

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

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

### ORDINANCE NO. 838

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING CHAPTER 6.12 AND SECTION 9.28.260 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE REGULATION AND CONTAINMENT OF SHOPPING CARTS.

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

### SECTION 1: CHAPTER 6.12. MUNICIPAL CODE ADDED:

1.1 Chapter 6.12 of the Moreno Valley Municipal Code is hereby added to read as follows:

### 6.12.010 Purpose.

This chapter is adopted to set forth regulations to ensure that reasonable measures are taken by the owners and operators of retail establishments to either prevent the removal of shopping carts from the premises, or provide for the prompt retrieval of removed or abandoned shopping carts, to complement and supplement provisions of state law, and to adopt local regulations to the extent not otherwise preempted by state statute.

### 6.12.020 Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

Abandoned means a shopping cart which is left unattended or discarded upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether or not such shopping cart was removed from the premises with the permission of the owner. For purposes of this chapter, any shopping cart left unattended or discarded on any public property shall be presumed abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is:

- (i) The owner, or an employee or authorized agent of the owner, entitled to possession of said shopping cart,
- (ii) An officer, employee or agent of a cart retrieval service hired by the owner to retrieve shopping carts, or
- (iii) Is enforcement personnel retrieving, storing or disposing of a cart pursuant to the provisions of this chapter.

Ordinance No. 838

Date Adopted: February 14, 2012

City means the City of Moreno Valley, California.

Community & Economic Development Director means the Community & Economic Development Director of the city.

Customer means any person who enters the premises of a retail establishment.

Enforcement personnel means any police officer or Code Compliance Officer employed by the City, or otherwise designated by the City Manager.

Laundry cart means a basket which is mounted on wheels and used in a coinoperated laundry or dry-cleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

Owner means any owner, manager, or operator of any retail establishment.

Parking area means a parking lot or other property provided by a retail establishment for the use of customers of the retail establishment for parking of customer vehicles. The parking area of a retail establishment located in a multi-store complex or shopping center shall include the entire parking area used by the multi-store complex or shopping center.

Parkway means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway which is not open to vehicular travel.

*Premises* means any building, property or other area upon which any retail establishment is conducted or operated in the city, including the parking area provided for customers of such retail establishment.

*Public property* means and includes, but is not limited to, all that area dedicated to public use for public street purposes, civic purposes, roadways, parks, parkways, alleys, sidewalks, flood control channels and any other public right-of-way.

Retail establishment means any business located in the city which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, or is a private club or business, or is a membership store.

Shopping cart or cart means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind. The term 'shopping cart' or 'cart' includes a laundry cart.

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6.12.030 Appeals.

Any owner aggrieved by any adverse decision of the Community & Economic Development Director may appeal such decision pursuant to MVMC section 6.04.090.

### 6.12.040 Enforcement.

- (A) The provisions of this chapter shall be administered and enforced by code enforcement personnel or by a designee of the Community & Economic Development Director.
- (B) The City may enforce violations of this chapter by use of administrative citations as provided in chapter 1.10 of this Code, and by any other means authorized within this Code.

6.12.050 Shopping Cart Abatement.

Upon discovering the existence of a removed or abandoned shopping cart which is not belonging to a particular retail establishment, or parts thereof, on public or private property within the City, enforcement personnel shall have the authority to cause the abatement and removal thereof in accordance with the procedures described in this chapter.

- 6.12.060 Procedures for Abatement.
- (A) Shopping carts with signs affixed. A removed or abandoned shopping cart that has a sign affixed to it per California Business and Professions Code section 22435.1, may be impounded by enforcement personnel pursuant to either of the following procedures.
- (1) Upon the discovery of a removed or abandoned cart, enforcement personnel give the owner of the cart notice of the cart's discovery and location. If three days after such notice is given the cart has not been retrieved by the owner or his or her agent, enforcement personnel may impound the cart. The owner of any cart impounded pursuant to this subsection (a)(1) shall be subject to any applicable fee or fine imposed pursuant to subdivision (e) or (f). A cart impounded pursuant to this subsection (a)(1) that is not reclaimed within 30 days of the owner's receipt of the notice provided for herein shall be disposed of pursuant to subsection (g).
- (2) Upon the discovery of a removed or abandoned cart, enforcement personnel immediately impound the cart and give the owner of the cart actual notice that the cart has been impounded within 24 hours of the impoundment. Any shopping cart impounded pursuant to this subsection (a)(2) that is reclaimed within three business days following the date of actual notice to the owner shall be released and surrendered

Ordinance No. 838

to the owner or his or her agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subdivision (e) or (f) of this section. Any cart reclaimed within the three business day period shall not be deemed an occurrence for the purposes of subdivision (f) of this section. The owner of any cart impounded pursuant to this subsection (a)(2) that is not reclaimed within three business days following the date of actual notice to the owner shall be subject to any applicable fee or fine imposed pursuant to subdivision (e) or (f) commencing on the fourth business day following the date of the notice. Any cart not reclaimed within 30 days of the actual notice provided to the owner of the cart shall be disposed of pursuant to subsection (g).

- (B) Shopping carts without signs affixed. A removed or abandoned shopping cart that does not have a sign affixed to it per California Business and Professions Code section 22435.1, identifying the owner may be impounded immediately upon its discovery by enforcement personnel. Carts impounded pursuant to this subsection (b) may be disposed of immediately.
- (C) Emergency removal. Notwithstanding subsection (a) of this section, a removed or abandoned shopping cart with a sign affixed to it identifying the owner may be impounded immediately if the location of the shopping cart will impede emergency services. Enforcement personnel shall give the owner or his or her authorized agent notice of the impoundment within three business days of the impoundment. The owner of any cart impounded pursuant to this subsection (c) shall be subject to any applicable fee or fine imposed pursuant to subdivision (e) or (f). Any cart not reclaimed within 30 days of the date the owner of the cart receives notice of its impoundment shall be disposed of pursuant to subsection (g).
- (D) *Impound location*. Any shopping cart that is impounded by the enforcement personnel pursuant to this division shall be held at a location that is reasonably convenient to the owner of the shopping cart and open for business at least six hours of each business day. The city's corporate yard is centrally located within the city and open at least six hours each business day, and the city finds that holding impounded shopping carts at the corporate yard satisfies the requirements of this subsection.
- (E) *Recovery of costs.* The city council may provide by resolution for the recovery of the actual cost in providing the service of impounding shopping carts.
- (F) Fines. In addition to the fee for the service of impounding shopping carts, a fine in the amount of \$50.00 is hereby imposed upon each owner of a shopping cart for each occurrence in excess of three during a specified six-month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this chapter in a one-day period. This subsection does not apply to and does not limit or prohibit any other fee, fine or penalty that the city may charge for violation of the other provisions of this chapter.

Ordinance No. 838

- (G) *Disposal of carts*. Any shopping cart not reclaimed from the city within 30 days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the city.
- (H) Actual notice. A notice, as required by this chapter, may be served personally upon the designated owner identified in a sign permanently affixed to a shopping cart or by mail as prescribed by California Code of Civil Procedure Section 1013."

### SECTION 1: CHAPTER 9.28. MUNICIPAL CODE ADDED:

Section 9.28.260 of the Moreno Valley Municipal Code is hereby added to read as follows:

Section 9.28.260 Shopping Cart Containment and Retrieval Requirements.

- A. *General provisions*. The provisions in this chapter are applicable to new businesses with ten or more shopping carts established after the adoption of this ordinance and to existing businesses with ten or more shopping carts which have experienced a change in ownership after the adoption of this ordinance.
- 1. A change of ownership shall include all sales, transfers, leases, assignments, mergers, consolidations, or other business transactions that result sale of a corporation, limited partnership to another corporate entity. Corporate name changes or minor reorganizations do not classify as a change in ownership and are therefore exempt from code provisions within this chapter.
- 2. This chapter shall not apply to any conditions expressly allowed or authorized by federal or state law or any other provision of this code.
- 3. Violations of this chapter shall be treated as strict liability offenses regardless of intent.
- B. Cart containment and retrieval plan. Except as otherwise provided in this chapter, every business that provides shopping carts to customers for use on their premises shall develop, implement and comply with the provisions of a written plan approved by the City to prevent customers from removing shopping carts from the premises of such business without authorization of the owner and to provide for the retrieval of removed or abandoned shopping carts which have been removed from the premises of the retail establishment (the "plan"), and shall demonstrate compliance with all other purposes and provisions of this chapter. The plan, at a minimum, shall include the following elements:

Ordinance No. 838

- (1) Owner information. The name of the owner; the physical address where the retail establishment is conducted; and the name, address, and telephone number(s) of the owner and all on-site managers, including any changes of such persons.
  - (2) Cart inventory. The number of carts to be used or located on the premises.
- (3) Signs affixed to carts. Every shopping cart made available for use by customers shall have a sign permanently affixed to it that identifies the owner of the cart; notifies the public that the unauthorized removal of the cart from the premises of the retail establishment, or the unauthorized possession of the cart, is a violation of State law, and lists a valid telephone number and address for returning the cart removed from the premises to the owner.
- (4) *Notice to customers*. Conspicuous signs shall be placed and maintained on the premises near all customer entrances, exits and cart storage areas, warning customers that removal of shopping carts from the premises is prohibited by State law. All signs shall be in English and Spanish.
- (5) Prevention measures. A description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Permissible measures are identified in Section 9.28.260(G).
- (6) Mandatory cart retrieval operations. The procedure by which the business owner or qualified cart retrieval service will search, find and return carts removed from the business premises. The cart retrieval operation must demonstrate that carts will be actively located within one mile of the business premises and respond to complaints from the public or notifications from City enforcement personnel in a manner which results in the retrieval of carts within 24 hours of receiving the notification. If a business owner contracts with a cart retrieval service, the retrieval service must be a City licensed and approved service, and shall not place limits on daily loads or days per week to retrieve carts within the city. The owner shall provide written authorization to all retrieval personnel, which authorization shall be carried by each such person while performing cart retrieval services on behalf of the owner and shall be provided to any enforcement personnel upon request. Each vehicle used by retrieval personnel shall bear conspicuous signs on the vehicle identifying either the name of the business for which such retrieval service is being performed or, if applicable, the name of the cart retrieval service with which the business has contracted for such services.
- (7) Employee training. The business owner shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the plan and the provisions of State law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment. The plan shall expressly describe the employee training program.

Ordinance No. 838

- (8) Daily cart confinement. All shopping carts located on the premises of the business (other than a business open for business 24 hours per day) shall be collected at the end of each business day by employees of the business and shall be collectively confined in a secure manner in the cart confinement area, as designated in the approved plan, until the commencement of the next business day. All shopping carts located on the premises of any business open for business 24 hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the business and returned to the cart confinement area, as designated in approved plan, at least once per calendar day between the hours of 9:00 p.m. and midnight on each day the retail establishment is open for business. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building.
- (9) Collaboration with other businesses. Two or more businesses located within the same shopping or retail center or sharing a common parking area may collaborate and submit a single plan.
- (10) Additional information. Any other information deemed appropriate by the Community & Economic Development Director to ensure compliance with this Chapter and specified within the plan application.
- (C) *Exemptions*. The requirements of this\_chapter shall not apply to any business which provides a total of less than ten shopping carts for use by the customers of such business.
- (D) Plan submission and approval. Unless otherwise expressly exempt by this Chapter, each new business, any existing business relocating to a different location within the city, and any business with a change in ownership to an unrelated entity shall submit a proposed plan complying with the requirements of MVMC 9.28.260(B) to the Community & Economic Development Director, and obtain approval thereof by the City, prior to the commencement of business or issuance of a certificate of occupancy. Each proposed plan shall be accompanied by a processing and inspection fee in an amount as set by resolution of the City Council.
- (1) If approved, the plan shall be implemented no later than 90 days from the date of notification to the owner of the approval. An inspection by enforcement personnel shall be made of the premises to confirm compliance at the conclusion of the 90-day period.
- (2) The decision of the Community & Economic Development Director shall be made in writing and notice thereof shall be transmitted to the owner of the business by first-class mail, or by personal delivery. The owner may appeal the decision in the time and manner provided in MVMC 9.02.240.

Ordinance No. 838

- (E) Standards for Denials. The Community & Economic Development Director may deny a plan based upon any of the following grounds:
- (1) Implementation of the plan would violate provisions of the building, zoning, health, safety, fire, police or other municipal codes, or any county, state, or federal law that substantially affects public health, welfare or safety;
  - (2) The plan fails to include all the information required by this chapter;
- (3) The plan is insufficient or inadequate to prevent removal of carts from the owner's premises;
- (4) The plan fails to address any special or unique conditions, due to the geographical location of the premises, as they relate to cart retention and prevention efforts:
- (5) Implementation of the plan would violate a term or condition of another City policy or requirement of this Code;
- (6) The owner has knowingly made a false statement of fact, or omits a fact required to be revealed in an application for a plan, or in any addendum or report or other information required to be provided regarding the plan.
- (7) If the plan is rejected as incomplete or inadequate, the Community & Economic Development Director shall indicate the areas of incompleteness or inadequacy.
- (F) *Plan modification*. At any time subsequent to the approval of a plan, the owner may request a modification of a previously approved plan to address a change in circumstances, an unanticipated physical or economic impact of the plan, or a need to modify an ineffective plan. Each proposed amendment shall be accompanied by a processing fee in an amount as set by resolution of the city council.
- (G) *Penalties*. Any required business owner, property owner, and/or business representative that fails to submit a plan, implement plan measures or implement any required modifications to the plan by the city within the time frames specified within this chapter shall be subject to penalties including but not limited to criminal action, civil action or other judicial or administrative proceedings.
- (H) Containment methods. All shopping carts shall be contained or controlled within the boundaries of the store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways where the business's shopping carts are permitted.

Ordinance No. 838

- (1) Bollards. Bollards or posts may be installed near exists to prevent the removal of carts from the business as long as they do not interfere with fire lanes, handicapped access, or conflict with federal, state and local laws, including municipal, building and zoning code.
- (2) Wheel locking mechanisms. Equipping shopping carts with a locking or stopping mechanism that is used in conjunction with an electronic or magnetic barrier along the perimeter of the store premises. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier.
- (3) Coin operated machines. Businesses may opt to utilize coin operated machinery to charge patrons a deposit for the cart which is refunded upon return of the cart.
- (4) Customer service representative. The business may employ customer service representatives to assist customers by delivering merchandise to patron's vehicles and thus not allowing carts to be removed from the premises.
- (5) Security. The business may employ security personnel to patrol the premises and prevent carts from being removed from the property.
- (6) Other methods. The project may use other methods of containment as long as the systems or methods are approved by the Community & Economic Development Director and effectively will contain or control shopping carts to the store premises.
- (H) Containment system design. All structures, including bollards and wheel locking mechanisms, associated with the containment system must be harmonious and compatible with the project submittal and City design and development standards."

### **SECTION 2. EFFECT OF ENACTMENT:**

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

### <u>SECTION 3. NOTICE OF ADOPTION:</u>

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

Ordinance No. 838

# SECTION 4. EFFECTIVE DATE: 4.1 This ordinance shall take effect thirty days after the date of its adoption. APPROVED AND ADOPTED this 14th day of February, 2012. Mayor ATTEST: City Clerk

City Attorney

APPROVED AS TO FORM:

### **ORDINANCE JURAT**

STATE OF CALIFORNIA	)
COUNTY OF RIVERSIDE	) ss.
CITY OF MORENO VALLEY	)
certify that Ordinance No. 8 second reading on February	Clerk of the City of Moreno Valley, California, do hereby 38 had its first reading on January 24, 2012 and had its 14, 2012, and was duly and regularly adopted by the City Valley at a regular meeting thereof held on the 14 <sup>th</sup> day of ng vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	

**CITY CLERK** 

Ordinance No. 838 Date Adopted: February 14, 2012



APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rest
CITY MANAGER	- Mato

### Report to City Council

TO: Mayor and City Council, serving as the Successor Agency to the

Community Redevelopment Agency of the City of Moreno Valley

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

**AGENDA DATE:** February 14, 2012

TITLE: APPROVE THE ESTABLISHMENT OF AN ACCOUNT WITH THE

LOCAL AGENCY INVESTMENT FUND (LAIF) FOR THE CITY OF MORENO VALLEY AS SUCCESSOR AGENCY OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF

MORENO VALLEY

### **RECOMMENDED ACTION**

Staff recommends that the Mayor and City Council, serving as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution 2012-10, authorizing the opening of an account with the Local Agency Investment Fund (LAIF) for the Successor agency of the Community Redevelopment Agency of the City of Moreno Valley and designating a list of authorized signers for the account.

### **BACKGROUND**

In 1997 the State of California created the Local Agency Investment Fund (LAIF) to provide investment alternatives to local governments and special districts. The fund allows local agencies to participate in a large portfolio which invests funds based on the investment criteria established in Government Code Section 16430 and 16480.4. Historically LAIF has experienced yields similar to the one-year Treasury Bill. The number of participants and the size of the fund have grown from 293 participants with a value of \$468 million in 1977 to 2,788 participants with a fund value of \$22.3 billion in 2010. Since 1984 the City of Moreno Valley has relied on LAIF to be an important component of the City's investment portfolio. In the current economic environment LAIF is the City's primary investment vehicle for short-term funds due to the same-day liquidity and the very competitive yield.

### **DISCUSSION**

On January 10, 2012, the City Council elected to have the City of Moreno Valley serve as the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley. In order to invest idle funds of the Successor Agency and to prevent the comingling of these assets with other assets of the City, staff feels that it is prudent to open a separate account with LAIF for the management of these funds. The City currently participates in the LAIF fund and the State Treasurer's program has become an integral component of the City's investment pool with same-day liquidity rates that are typically better than money market accounts with similar durations.

In order to manage the daily activity of the account the LAIF program requires that a list of staff authorized to initiate or authorize transactions be provided as well. It is suggested that the signature authority include the City Manager, Assistant City Manager, City Treasurer and the Treasury Operations Division Manager. LAIF has adopted a policy of succession that calls for signature authorizations to be title specific and not person specific which allows the agency to not have to resubmit new authorizations as staffing changes occur.

### **ALTERNATIVES**

- 1. Adopt Resolution No. 2012-10, authorizing staff to invest monies in the Local Agency Investment Fund (LAIF) and establish a list of authorized signers. This will provide a separate vehicle to invest the funds of the Successor Agency.
- 2. Do not adopt Resolution No. 2012-10, authorizing staff to invest monies in the Local Agency Investment Fund (LAIF) and do not establish a list of authorized signers. Not passing the resolution would hinder the ability to keep assets related to the Successor Agency separate from those of the City and may result in reporting issues due to the comingling of assets.

### FISCAL IMPACT

By authorizing participation in the Local Agency Investment Fund idle cash balances can be invested with the fund which can achieve a higher market return than investment vehicles with similar maturity characteristics. To achieve a similar return in the fixed income market today investments would have to go out to the two-year segment of the bond yield curve which would sacrifice the liquidity necessary for the efficient operation of the Housing Authority.

### <u>SUMMARY</u>

The Successor Agency may have idle funds periodically that will need to be invested. The Local Agency Investment Fund is managed by the State Treasurer's Office and is a fund that maintains short term investment characteristics that allow for same day liquidity for fund participants. The authorization to participate in this fund and the establishment of an authorized signature list will allow the Successor Agency to

participate in the LAIF investment program and enable the agency to meet obligations as they occur.

### **ATTACHMENTS/EXHIBITS**

Resolution No. 2012-10, Authorizing Investment of Monies in the Local Agency Investment Fund for the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley

Prepared by: Brooke N. McKinney Treasury Operations Division Manager Department Head Approval Richard Teichert Financial & Administrative Services Department Manager

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

### RESOLUTION NO. 2012-10

A RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF MORENO VALLEY, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interest of the Successor Agency to the Community Redevelopment Agency of Moreno Valley; and

WHEREAS, the Council has authorized the deposit and withdrawal of Successor Agency to the Community Redevelopment Agency of Moreno Valley monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

NOW, THEREFORE, THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF MORENO VALLEY DOES HEREBY RESOLVE AS FOLLOWS: That the following Successor Agency officers or their successor in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Henry Garcia City Manager

Michelle Dawson Assistant City Manager

Richard Teichert City Treasurer

Brooke McKinney Treasury Operations Division Manager

Resolution No. 2012-10 Date Adopted: February 14, 2012

# ATTEST: City Clerk APPROVED AS TO FORM: City Attorney

APPROVED AND ADOPTED this 14th day of February, 2012.

### **RESOLUTION JURAT**

STATE OF CALIFORNIA	)
COUNTY OF RIVERSIDE	) ss.
CITY OF MORENO VALLEY	)
certify that Resolution No. 2012 of the City of Moreno Valley	erk of the City of Moreno Valley, California, do hereby -10 was duly and regularly adopted by the City Council serving as Successor Agency of the Community City of Moreno Valley at a regular meeting thereof held 2 by the following vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
(Council Members, Mayor	Pro Tem and Mayor)
CITY CLERK	

Resolution No. 2012-10 Date Adopted: February 14, 2012



APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rest
CITY MANAGER	140

### Report to City Council

TO: Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** February 14, 2012

TITLE: APPOINTMENT OF AN ALTERNATE TO THE MARCH JOINT

POWERS AUTHORITY (MJPA) SUCCESSOR AGENCY

**OVERSIGHT COMMITTEE** 

### RECOMMENDED ACTION

Staff recommends that the City Council approve Mayor Richard A. Stewart's recommendation to appoint William H. Batey II to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

### **BACKGROUND**

Through a Joint Powers Agreement amendment, the March Joint Powers Commission (MJPC) and its member jurisdictions took the steps necessary to enable the March Joint Powers Authority (MJPA) to assume the March Joint Powers Redevelopment Agency's responsibilities as Successor Agency. An Oversight Committee has been established, consisting of seven members.

On January 24, 2012, the City Council approved the appointment of Richard A. Stewart to serve as the representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee. On February 1, 2012, the MJPA requested that Mayor Stewart also appoint an alternate to the Committee.

### **ALTERNATIVES**

1. Approve Mayor Richard A. Stewart's recommendation to appoint William H. Batey II to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

2. Do not approve Mayor Richard A. Stewart's recommendation to appoint William H. Batey II to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

### FISCAL IMPACT

None

### **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.

### **NOTIFICATION**

Publication of the Agenda

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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### Report to City Council

Mayor and City Council TO:

FROM: Jane Halstead, City Clerk

**AGENDA DATE:** February 14, 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 January 18 – February 7, 2012.

Reports on Reimbursable Activities January 18 – February 7, 2012		
Council Member	Date	Meeting
William H. Batey II	1/20/12	Moreno Valley Chamber of Commerce Installation and Awards Dinner
	1/25/12	UCR Citizens University Committee
Marcelo Co	1/25/12	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Robin N. Hastings		None
Jesse L. Molina	2/7/12	Moreno Valley Hispanic Chamber of Commerce Adelante
Richard A. Stewart	1/18/12	Student of the Month

Prepared By: Department Head Approval: Cindy Miller Jane Halstead

Executive Assistant to the Mayor/City Council

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 JANUARY 24, 2012 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

### SEE AGENDA ITEM A.3

# MINUTES - REGULAR MEETING OF JANUARY 24, 2012 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

### SEE AGENDA ITEM A.3



APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rest
CITY MANAGER	NW

# Report to Housing Authority Commission

TO: Mayor and City Council, in their capacities as the Chairperson and

Commissioners for the City of Moreno Valley Housing Authority

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

**AGENDA DATE:** February 14, 2012

TITLE: APPROVE THE ESTABLISHMENT OF AN ACCOUNT WITH THE

LOCAL AGENCY INVESTMENT FUND (LAIF) FOR THE CITY OF

MORENO VALLEY HOUSING AUTHORITY

### **RECOMMENDED ACTION**

Staff recommends that the City of Moreno Valley Housing Authority adopt Resolution No. HA 2012-03 authorizing the opening of an account with the Local Agency Investment Fund (LAIF) for the City of Moreno Valley Housing Authority and designating a list of authorized signers for the account.

### **BACKGROUND**

In 1997 the State of California created the Local Agency Investment Fund (LAIF) to provide investment alternatives to local governments and special districts. The fund allows local agencies to participate in a large portfolio which invests funds based on the investment criteria established in Government Code Section 16430 and 16480.4. Historically LAIF has experienced yields similar to the one-year Treasury Bill. The number of participants and the size of the fund have grown from 293 participants with a value of \$468 million in 1977 to 2,788 participants with a fund value of \$22.3 billion in 2010. Since 1984 the City of Moreno Valley has relied on LAIF to be an important component of the City's investment portfolio. In the current economic environment LAIF is the City's primary investment vehicle for short-term funds due to the same-day liquidity and the very competitive yield.

### **DISCUSSION**

On March 8, 2011, the City Council declared the need for a Housing Authority and created the City of Moreno Valley Housing Authority. In order to invest idle funds related

to the Housing Authority and so as not to comingle these assets with other assets of the City, staff feels that it is prudent to open a separate account with LAIF for the management of these funds. The City currently participates in the LAIF fund and the State Treasurer's program has become an integral component of the City's investment pool with same-day liquidity rates that are typically better than money market accounts with similar durations.

In order to manage the daily activity of the account the LAIF program requires that a list of staff authorized to initiate or authorize transactions be provided as well. It is suggested that the signature authority include the Executive Director, the Assistant Executive Director and the Finance Officer. LAIF has adopted a policy of succession that calls for signature authorizations to title specific and not person specific which allows the agency to not have to resubmit new authorizations as staffing changes occur.

### <u>ALTERNATIVES</u>

- 1. Adopt Resolution No. HA 2012-03 authorizing staff to invest monies in the Local Agency Investment Fund (LAIF) and establish a list of authorized signers. This will provide a separate vehicle to invest the funds of the Housing Authority.
- 2. Do not adopt Resolution No. HA 2012-03 authorizing staff to invest monies in the Local Agency Investment Fund (LAIF) and do not establish a list of authorized signers. Not passing the resolution would hinder the ability to keep assets related to the Housing Authority separate from those of the City and may result in reporting issues due to the comingling of assets.

### FISCAL IMPACT

By authorizing participation in the Local Agency Investment Fund, idle cash balances can be invested with the fund which can achieve a higher market return than investment vehicles with similar maturity characteristics. To achieve a similar return in the fixed income market today investments would have to go out to the two-year segment of the yield curve which would sacrifice the liquidity necessary for the efficient operation of the Housing Authority.

### SUMMARY

The Housing Authority may have idle funds periodically that will need to be invested. The Local Agency Investment Fund is managed by the State Treasurer's Office and is a fund that maintains short term investment characteristics that allow for same day liquidity for fund participants. The authorization to participate in this fund and the establishment of an authorized signature list will allow the Housing Authority to participate in the LAIF investment program and enable the agency to meet obligations as they occur

### .ATTACHMENTS/EXHIBITS

Resolution No. HA 2012-03 Authorizing Investment of Monies in the Local Agency Investment Fund for the City of Moreno Valley Housing Authority

Prepared by:
Brooke N. McKinney
Treasury Operations Division Manager

Department Head Approval Richard Teichert Financial & Administrative Services Director

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

### **RESOLUTION NO. HA 2012-03**

## A RESOLUTION OF THE CITY OF MORENO VALLEY HOUSING AUTHORITY AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Commissioners do hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interest of the City of the Moreno Valley Housing Authority; and

WHEREAS, the Commissioners have authorized the deposit and withdrawal of City of Moreno Valley Housing Authority monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

NOW, THEREFORE, THE CITY OF MORENO VALLEY HOUSING AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS: That the following City of Moreno Valley Housing Authority officers or their successor in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Henry Garcia Executive Director

Michelle Dawson Assistant Executive Director

Richard Teichert Finance Officer

Resolution No. HA 2012-03 Date Adopted: February 14, 2012

### APPROVED AND ADOPTED this 14th day of February, 2012.

ATTEST:	Chairperson Moreno Valley Housing Authority
Housing Authority Secretary	
APPROVED AS TO FORM:	
Housing Authority Counsel	

Resolution No. HA 2012-03 Date Adopted: February 14, 2012

### **RESOLUTION JURAT**

STATE OF CALIFORNIA	)
COUNTY OF RIVERSIDE	) ss.
CITY OF MORENO VALLEY	)
Authority of the City of Moreno 'HA 2012-03 was duly and reg Moreno Valley Housing Authorit	ng Authority Secretary of the Moreno Valley Housing Valley, California, do hereby certify that Resolution No. gularly adopted by the Commissioners of the City of y at a regular meeting thereof held on the 14th day of
February, 2012 by the following v	vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
(Commission Members, V	(ice-Chairperson and Chairperson)
Housing Authority Secre	tary

Resolution No. HA 2012-03 Date Adopted: February 14, 2012

# MINUTES - REGULAR MEETING OF JANUARY 24, 2012 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

# SEE AGENDA ITEM A.3

### CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)
- b) Report by Council Member Robin N.
   Hastings on the Western Riverside Council of Governments (WRCOG)
- c) Report by Council Member Jesse L. Molina on the Riverside Transit Agency (RTA)



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# Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

**AGENDA DATE:** February 14, 2012

TITLE: APPOINTMENTS TO THE ARTS COMMISSION, THE LIBRARY

COMMISSION, THE RECREATIONAL TRAILS BOARD AND THE

ACCESSIBILITY APPEALS BOARD

### **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, 2014; and
- 2. Appoint one member to the Library Commission with a term expiring June 30, 2012; and
- 3. Appoint one member to the Recreational Trails Board with a term expiring June 30, 2014; and
- 4. Appoint one member to the Accessibility Appeals Board as a Construction Representative with a term expiring June 30, 2014; or
- 5. 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, the Library Commission and the Accessibility Appeals Board. 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, 2014. The City Clerk's Office received four applications for this position. Applications were submitted by Richard L. F. Archer, Sr., Arlen Henry Gaynor, Mary McBean and Peter Tran. The applications were reviewed by Council Member Hastings, the Council Representative to the Arts Commission, who recommended appointing Arlen Henry Gaynor.

The Library Commission has one vacant position with a term expiring June 30, 2012. The City Clerk's Office received two applications for this position. The applications were submitted by Mary McBean and Christin Walters.

The Recreational Trails Board has two vacant positions with terms expiring June 30, 2013 and a third term expiring June 30, 2014. The City Clerk's Office received one application for this position from Arlen Henry Gaynor.

The Accessibility Appeals Board has two vacant Construction Representative positions with terms expiring June 30, 2014. The City Clerk's Office received one application from Jeffrey M. Barnes.

Two applicants have applied for more than one Committee position. Mary McBean applied for the Arts Commission and for the Library Commission; and Arlen Henry Gaynor applied for the Arts Commission and for the Recreational Trails Board. Pursuant to Municipal Code Subsection 2.06.010(e), "Unless otherwise specifically provided by the action establishing the body or appointing its initial members, no person shall be at the same time a member of more than one citizens advisory body created by ordinance or resolution of the City Council." This section of the code is waived for members of the Accessibility Appeals Board.

### **ALTERNATIVES**

The Arts Commission considers matters pertaining to the promoting arts activities and education in the City. The Library Commission considers matters pertaining to the administration, operation, development, improvement and maintenance of library services within the City. The Recreational Trails Board members provide input on matters pertaining to single-use and multi-use recreational trails including bicycle, jogging and equestrian trails within or affecting the City. The Accessibility Appeals Board conducts hearings on written appeals regarding Title 24 accessibility issues. Choosing not to fill vacancies on the above-mentioned commissions and boards 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 Report and agenda mailed to applicants 2.

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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APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rest
CITY MANAGER	- Nwo

# Report to City Council

TO: Mayor and Members of the City Council

FROM: Barry Foster, Community & Economic Development Director

**AGENDA DATE:** February 14, 2012 (Continued from January 24, 2012)

TITLE: RESOLUTION OF THE CITY OF MORENO VALLEY ACTING AS

THE SUCCESSOR AGENCY APPROVING AN AMENDED

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE.

### RECOMMENDED ACTION

Staff recommends that the City Council of the City of Moreno Valley acting as the Successor Agency:

- 1. Adopt Resolution No. 2012-08 approving an Amended Enforceable Obligation Payment Schedule; and
- 2. Authorize the Executive Director of the Successor Agency or his designee to make modifications to the Schedule, as needed.

### **BACKGROUND**

In June 2011, as a part of the State's Fiscal Year 2011-2012 approved budget, the Governor signed two budget-related bills, ABX1 26 (the "Dissolution Act"), and ABX1 27 (the "Voluntary Program Act"). Under ABX1 26, as of October 1, 2011 redevelopment agencies would cease to exist as corporate governmental entities. The related bill ABX1 27 exempts from elimination any RDA within a City or County that agrees to make an annual payment to the State.

In July, 2011, California Redevelopment Association (CRA), and the League of California Cities filed a lawsuit in the California Supreme Court, challenging the constitutionality of the legislation. However, in its decision the Court upheld ABX1 26, the dissolution measure, and invalidated ABX1 27.

### **DISCUSSION**

The City of Moreno Valley is the Successor Agency for the Community Redevelopment Agency of Moreno Valley pursuant to Part 1.85 of Division 24 of the Health and Safety Code. As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets, make payments and perform other obligations due for Enforceable Obligations of the former RDA. The Amended Enforceable Obligation Schedule includes the period covering January 1, 2012 through June 30, 2012.

### **ALTERNATIVES**

- Adopt the attached resolution, which approves the Amended Enforceable Obligation Payment Schedule and authorizes the Executive Director or his designee to make modifications thereto. Staff recommends this alternative because it allows the City to make required debt service payments in accordance with the State legislation. This action also allows for the proper accounting and protection of funds by the Successor Agency.
- 2. Decline to adopt the attached resolution and decline to instruct staff to create special funds and establish various accounting procedures, which would not allow the City, acting as the Successor Agency, to maintain the operations, and fulfill debt obligations of the former RDA as required by law. Staff does not recommend this alternative.

### FISCAL IMPACT

The Amended Enforceable Obligation Payment Schedule summarizes the RDAs legally binding and enforceable agreements. There is no fiscal impact associated with adopting the proposed resolution that affirms the debt requirements set forth by the said schedule.

### SUMMARY

On December 29, 2011 the California Supreme Court upheld ABX1 26, the dissolution measure, and invalidated ABX1 27. This ruling eliminates redevelopment agencies in California and establishes procedures for their dissolution. The recommended action affirms the requirement that cities acting as Successor Agencies adopt an Enforceable Obligation Payment Schedule. The resolution adopting the Amended Enforceable Obligation Payment Schedule is attached hereto.

### **NOTIFICATION**

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

### **ATTACHMENTS/EXHIBITS**

Attachment A: Resolution No. 2012-08

Attachment B: Enforceable Obligation Payment Schedule

Prepared By:
Dante G. Hall
Redevelopment & Neighborhood

Programs Administrator

Concurred by: Rick Teichert Financial & Administrative Services Director

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

Department Head Approval:

Community & Economic

Development Director

**Barry Foster** 

### RESOLUTION NO. 2012-08

A RESOLUTION OF THE CITY OF MORENO VALLEY ACTING AS THE SUCCESSOR AGENCY APPROVING AN AMENDED ENFORCEABLE OBLIGATION SCHEDULE AND AUTHORIZING THE EXECUTIVE DIRECTOR TO MAKE MODIFICATIONS THERETO

WHEREAS, the Community Redevelopment Agency of the City of Moreno Valley ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Moreno Valley ("City"); and

WHEREAS, the Agency was established pursuant to the Redevelopment Law. The Agency was activated on February 18, 1986, by City Ordinance No. 50. The City Council adopted and approved the Redevelopment Plan for the Project Area by Ordinance 87-154 of the City on December 29, 1987 (the "Original Plan"), as subsequently amended by Ordinance No. 448 of the City adopted January 10, 1995, Ordinance No. 556 of the City adopted December 14, 1999, and Ordinance No. 732 adopted December 19, 2006 (as so amended, the "Amended Redevelopment Plan", the area of which is referred to herein as the "Project Area"); and

WHEREAS, Parts 1.8, 1.85 and 1.9 of Division 24 of the Health and Safety Code were added to the CRL by ABX1 26 and ABX1 27, which measures purport to become effective immediately. ABX1 26 and ABX1 27, which are trailer bills to the 2011-12 budget bills, were approved by both houses of the Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, Part 1.85 of the CRL ("Part 1.85") provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011 (which dated has been deemed to be February 1, 2012 pursuant to a decision by the California Supreme Court), and provides that, thereafter, a successor agency to administer the enforceable obligations of the Agency and otherwise wind up the Agency's affairs, all subject to the review and approval by an oversight committee; and

WHEREAS, Part 1.8 of the CRL ("Part 1.8") provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain "enforceable obligations" and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

ATTACHMENT A

Resolution Number 2012- 08 Date Adopted: February 14, 2012 WHEREAS, in the interests of seeking compliance with those provisions of ABX1 26 which require the adoption of an enforceable obligation schedule, the City of Moreno Valley, acting as the Successor Agency ("Successor Agency"), desires to approve an amended enforceable obligation schedule in the form submitted herewith (the "Amended Enforceable Obligation Schedule") and to authorize the City Manager as the Executive Director or his designee to augment, modify or revise such Amended Enforceable Obligation Schedule; and

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

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

- <u>Section 1</u>. The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part of this resolution.
- <u>Section 2</u>. That certain Amended Enforceable Obligation Schedule in the form submitted herewith is hereby approved as the enforceable obligation schedule of the Successor Agency for purposes of Part 1.8 and Part 1.85, together with such augmentation, modification, additions or revisions as the Executive Director or his designee may make thereto.
- <u>Section 3</u>. The City Clerk shall cause the Amended Enforceable Obligation Schedule to be transmitted to the City of Moreno Valley, the State Controller's Office, the Department of Finance of the State of California, and the Riverside County Auditor-Controller's Office.
  - <u>Section 4.</u> This Resolution shall be effective immediately upon adoption.
  - Section 5. The City Clerk shall certify to the adoption of this resolution.

Resolution No. 2012- 08 Date Adopted: February 14, 2012

# APPROVED AND ADOPTED this 14<sup>th</sup> day of February, 2012.

	Mayor of the City of Moreno Valley, Acting in the capacity of the Successor Agency
ATTEST:	
City Clerk	
APPROVE AS TO FORM:	
City Attorney	

Resolution No. 2012- 08 Date Adopted: February 14, 2012

### **Resolution Jurat**

STATE OF CALIFORNIA	)
COUNTY OF RIVERSIDE	) ss.
CITY OF MORENO VALLEY	)
certify that Resolution No.	Clerk of the City of Moreno Valley, California, do hereby 2012-08 was duly and regularly adopted by the City o Valley at a regular meeting thereof held on the 14th day owing vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
City Clerk	

Resolution No. 2012- 08 Date Adopted: February 14, 2012

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

Project Area(s)

AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34167 and 34169 (\*)

Page 1 of 4 Pages

			Date of	Total Outstanding	Total Due During			_	Payments by month			
Project Name / Debt Obligation	Payee	Description	Issuance	Debt or Obligation	Fiscal Year 2011-12	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
		Bonds issued to finance various capital										
1) 2007 Tax Allocation Bonds*	Wells Fargo Bank	projects***	11/29/2007	81,671,305.63	3,067,625.64	1,021,891.88					1,241,891.88 \$	2,263,783.76
2007 Special Tax Refunding Bonds 2) Towngate 87-1	s - Wells Fargo Bank	Bonds issued to finance the acquisition of public facilities***	11/29/2007	11,749,731.00	1,175,145.00	587,572.50					587,572.50	1,175,145.00
Improvement Area No. 1 Special	Wells Fardo Bank	Bonds issued to finance the construction of	11/29/2007	3 331 759 00	274 445 00	137 222 50					137 222 50	274 445 00
CED No. 3 - Auto M	Wells Fargo Bank	Bonds issued to finance the construction of public facilities***	04/05/2000	2.263.711.00	00 26 26 20	14 646 00					_	00 262 62
***************************************		Bonds issued to finance Sunnymead Blvd	1000120120	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0							+	000000000000000000000000000000000000000
5) Zuus Lease Revenue Bonds	Wells Fargo Bank	project Bonds issued to finance the construction of a	07/07/2005	14,130,258.00	999,396.00	594,597.50						999,396.00
6) 2011 Refunding of 97 LRB Bonds 7) City/Anency Employee Payrull	Bank of America City of Moreno	public facility*** Pavroll Costs	02/01/2011	1,650,000.00	150,000.00	75,000.00	145 251 00	145 251 00	145 251 00	145 251 00	75,000.00 \$	150,000.00
8) City/Agency - Operating Costs	City of Moreno Valley	Operation Costs		497 290 00	00 082 287	17 832 83	17 832 83	17 832 83	17 832 83	17 832 83	-	106 997 00
On-going Housing Monitoring	City of Moreno	Costs to perform the recertification and		00.0001		000000000000000000000000000000000000000					_	000000000000000000000000000000000000000
y tract for Professional Struc**	Global Software, Inc./City of	Financial coffware conjoes		3 800 00	800.00	00.000,01					6 00.000,01	3 800 00
39	Stradling, Yocca, Carlson &	וומונימו סטוישמים סטייסט		00.000							+	0000
Intract for Legal Services**	Rauth	Legal services		106,678.00	106,678.00	17,779.67	17,779.67	17,779.67	17,779.67	17,779.65	17,779.67 \$	106,677.99
Contract for Abatement of 12) Properties**	Inland Empire Property Service, Inc.	Nulsance/weed abatement of Agency owned properties		2,090.00	2,090.00	1,045.00			1,045.00		49	2,090.00
Contract for Abatement of 13) Properties**	TBD	Nuisance/weed abatement of Agency owned properties		5,000.00	5,000.00				2,500.00		2,500.00 \$	5,000.00
14) Contract for Audit Services**	Lance, Soll & Lunghard, LLP	Audit services		4,026.00	4,026.00		4,026.00				\$	4,026.00
15) Contract for Special Tax Reporting**	** TBD	Preparation of Continuing Disclosure Report		2,000.00	2,000.00	2,000.00					φ.	2,000.00
16) Hemlock Family Apartments	Rancho Belago, Inc.	Affordable Housing Agreement		6,300,000.00	5,300,000.00						\$	-
Oakwood Apartments	One Moreno Valley 240, L.P.	Affordable Housing Agreement***		750,000.00	750,000.00			750,000.00			49	750,000.00
18) Rancho Dorado Apts - South	MV Rancho Dorado Limited Partnership	Affordable Housing Agreement		6,950,000.00	0.00						49	
RS Retirement Liability	The California Public Employees' Retirement System (CalPERS)	Unfunded PERS Retirement Liability Acct		599,992.00	12,889.00		5,371.00				\$	5,371.00
<b>e</b> Medical Trust (CERBT)	California Employers' Retiree   Medical   Trust(CERBT)/CalPERS	Infunded Retires Medical Trust Acct		193 221 00	4 151 00		1 730 00				· ·	1 730 00
		Totals - This Page		\$ 131.456.665.63	\$ 13.626,631,64	\$ 2.625.638.88	+	\$ 930.863.50	\$ 184.408.50	\$ 180.863.48 \$	2.657.495.15	6.771.259.76
1		Totals - Page 2				132,168.28	130,418.29	304,472.47	254,568.67	172,304.18	519,254.18	1,513,186.07
N		Totals - Page 3		\$ 16,567,968.83	\$ 1,541,146.08	\$ 186,296.30	\$ 103,747.69	_	\$ 212,957.93	\$ 169,237.45 \$	631,237.53 \$	1,541,146.08
lo		Totals - Page 4				699,111.46	891,655.33	739,183.33	896,183.33	1,005,537.93	1,652,762.84	5,884,434.22
).		Totals - Other Obligations				9,321,201.37	1,874,328.49	240,000.00	137,500.00	- 000	6,779,531.07	18,352,560.93
La de Sistema de La Companya de La C		Grand total - All Pages		\$ 007,887,095.29	\$ 42,054,787.05	\$ 12,964,416.30	\$ 3,192,140.30	\$ 7,452,188.48	1,085,018.43	\$ 1,527,943.04 \$	12,240,280.70	34,002,387.05

To be determined Jes payments to be made between August 2012 through December 2012 fiscal year 2011-2012 obligation/expenditures are listed under Total Outstanding Debt or Obligations column.

ATTACHMENT B

Revised 1/24/2012

Page 2 of 4 Pages

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

Project Area(s)

# AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34167 and 34169 (\*)

													I
^								ш	Davments by month				
	Project Name / Debt Obligation	Payee	Description	I otal Outstanding Debt or Obligation***	l otal Due During Fiscal Year 2011-12	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total	
ı													
<del>-</del>   <b>⊿</b>	1) Day St/Eucalyptus	KDM Meridian, Inc.	Capital Project Contract, CIP 80030	3,000.00	3,000.00	1,500.00					1,500.00	\$ 3,0	3,000.00
ا ا	2) Day St/Eucalyptus	Gas Tax Allocation (Required)	Capital Project Contract, CIP 80030	7,500.00	7,500.00	3,750.00					3,750.00	\$ 7,5	7,500.00
(c)	3) Day St/Eucalyptus	City of Moreno Valley	Project Management/Admin CIP 80030	13,000.00	13,000.00	6,500.00						1	13,000.00
4	4) Day SVEucalyptus	Construction Contractor, Surveyor, Geo-tech Consultant - TBD	Capital Project Contract, CIP 80030	289,000.00	144,500.00						144,500.00	\$ 144,5	144,500.00
(C)	5) Sunnymead Blvd.	Gibbs, Giden, Locher, Turner & Senet	Capital Project Contract, CIP 80221	34,096.19	34,096.19	5,000.00	15,000.00	7,000.00	7,096.19	0.00			34,096.19
9	6) Sunnymead Blvd.	Excel**	Capital Project Contract, CIP 80221	50,000.00	50,000.00	00.00	00:00	50,000.00	00:00	00.00	00.00	\$ 50,0	50,000.00
_	7) Sunnymead Blvd.	Harris & Assoc.**	Capital Project Contract, CIP 80221	176,000.00	176,000.00	00:00	00.00	00:00	00:00	00.00	176,000.00	\$ 176,0	176,000.00
ω	8) Sunnymead Blvd.	City of Moreno Valley	Project Management CIP 80221	18,000.00	18,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	\$ 18,0	18,000.00
တ	9) Sunnymead Blvd.	City Consultants	Project Management CIP 80221	6,000.00	00.000,9	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	\$ 6,0	6,000.00
10	10) Sunnymead Blvd.	Gibbs, Giden, Locher, Turner & Senet LLP	Additional Legal Fees - CIP 80221	74,700.00	74,700.00					30,000.00	44,700.00	\$ 74,7	74,700.00
7	11) Day StreetAlessandro Blvd	DMC Design	Contractual Services PO#40920 CIP 91724	14,790.84	14,790.84	3,697.71	3,697.71	3,697.71	3,697.71			\$ 14,7	14,790.84
12	12) Day StreetAlessandro Blvd	AEI-CASC	Contractual Services PO#35423 CIP 91724	5,006.61	5,006.61	1,251.65	1,251.65	1,251.65	1,251.66			\$ 5,0	5,006.61
	13) Day StreetAlessandro Blvd	AEI-CASC	Contractual Services PO#40288 CIP 91724	350.00	320.00	87.50	87.50	87.50	87.50			\$ 3	350.00
14	14) Day StreetAlessandro Blvd	Group Delta	Contractual Services PO#39328 CIP 91724	11,579.00	11,579.00	2,894.75	2,894.75	2,894.75	2,894.75			\$ 11,5	11,579.00
15	15) Day StreetAlessandro Blvd	KDM Meridian	Contractual Services PO#41865 CIP 91724	13,145.00	13,145.00	3,286.25	3,286.25	3,286.25	3,286.25			\$ 13,1	13,145.00
16	16) Day StreetAlessandro Blvd	STI Inc.	Contractual Services PO#41859 CIP 91724	240,760.71	240,760.71	60,190.17	60,190.18	60,190.18	60,190.18			\$ 240,7	240,760.71
17	17) Day StreetAlessandro Blvd	Vali Cooper & Assoc	Contractual Services PO#39743 CIP 91724	10,400.00	10,400.00	2,600.00	2,600.00	2,600.00	2,600.00			\$ 10,4	10,400.00
18	18) Day StreetAlessandro Blvd	James & Bertha Patterson	Contractual Services PO#42011 CIP 91724	19,884.00	19,884.00	4,971.00	4,971.00	4,971.00	4,971.00			\$ 19,8	19,884.00
15	19) Day StreetAlessandro Blvd	Gibbs, Giden, Locher	Contractual Services PO#40924 CIP 91724	6,944.20	6,944.20	1,736.05	1,736.05	1,736.05	1,736.05			\$ 6,9	6,944.20
2C	20) Day StreetAlessandro Blvd	City of Moreno Valley	Project Management CIP 91724	30,363.80	30,363.80	7,590.95	7,590.95	7,590.95	7,590.95			\$ 30,3	30,363.80
21	21) Day StreetAlessandro Blvd	Construction Contractor TBD	Capital Project Contract, CIP 91724	37,449.00	37,449.00	9,362.25	9,362.25	9,362.25	9,362.25			\$ 37,4	37,449.00
22	22) Day StreetAlessandro Blvd	Misc. Expenses - TBD	Capital Project Contract, CIP 91724	5,000.00	5,000.00	1,250.00	1,250.00	1,250.00	1,250.00			\$ 5,0	5,000.00
23	23) Day StreetAlessandro Blvd	Gibbs, Giden, Locher	Contractual Services PO#42123 CIP 77922	20,000.00	20,000.00	5,000.00	5,000.00	5,000.00	5,000.00			\$ 20,0	20,000.00
24	24) Day StreetAlessandro Blvd	City of Moreno Valley	Project Management CIP 77922	5,000.00	5,000.00	1,250.00	1,250.00	1,250.00	1,250.00			\$ 5,0	5,000.00
25	25) Auto Mall Street Upgrades	VA Consulting	Capital Project Contract, CIP 91725	13,500.00	13,500.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	\$ 13,5	13,500.00
26	26) Auto Mall Street Upgrades	City of Moreno Valley	Project Management CIP 91725	12,000.00	12,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	\$ 12,0	12,000.00
27	27) Auto Mall Street Upgrades	VA Consulting Inc.	Capital Project Contract, CIP 91725	14,900.00	14,900.00			3,725.00	3,725.00	3,725.00	3,725.00	\$ 14,9	14,900.00
28	28) Auto Mall Street Upgrades	United Inspection (Geotech)	Capital Project Contract, CIP 91725	4,725.00	4,725.00			1,181.25	1,181.25	1,181.25	1,181.25	\$ 4,7	4,725.00
25	29) Auto Mall Street Upgrades	VA Consulting Inc. (Survey)	Capital Project Contract, CIP 91725	4,950.00	4,950.00			1,237.50	1,237.50	1,237.50	1,237.50	\$ 4,9	4,950.00
30	30) Auto Mall Street Upgrades	SME&C (Contractor)	Capital Project Contract, CIP 91725	496,641.95	496,641.95			124,160.43	124,160.43	124,160.43	124,160.43	\$ 496,6	496,641.72
31	31) Auto Mall Street Upgrades	Gas Tax Allocation (Required)	Capital Project Contract, CIP 91725	19,000.00	19,000.00	2,000.00	2,000.00	3,750.00	3,750.00	3,750.00	3,750.00	\$ 19,0	19,000.00
	Totals - This Page			\$ 1,657,686.30	\$ 1,513,186.30	\$ 132,168.28	\$ 130,418.29 \$	304,472.47	\$ 254,568.67 \$	3 172,304.18	519,254.18	\$ 1,513,186.07	186.07
	TDD To do choose	C	**************************************										

TBD - To be determined \*\*Pending Litigation

\*\*\*Total Remaining Outstanding Debt or Obligation as of 12/31/2011

		AMENDED ENFORCEABLE OBLI	NFORCEABI Per AB 26	RCEABLE OBLIGATION PAYN Per AB 26 - Section 34167 and 34169 (*)	GATION PAYMENT SCHEDULE 4167 and 34169 (*)	NT SCHED	ULE				
			reibactotic Dictor	t de la cinica de				Payments by month			
Project Name / Debt Obligation	Payee	Description	Debt or Obligation***	Fiscal Year 2011-12	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
1) Auto Mall Street Upgrades	City of Moreno Valley	Project Management CIP 91725	21,000.00	21,000.00	2,500.00	2,500.00	4,000.00	4,000.00	4.000.00	4,000.00	21,000.00
2) Auto Mall Street Upgrades	Misc. Expenses - TBD	Capital Project Contract, CIP 91725	24,300.00	24,300.00						+	
3) Indian Basin, Appurtenant	Lim & Nascimento Engineering	Contractual Services PO#35828 CIP 91726	62,521.73	62.521.73	20,840.58	20,840.58	20,840.57	0.00	0.00	\$ 00.0	62,521.73
4) Indian Basin, Appurtenant	Ninyo & Moore Geotech	Contractual Services PO#41060 CIP 91726	3,194.50	3,194.50	1,064.83	1,064.83	1,064.84	0.00	0.00	_	3,194.50
5) Indian Basin, Appurtenant	Guida Surveying	Contractual Services PO#40163 CIP 91726	906.00	00.906	906.00	0.00	0.00	0.00	00:00	_	900.00
6) Indian Basin, Appurtenant	City of Moreno Valley	Project Management CIP 91726	45,000.00	20,000.00	5,000.00	5,000.00	5,000.00	5,000.00	00.00	\$ 00.0	20
7) Indian Basin, Appurtenant	City Consultants	Project Management CIP 91726	1,000.00	1,000.00	1,000.00	0.00	0.00	0.00	00:00	00:00	1,000.00
8) Indian Basin, Appurtenant	Hillcrest Contracting, Inc.	Contractual Services PO#41587 CIP 91726	15,078.96	15,078.96	5,026.32	5,026.32	5,026.32			\$	15,078.96
9) Indian Basin, Appurtenant	Federal Emergency Mgmt. Agency	Capital Projects Contract-CIP Environmental Fees - CIP 91726	3,000.00	3,000.00		3,000.00				φ.	3,000.00
10) Ironwood Ave-Day St/Barclay Dr	EMWD	Cost-sharing agreement Reconciliation	43,720.48	43,720.48				43,720.48		\$	43,720.48
11) Ironwood Ave-Day St/Barclay Dr	AEI-CASC Engineering	Capital Project Contract, CIP 91727	62,424.79	62,424.79	10,404.13	10,404.14	10,404.13	10,404.13	10,404.13	10,404.13 \$	62,424.79
12) Ironwood Ave-Day St/Barclay Dr	City of Moreno Valley	Project Management CIP 91727	30,000.00	30,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	30,000.00
13) Ironwood Ave-Day St/Barclay Dr	On-call Contractor-TBD	Secure title reports for ROW dedication CIP 91727	1,500.00	1,500.00			1,500.00			\$	1,500.00
14) Ironwood Ave-Day St/Barclay Dr	Construction Contractor, Surveyor, Geo-tech	Capital Project Contract CIP 91724	525,400.00	262,700.00						262,700.00	262,700.00
15) Nason/SR-60 Bridge	Singer & Coffin, APC	Legal Services CIP 91728	2,000.00	2,000.00	333.33	333.33	333.33	333.33	333.33	-	
16) Nason/SR-60 Bridge	Parsons Transportation	Contractual Services CIP 91728	25,000.00	25,000.00			25,000.00			\$	25,000.00
17) Nason/SR-60 Bridge	City Consultants	Project Management CIP 91728	2,000.00	2,000.00	333.33	333.33	333.33	333.33	333.33	333.35 \$	2,000.00
Nason/SR-60 Bridge	Caltrans	Cont Svcs for dev of Corridor Master Plan CIP 91728	25,000.00	25,000.00			25,000.00			φ.	25,000.00
19) Nason/SR-60 Bridge	City of Moreno Valley	Utility relocation CIP 91728	83,642.62	83,642.62	83,642.62					\$	83,642.62
20) Nason/SR-60 Bridge	Misc. Expenses - TBD	Capital Project Contract, CIP 91728	5,000.00	5,000.00	833.33	833.33	833.33	833.33	833.33	833.35 \$	5,000.00
21) Nason/SR-60 Bridge	City of Moreno Valley	Project Management CIP 91728	140,000.00	140,000.00	23,333.33	23,333.33	23,333.33	23,333.33	23,333.33	_	_
22) Nason/SR-60 Bridge	Caltrans	Source Inspection CIP 91728	50,000.00	20,000.00						-	
23) Nason/SR-60 Bridge	Caltrans	State-furnished Materials CIP 91728	50,000.00	50,000.00						50,000.00	
24) Nason/SR-60 Bridge	Califans	Construction Zone Enforcement CIP 91728	50,000.00	00.000,00						-	Ω
25) Nason/SR-60 Bridge	Survey Consultant - TBD	Capital Project Contract, CIP 91728	150,000.00	5,000.00						\$,000.00 \$	5,000.00
26) Nason/SR-60 Bridge	Contractor - TBD	Capital Project Contract, CIP 91728	12,264,122.75	00.0						-+	
27) Nason/SR-60 Bridge	CM/Inspection - TBD	Capital Project Contract, CIP 91728	2,000,000.00	70,000.00			10,000.00	20,000.00	20,000.00	20,000.00 \$	
28) Nason/SR-60 Bridge	Falcon Engineering	Constructability Review CIP 91728	32,157.00	32,157.00	16,078.50	16,078.50				_	.,
29) Nason/SR-60 Bridge	IBD	Capital Project Contract, CIP 91728	175,000.00	5,000.00	000	000	000	0000	7		5,000.00
30) Nason/SR-60 Bridge	City of Moreno Valley	Project Management CIP 91728	200,000.00	70,000.00	10,000.00	10,000.00	10,000.00	10,000.00	15,000.00	_	70,000.00
31) Nason/SR-60 Bridge	Parsons Transportation	Contractual Services CIP 91728	450,000.00	350,000.00			87,500.00	87,500.00	87,500.00	_	350,000.00
32) Nason/SR-60 Bridge	Miscellaneous	Advertising/Bidding Expenses CIP 91728	10,000.00	10,000.00			2,500.00	2,500.00	2,500.00	-	10,000.00
(33) Nason/SR-60 Bridge	EINIWU	Meters - CIP 91728	15,000.00	15,000.00						15,000.00 \$	15,000.00
Totals - This Page			\$ 16,567,968.83	\$ 1,541,146.08	186,296.30	103,747.69	\$ 237,669.18 \$	\$ 212,957.93	169,237.45	631,237.53 \$	1,541,146.08

\*\*\*Total Remaining Outstanding Debt or Obligation as of 12/31/2011

TBD - To be determined

Page 4 of 4 Page

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

Name of Redevelopment Agency:

Project Area(s)

# AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation         Payee         Description           Nason/SR-60 Bridge         RCFC&WCD         Fees CIP 91728           Morrison Park Fire Station         City of Moreno Valley         Project Management CIP 91729           Morrison Park Fire Station         Silver Creek Industries         Capital Project Contract, CIP 91729           Morrison Park Fire Station         Silver Creek Industries         Capital Project Contract, CIP 91729           Morrison Park Fire Station         TBD         Misc. Project Contract, CIP 91729           Morrison Park Fire Station         TBD         Misc. Project Contract, CIP 91729           Morrison Park Fire Station         TBD         Misc. Project Contract, CIP 91729           Morrison Park Fire Station         TBD         Misc. Project Contract, CIP 91731           Moreno Beach Ramps - Phase 1         City of Moreno Valley         Project Management CIP 91731           Moreno Beach Ramps - Phase 1         Soc Calif. Edison         Utility relocation CIP 91731           Moreno Beach Ramps - Phase 1         Calif. Edison         Utility relocation CIP 91731           Moreno Beach Ramps - Phase 1         Calif. Edison         Utility relocation CIP 91731           Moreno Beach Ramps - Phase 1         Calif. Edison         Capital Project Contract CIP 91731           Moreno Beach Ramps - Phase 1         Raco Moreno Bea	Total Outstanding	Total Due During				Payments by month	١		
RCFC&WCD City of Moreno Valley STK Architecture Silver Creek Industries Enco Utility TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans So. Calif. Edison Caltrans So. Calif. Edison Caltrans City of Moreno Valley City of Moreno Valley City of Moreno Valley City Consultants TBD Construction Survey - TBD	Debt or Obligation***	Fiscal Year 2011-12	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
RCFC&WCD  City of Moreno Valley  STK Architecture  Silver Creek Industries Enco Utility  TBD  City of Moreno Valley  Parsons Transportation  Staff Consultants  Miscellaneous  So. Calif. Edison  Caltrans  Caltrans  So. Calif. Edison  Caltrans  So. Calif. Edison  Caltrans  City of Moreno Valley  City of Moreno Valley  City of Moreno Valley  City Consultants  TBD  Construction Survey - TBD									
City of Moreno Valley STK Architecture Silver Creek Industries Enco Utility TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Survey Consultant - TBD Geotechnical Consultant - TBD CAM/Inspection - TBD Geotechnical Consultant - TBD CAM/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley CAHP TBD CHP TBD CONSULTANTON - TBD	5,000.00	5,000.00						\$,000.00 \$	5,000.00
STK Architecture  Silver Creek Industries Enco Utility TBD TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Caltrans Survey Consultant - TBD Geotechnical Consultant - TBD TBD CAMInspection - TBD Geotechnical Consultant - TBD TBD CAMInspection - TBD Geotechnical Consultant - TBD TBD CHP TBD CONSTRUCTION SURVEY - TBD	216,235.70	33,000.00	5,500.00	5,500.00	5,500.00	5,500.00	5,500.00	\$,500.00	33,000.00
Silver Creek Industries Enco Utility TBD TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Caltrans Survey Consultant - TBD CM/Inspection - TBD Geotechnical Consultant - TBD TBD CAMINSPECTION - TBD Geotechnical Consultant - TBD TBD CAMP TBD CITY of Moreno Valley TBD CHP TBD CONSTRUCTION SURVEY - TBD	293,811.37	200,000.00	33,333.33	33,333.33	33,333.33	33,333.33	33,333.33	33,333.35 \$	200,000.00
Enco Utility TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans City of Moreno Valley TBD EMWD Parsons Transportation City of Moreno Valley City of Moreno Valley City Consultants TBD Construction Survey - TBD Construction Survey - TBD	4,035,455.60	3,000,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	\$ 00.000,000	3,000,000.00
TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Caltrans Survey Consultant - TBD Geotechnical Consultant - TBD TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD CONSULTANTSPORTATION CITY OF Moreno Valley CITY OF Moreno Valley CITY CONSULTANTS TBD	2,167.28	2,100.00	350.00	350.00	350.00	350.00	350.00	\$ 00.00	2,100.00
TBD City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Caltrans Caltrans Survey Consultant - TBD Geotechnical Consultant - TBD TBD TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD CHP TBD CHP TBD CHP TBD CHP TBD City of Moreno Valley City Consultants TBD Construction Survey - TBD	99,354.60	99,354.60	4,000.00	4,000.00	4,000.00	4,000.00	3,354.60	\$ 00.000,08	99,354.60
City of Moreno Valley Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Caltrans Survey Consultant - TBD CW/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD CONSULTANTON VAILEY TBD CONSTRUCTION SURVEY - TBD	691,158.97	345,579.49						345,579.49 \$	345,579.49
Parsons Transportation Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Survey Consultant - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD Falcon Engineering City of Moreno Valley City of Moreno Valley City of Moreno Valley City of Moreno Valley TBD Farsons Transportation City of Moreno Valley City of Moreno Valley City of Moreno Valley City Consultants TBD Construction Survey - TBD Construction Survey - TBD	80,000.00	80,000.00	40,000.00	40,000.00				8	80,000.00
Staff Consultants Miscellaneous So. Calif. Edison Caltrans Caltrans Survey Consultant - TBD CM/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD EMWD CHP TBD CONSULTANTSOUTHSION City of Moreno Valley City Consultants TBD Construction Survey - TBD	27,054.25	27,054.25	27,054.25					8	27,054.25
Miscellaneous So. Calif. Edison Caltrans Caltrans Survey Consultant - TBD CW/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD EMWD Parsons Transportation City of Moreno Valley City of Moreno Valley City of Moreno Valley TBD CHP TBD COPSULTANSPORTATION CITY OF MORENO VAILEY CITY OF CONSULTANTS CITY CONSULTANTS CONSTRUCTION SURVEY - TBD	1,000.00	1,000.00	1,000.00					8	1,000.00
So. Calif. Edison Utility relocation CIP 91731 Caltrans State Furnished Materials CIP Caltrans Source Inspection CIP 91731 Survey Consultant - TBD Capital Project Contract CIP 9 Geotechnical Consultant - Capital Project Contract CIP 9 Geotechnical Consultant - Capital Project Contract CIP 9 TBD Constructability Review CIP 97 City of Moreno Valley Project Management CIP 91731 CHP Const. zone enforcement CIP 1730 CHP Const. zone enforcement CIP 1730 CHP Const. zone enforcement CIP 1730 CHP Advertising & bidding CIP 91731 City of Moreno Valley Project Management CIP 9955 City Consultants Project Contract CIP 9955 City Consultants Project Contract CIP 9955 TBD Capital Project Contract CIP 9955 TBD Capital Project Contract CIP 9956 City Consultants Project Contract CIP 9956 City Construction Survey - TBD Capital Projects Contract CIP 9050	9,873.88	9,873.88	9,873.88					\$	9,873.88
Caltrans         State Furnished Materials CIP           Caltrans         Source Inspection CIP 91731           Survey Consultant - TBD         Capital Project Contract CIP 9           Geotechnical Consultant - TBD         Capital Project Contract CIP 9           TBD         Capital Project Contract CIP 9           Falcon Engineering         Constructability Review CIP 9173           City of Moreno Valley         Project Management CIP 91731           CHP         Const. zone enforcement CIP 1731           CHP         Advertising & bidding CIP 91731           EMWD         Advertising & bidding CIP 91731           EMWD         Inspection fees CIP 91731           Parsons Transportation         Capital Project Contract CIP 995           City of Moreno Valley         Project Management CIP 9955           City Consultants         Project Management CIP 9955           City Consultants         Project Management CIP 9955           TBD         Capital Projects Contract CIP 9050           TBD	240,472.00	240,472.00		240,472.00				\$	240,472.00
Caltrans Survey Consultant - TBD CM/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD CHP TBD Farsons Transportation City of Moreno Valley City of Moreno Valley TBD Farsons Transportation City of Moreno Valley City Consultants TBD Construction Survey - TBD	50,000.00	50,000.00						\$ 00.000.00	50,000.00
Survey Consultant - TBD CM/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD CHP TBD EMWD Parsons Transportation City of Moreno Valley City of Moreno Valley City Consultants TBD Construction Survey - TBD	50,000.00	50,000.00						\$ 00.000.00	50,000.00
CW/Inspection - TBD Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley CHP TBD CHP TBD EMWD EMWD Parsons Transportation City of Moreno Valley City Consultants TBD Construction Survey - TBD	100,000.00	5,000.00						\$ 00.000.3	5,000.00
Geotechnical Consultant - TBD Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD EMWD EMWD Parsons Transportation City of Moreno Valley City Consultants TBD City Consultants TBD Construction Survey - TBD	763,411.55	30,000.00			5,000.00	5,000.00	10,000.00	10,000.00	30,000.00
Falcon Engineering City of Moreno Valley RCFC&WCD CHP TBD EMWD Parsons Transportation City of Moreno Valley City Consultants TBD City Consultants TBD Construction Survey - TBD	00.000,06	5,000.00						5,000.00	5,000.00
City of Moreno Valley RCFC&WCD CHP TBD EMWD EMWD Parsons Transportation City of Moreno Valley City Consultants TBD City Consultants TBD Construction Survey - TBD	25,000.00	25,000.00	20,000.00	5,000.00				-	25,000.00
RCFC&WCD CHP TBD EMWD Parsons Transportation City of Moreno Valley City Consultants TBD TBD Construction Survey - TBD	160,000.00	37,000.00		5,000.00	8,000.00	8,000.00	8,000.00	8,000.00	37,000.00
CHP TBD EMWD Parsons Transportation City of Moreno Valley City Consultants TBD TBD Construction Survey - TBD	10,000.00	10,000.00						10,000.00	10,000.00
EMWD Parsons Transportation City of Moreno Valley City Consultants TBD TBD Construction Survey - TBD	25,000.00	00:00						\$	-
EMWD Parsons Transportation City of Moreno Valley City Consultants TBD Construction Survey - TBD	10,000.00	10,000.00					5,000.00	\$,000.00	10,000.00
Moreno Beach Ramps - Phase 1 Parsons Transportation Cactus/Nason Improvements City of Moreno Valley Cactus/Nason Improvements City Consultants Cactus/Nason Improvements TBD Cactus/Nason Improvements Construction Survey - TBD	50,000.00	0.00						\$	-
Cactus/Nason Improvements City of Moreno Valley Cactus/Nason Improvements City Consultants Cactus/Nason Improvements TBD Cactus/Nason Improvements Construction Survey - TBD	350,000.00	300,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	\$0,000.00	300,000.00
Cactus/Nason Improvements City Consultants Cactus/Nason Improvements TBD Cactus/Nason Improvements Construction Survey - TBD	36,000.00	18,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	18,000.00
Cactus/Nason Improvements TBD Cactus/Nason Improvements Construction Survey - TBD	60,000.00	30,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	\$,000.00	30,000.00
Cactus/Nason Improvements Construction Survey - TBD	5,662,000.00	1,150,000.00			100,000.00	250,000.00	350,000.00	450,000.00 \$	1,150,000.00
	48,000.00	24,000.00			3,000.00	7,000.00	7,000.00	7,000.00 \$	24,000.00
29) Cactus/Nason Improvements TBD Capital Projects Contract CIP 99524	74,000.00	37,000.00			7,000.00	10,000.00	10,000.00	10,000.00	37,000.00
30) Cactus/Nason Improvements Transtech - PM/Inspection Capital Projects Contract CIP 99524	120,000.00	60,000.00			15,000.00	15,000.00	15,000.00	15,000.00 \$	60,000.00
								\$	-
Totals - This Page \$ 1	\$ 13,384,995.20	\$ 5,884,434.22	\$ 699,111.46	\$ 891,655.33	\$ 739,183.33	\$ 896,183.33	\$ 1,005,537.93	\$ 1,652,762.84 \$	5,884,434.22

TBD - To be determined \*\*\*Total Remaining Outstanding Debt or Obligation as of 12/31/2011

Page 1 of 1 Pages

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

Name of Redevelopment Agency:

Project Area(s)

OTHER OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169 (\*)



APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rest
CITY MANAGER	MAT

# Report to City Council

TO: Mayor and Members of the City Council

FROM: Barry Foster, Community & Economic Development Director

**AGENDA DATE:** February 14, 2012

TITLE: APPOINT MEMBERS TO THE SUCCESSOR AGENCY

OVERSIGHT BOARD (SAOB)

### RECOMMENDED ACTION

Staff recommends that the City Council of the City of Moreno Valley serving as the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley validate the Mayor's two appointments to the Successor Agency Oversight Board (SAOB).

### **BACKGROUND**

The City of Moreno Valley is the Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley (RDA) pursuant to Part 1.85 of Division 24 of the Health and Safety Code. As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets; making payments and performing other obligations due for Enforceable Obligations of the former RDA. All of the actions of the Successor Agency are subject to the review and approval of an Oversight Board. The SAOB is to be composed of seven members representing various mandated entities and will report to the State Department of Finance. According to the law governing the dissolution of the Agency, the Mayor is required to make two appointments to the Board. The first is an open appointment to be made by the Mayor and the second is the appointment of a member of the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency (City) at that time.

### **DISCUSSION**

All of the appointments to the SAOB are to be made no later than May 1, 2012. Any vacancies remaining unfilled after May 1<sup>st</sup> will be appointed by the Governor. Therefore, there is value in expediting the formation of the SAOB so that the Board can be positioned to begin reviewing and approving the expenditure/obligation schedules of the Agency. Staff has been working with the other entities whose representatives will comprise the Board to facilitate the process as quickly as possible. Mayor Stewart's two recommended appointments are:

- Mayor (1 appointment)
  - Henry Garcia
- Former RDA Employee (1 appointment)
  - John Strickler

Five other selections for the SAOB shall include:

- The County of Riverside Board of Supervisors (2 appointments)
  - Supervisor Marion Ashley contemplating possible choices
- Eastern Municipal Water District Largest Special District (1 appointment)
  - Dave Slawson is the Moreno Valley area representative and is recommended
- The Riverside County Superintendent of Schools (1 appointment)
  - Possibility being considered
- Chancellor of the California Community Colleges (1 appointment)
  - Chris Carlson has been recommended by Chancellor Gray of the Riverside Community College District.

In addition, Barry Foster, Community & Economic Development Director, and Dante Hall, Redevelopment and Neighborhood Programs Administrator for the City will serve as the main staff representatives for the Successor Agency.

### **ALTERNATIVES**

1. Appoint the two recommended City representatives to the SAOB and authorize staff to continue working with various other agencies identified above in finalizing other SAOB members. Staff recommends this alternative because it allows the City serving as the Successor Agency to be represented by individuals who have a greater understanding of community revitalization efforts when approving the expenditure/obligation schedules of the Agency.

2. Do not appoint any City representatives to the SAOB. Staff does not recommend this alternative, which would result in the Governor making the appointments after May 15, 2012.

### FISCAL IMPACT

Appointing members to the SAOB is a recommended provision pursuant to ABX1 26. There is no fiscal impact associated with appointing members to the SAOB.

### **SUMMARY**

As Successor Agency, the City is responsible for winding down the affairs of the redevelopment agency including disposing of its assets; making payments, and performing other obligations due for Enforceable Obligations of the former RDA. Pursuant to ABX1 26, each Successor Agency should establish an oversight board by May 1, 2012 to direct the Successor Agency to take certain actions to wind down the affairs of the redevelopment agency. If the Successor Agency chooses to appoint its own members to the SAOB, the Mayor of the Successor Agency is required to make two appointments in accordance with ABX1 26.

### **NOTIFICATION**

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

Prepared By: Dante Hall Redevelopment & Neighborhood Programs Administrator 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:	



APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rest
CITY MANAGER	- MAD

# Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

**AGENDA DATE:** February 14, 2012

TITLE: RESOLUTION OF SUPPORT FOR LOCAL CONTROL OF

ONTARIO INTERNATIONAL AIRPORT

### RECOMMENDED ACTION

Staff recommends that the City Council:

- 1. Approve Resolution No. 2012-11 in support of the City of Ontario's commitment to gain local control of Ontario International Airport (ONT) and
- 2. Direct the City Clerk to communicate this action to the Mayors of Los Angeles and Ontario, the Acting Administrator of the Federal Aviation Administration, and state and federal elected representatives.

### **DISCUSSION**

The City of Moreno Valley received a request for support from the City of Ontario dated January 9, 2012 (Attachment A), a Facts at a Glance summary of ONT's current status and capacity (Attachment B), a copy of a letter from the Southern California Association of Governments dated September 2, 2010 (Attachment C), and the City of Ontario's White Paper recommending that local control of the airport be restored ("Ontario International Airport – A Recovery Plan," Attachment D).

ONT has lost more than one-third of its passenger traffic over the past four years. This loss has cost the Inland Empire economy an estimated \$500 million annually and 9,250 jobs. The City of Ontario reviewed the Jacobs Consultancy Report, which documents ONT's extremely high costs, and they have proposed a framework for ONT to make a greater contribution to airport regionalization.

Under local control, ONT can more quickly rebound and position itself for long-term market share growth, just as other regional airports under local control in the southland have achieved over the past decade. The City of Ontario has requested that Moreno Valley approve a resolution in support of local control of ONT.

### <u>ALTERNATIVES</u>

- Approve Resolution No. 2012-11 and direct the City Clerk to communicate this
  action to the indicated individuals. STAFF RECOMMENDS THIS ALTERNATIVE
  because it enables ONT to more quickly rebound and position itself for long-term
  market share growth, thereby restoring losses in employment and economic
  impact.
- Decline to approve Resolution No. 2012-11. STAFF DOES NOT RECOMMEND THIS ALTERNATIVE because it enables the perpetuation of current losses in employment and economic impact.

### FISCAL IMPACT

No fiscal impact is associated with these actions.

### **CITY COUNCIL GOALS**

Supporting the City of Ontario's commitment to gaining local control of Ontario International Airport supports the City Council's goal of Advocacy by promoting cooperative intergovernmental relationships and expressing City policies, objectives, and goals to external governments, agencies and corporations.

### ATTACHMENTS/EXHIBITS

Resolution No. 2012-11

Attachment A: Letter from City of Ontario dated January 9, 2012

Attachment B: Facts at a Glance

Attachment C: Letter from SCAG dated September 2, 2010 Attachment D: Ontario International Airport – A Recovery Plan

Prepared By:
Michele Patterson
Assistant to the 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:

### RESOLUTION NO. 2012-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, IN SUPPORT OF THE TRANSFER OF ONTARIO INTERNATIONAL AIRPORT (ONT) TO LOCAL CONTROL

WHEREAS, local control of airports in Southern California has been shown to be conducive to development of successful regional airports because the airport sponsor has a vested interest in the airport making the greatest contribution to its economy; and

WHEREAS, local control of ONT will help ensure that all of Southern California will have sufficient airport capacity to meet the long-term demand for air travel in the region; and

WHEREAS, on January 7, 2011, the Los Angeles Economic Development Corporation called on Los Angeles World Airports (LAWA) to shift control of ONT – as well as the responsibility and risk that comes with that control – to another entity so LAWA can focus more of its energy on modernizing Los Angeles International Airport; and

WHEREAS, on November 29, 2010, the Alliance for a Regional Solution to Airport Congestion (ARSAC) urged the Los Angeles Board of Airport Commissioners to transfer ONT airport management decisions to the local Ontario area in pursuit of a regional airport system that can better address ONT patronage decline and regional service demands; and

WHEREAS, on September 2, 2010, the Southern California Association of Governments (SCAG) Regional Council enacted a resolution recommending the transfer of ONT to local control as being in the best interests of Los Angeles and the Southern California region. SCAG further stated that under local control, ONT can recover from the economic downturn of the past several years while positioning itself for long-term growth, consistent with the reorganization of air traffic contemplated in SCAG's Regional Transportation Plan; and

WHEREAS, after transfer to local control, ONT can operate on the same basis as airports in Burbank, Orange County, Long Beach and Palm Springs - as low-cost secondary airports under local control.

Resolution No. 2012-11 Date Adopted: February 14, 2012

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

1.	The City Council hereby supports the furtherance of airport regionalization and	e transfer of ONT to local control in I the region's economy.
2.		of Los Angeles and Ontario commit the the transfer of ONT to local control at the
3.	The City Clerk shall communicate this action of the City Council to the Mayors or Los Angeles and Ontario, the Acting Administrator of the Federal Aviation Administration, and state and federal elected representatives.	
	APPROVED AND ADOPTED this 14 <sup>th</sup> d	ay of February, 2012.
		Mayor of the City of Moreno Valley
ATTE	ST:	
	City Clerk	
APPR	ROVED AS TO FORM:	

Resolution No. 2012-11 Date Adopted: February 14, 2012

City Attorney

### **RESOLUTION JURAT**

STATE OF CALIFORNIA	)
COUNTY OF RIVERSIDE	) ss.
CITY OF MORENO VALLEY	)
certify that Resolution No. 2012	lerk of the City of Moreno Valley, California, do hereby 2-11 was duly and regularly adopted by the City Council at a regular meeting thereof held on the 14th day of vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
CITY CLERK	<del></del>

Resolution No. 2012-11 Date Adopted: February 14, 2012

### ATTACHMENT A



**ONTARIO** 



# TARIO

CALIFORNIA 91764-4105

(909) 395-2000 FAX (909) 395-2070

PAUL S. LEON MAYOR

SHEILA MAUTZ MAYOR PRO TEM

ALAN D. WAPNER JIM W. BOWMAN DEBRA DORST-PORADA COUNCIL MEMBERS

January 9, 2012

**CHRIS HUGHES** CITY MANAGER

MARY E. WIRTES, MMC CITY CLERK

JAMES R. MILHISER TREASURER

City of Canyon Lake Lori Moss, City Manager/City Clerk 31516 Railroad Canyon Road Canyon Lake, CA 92587

Dear Ms. Moss:

The City of Ontario requests your support of our commitment to gain local control of Ontario International Airport (ONT). Located within the city limits of Ontario, ONT is currently operated by Los Angeles World Airports, a City of Los Angeles agency, under terms of a Joint Powers Agreement.

Over the past four years, ONT has lost over one-third of its passenger traffic, costing the Inland Empire economy \$500 million annually and 9,250 jobs. Under local control, ONT can more quickly rebound and position itself for long-term market share growth, just as other regional airports under local control in the southland have achieved over the past decade.

The enclosed USB flash drive contains a short video clip and support materials that will provide you an overview of our campaign for local control. Additionally, the USB flash drive contains a sample resolution. We ask that your governing body consider approving a similar support resolution at the next opportunity. Please send a copy of the approved resolution to Paul S. Leon, Mayor, City of Ontario; Antonio Villaraigosa, Mayor, City of Los Angeles; Michael Huerta, Acting Administrator, Federal Aviation Administration, as well as to your state and federal representatives.

Further information is available at www.SetONTarioFree.com or on Facebook at "SetONTarioFree". Should you have any additional questions, please feel free to contact Chris Hughes, City Manager, (909) 395-2555.

Thank you for your attention and consideration.

n W. Bowman, Council Member

Alan D. Wapner, Council Member

Debra Dorst-Porada, Council Member

www.ci.ontario.ca.us

Southern California's **Ontario** International Airport

### **FACTS AT A GLANCE**

Airport Code: ONT

**Location:** 35 miles east of downtown Los Angeles in the Inland Empire and the center of Southern California

**Access:** Well-located within the regional ground transportation system, lying between I-10 Freeway on the north and the SR-60 Pomona Freeway on the south; also accessible via a well-developed system of arterial and local roadways

Airport Sponsor: ONT is currently operated by Los Angeles World Airports under a joint powers agreement signed in 1967 when ONT was frequently used as a diversion airport for fogged-in LAX

Market: ONT's service area includes a population of six million in San Bernardino and Riverside Counties, and portions of north Orange County and east Los Angeles County

Airport Size: 1,700 acres

Runways: Runway 26R/8L: 12,200 feet long, 150 feet wide Runway 26L/8R: 10, 200 feet long, 150 feet wide

Capacity: Current facilities supports 10 million annual passengers; ultimate capacity of 31 million through expansion and surface transportation infrastructure development (SCAG analysis)

**Passenger Airlines:** Alaska/Horizon, American, Continental, Delta, Southwest, United/United Express and US Airways

Cargo Airlines: FedEx, UPS

Passengers Served: 4,808,241 (2010)

**Cargo Tons Handled:** 392,427 (2010)

Flight Departures per Day: 70 (Summer 2011)

**Terminals:** 570,500 square feet with 35 gates in two domestic terminals and an International Arrivals Terminal.

Hangar Space: 350,000 square feet

Parking: Lot 2 (1,601 spaces), Lot 4 (1,790), Lot 5 (2,200)

Hours of Operation: 24 hours a day, 7 days a week

**Constraints:** Virtually none. Current policy prohibits flight training (touch and go's) by jet powered aircraft and engine run-ups during overnight hours 11 p.m. to 7 a.m.

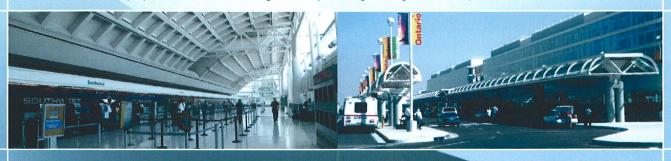


Photo credits: City of Ontario



# ASSOCIATION of GOVERNMENTS

### **Main Office**

818 West Seventh Street 12th Floor Los Angeles, California 90017-3435

> t (213) 236-1800 f (213) 236-1825

www.scag.ca.gov

#### Officers

President Larry McCallon, Highland

First Vice President Pam O'Connor, Santa Monica

Second Vice President Glen Becerra, Simi Valley

### Executive/Administration Committee Chair

Larry McCallon, Highland

### **Policy Committee Chairs**

Community, Economic and Human Development Bill Jahn, Big Bear Lake

Energy & Environment Margaret Clark, Rosemead

Transportation Greg Pettis, Cathedral City September 2, 2010

Mr. Miguel A. Santana City Administrative Officer City of Los Angeles 200 N. Main St. Suite 1500 Los Angeles, CA 90012-4137

Dear Mr. Santana:

SCAG is aware that you have been asked to submit a report to the Los Angeles City Council's Budget Committee in September in response to a Council motion, on the feasibility of transferring operating control of LA/Ontario International Airport (ONT) from Los Angeles World Airports (LAWA) to the City of Ontario.

SCAG has enjoyed the long partnership with City of Los Angeles and the leadership position the City has demonstrated in providing for interregional and international travel (i.e. LAX and Ontario airports). Continuation of options for international and national travel for the 19 million residents of the regions is essential for the economy, livability, clean air and other public policy goals the City and SCAG have partnered on. At the same time, SCAG understands the tough economic challenges the city faces during this recession.

Staff have reviewed the recent report from Jacobs Consultancy — "Alternatives for Management and Operation of LA/Ontario Airport" — commissioned by LAX, that was presented at the August 2 meeting of the Los Angeles Board of Airport Commissioners. Staff has also received a briefing on this issue from Ontario and San Bernardino County officials.

SCAG supports the finding to recommend the transfer of ONT to local control as being in the best interests of Los Angeles and the Southern California region. The transfer will enable LAX to focus its attention on modernizing Los Angeles International Airport and restoring passenger traffic to pre-9/11 levels — essential steps to make LAX achieve its full potential as the City's primary economic engine.

SCAG believes that under local operating control, ONT can recover from the economic downturn of the past several years while positioning itself for long-term growth which would be consistent with the "reorganization" of the air traffic contemplated in the SCAG's Regional Transportation Plan. By transferring control of ONT to the City of Ontario, ONT will operate on the same basis that airports in Burbank, Orange County, Long Beach and Palm Springs operate as a low-cost secondary airport under local control.

The Regional Council is comprised of 84 elected officials representing 189 cities, six counties, six County Transportation Commissions and a Tribal Government representative within Southern California.





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Energy & Environment Margaret Clark, Rosemead

Transportation Greg Pettis, Cathedral City During the recession of the past several years, ONT has one of the highest operating costs in the region. Over the past decade, as other regional airports have recovered from 9/11 and increased their market share, ONT has lost more than two decades of traffic growth and seen its market share decline. This is unfortunate since ONT is the only airport in the system not constrained by passenger or noise caps (John Wayne and Long Beach, respectively) or facility constraints (Bob Hope) or a legally enforceable settlement agreement (LAX).

SCAG recognizes that LAX has several billion dollars of debt to finance the Bradley West and related projects. While these facility improvements may push airline rates and charges higher, that alone is not sufficient to drive low-cost airlines to ONT. If ONT does not simultaneously reduce costs and build traffic to reduce its cost per enplaned passenger, airlines will be incentivized to find markets outside Southern California where they can obtain the highest returns for their aircraft assets. This result would negatively affect the economy of not only the Inland Empire but the entire southern California region including Los Angeles.

Southern California must continue to have a robust system of regional airports both to accommodate local demand and to minimize automobile traffic and emissions resulting from unnecessary reliance on LAX. In that regard, it is especially important that ONT, which is uniquely positioned to accommodate growth, be operated in a way that enables it to achieve its full potential. As airline traffic rebounds and LAX approaches its practical capacity based on ground access and facilities, the region's need for a fully-developed and healthy ONT will become increasingly important. Without ONT, SCAG and the region will be challenged to develop a successful sustainable community strategy under SB 375 which the California Air Resource Board would approve. In summary, SCAG believes that the transfer of ONT to local control is in the best interests of all jurisdictions including Los Angeles. It also is in the best interests of promoting regionalization and boosting our region's economy.

Thank you for considering SCAG comments as you deliberate in preparing your report and making your recommendation. SCAG respectfully requests that this letter be provided to the City Council when your report is transmitted.

Sincerely,

Hasan Ikhrata Executive Director

CC Regional Council
Greg Devereaux, CAO
County of San Bernardino

The Regional Council is comprised of 84 elected officials representing 189 cities, six counties, six County Transportation Commissions and a Tribal Government representative within Southern California.

foras Wehall



Ontario International Airport – A Recovery Plan

September 2010

City of Ontario, California

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## 1. Introduction

The City of Ontario ("Ontario") presents this White Paper to support its position that the success of Ontario International Airport ("ONT") requires that local control be restored. After extensive research, it is Ontario's belief that the most effective and expeditious means to accomplish this objective is through a mutually agreed upon modification of the existing joint powers agreement between Ontario and the City of Los Angeles.

This document also incorporates Ontario's comments on the Jacobs Consultancy report — "Alternatives for Management and Operation of LA/Ontario International Airport" presented at the Los Angeles Board of Airport Commissioners ("BOAC") meeting August 2, 2010. The LAWA/Jacobs report focused on ONT's high costs, but did not get to the heart of the other problems facing ONT: An inherent conflict of interest in Los Angeles controlling LAX and ONT, overstaffing, high labor costs, a 15 percent administrative fee levied by LAWA on ONT, and a reduced budgetary commitment to airport regionalization. Nor did it set forth options that are practical or that have a reasonable probability of succeeding. This White Paper seeks to fill this vacuum while providing a framework for ONT to make a greater contribution to airport regionalization.

## 2. Historical Perspective

Even people in the aviation industry are often surprised to learn that ONT is operated by the City of Los Angeles' Department of Airports (also known as Los Angeles World Airports or LAWA). ONT is located 35 miles east of downtown Los Angeles in a different city and county from Los Angeles. An understanding of how this airport came to be controlled by Los Angeles is necessary to appreciate its current status as a secondary airport in the LA Basin and to understand its potential as an integral part of the Southern California regional airports system.

The airport traces its origin to 1923, making it one of the oldest in the nation and the state. This was five years before Mines Field began operations at the current location of LAX. Dirt runways were replaced with two concrete runways in 1942 to support the nation's war effort. By the mid-1950s, Lockheed, Douglas and Northrop had major aircraft facilities at ONT. During this era, commercial air service in Southern California was limited to Burbank Airport until 1946 and thereafter at Los Angeles Municipal Airport, later to be renamed Los Angeles International Airport.

With the dawning of the jet age in 1959, commercial air service became vastly more popular. Airlines began to expand their fleets. While LAX remained the principal airport serving Southern California, there were often times when it was shrouded in fog, requiring flights to divert to ONT. As many as 60 days a year, passengers and luggage were bussed between ONT and LAX.

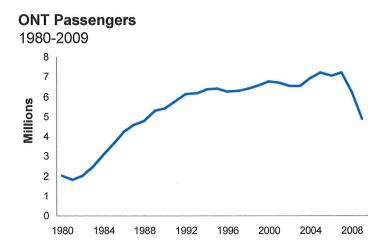
Because much of the annual activity at ONT during the 1960s was accommodating diverted airplanes, the cities of Ontario and Los Angeles felt it would be in the best interests of the Southern California region if Los Angeles took responsibility for operating the airport. In addition, Los Angeles was expected to bring more air service to ONT, thereby attracting businesses and creating jobs. Discussions to this end began in the early-1960s, resulting in a "Contract between the City of Los Angeles and the City of Ontario for the Joint Exercise of Powers in Relation to Ontario International Airport" ("JPA"). As memorialized in the Agreement of 1967, the parties felt that "considerable benefit would result to ONT and LAX, to the two cities and to the users of air transportation into and out of Southern California" from the arrangement.

Section 9 of the JPA stated: "Los Angeles shall exercise its best efforts to attract and obtain additional regular scheduled airline service for ONT and shall immediately, under approval of this Agreement, apply to the Civil Aeronautics Board for change in the certificates of the scheduled carriers presently serving Los Angles to specify ONT as a joint-use airport or hyphenated point with LAX."

From the signing of the JPA in 1967 until deregulation of the airline industry in 1978, the two airports were treated the same by the Civil Aeronautics Board for the purposes of airline route authorities and the setting of airfares. Thus, an airline authorized to serve LAX could also serve ONT under the same route authority and with the same air fares. Air service soon began to take off and by 1971 the airport was serving more than 1 million passengers a year.

The Los Angeles Department of Airports operated its three airports (LAX, ONT and Van Nuys Airport) as a single financial entity. This meant that all revenues from the three airports were deposited in a single airport account and all expenses were paid from that account. ONT generated sufficient revenues to cover its expenses and also to repay Los Angeles for its investments in ONT which from 1967 to 1985 totalled approximately \$4 million.

As shown on this chart, ONT passenger traffic continued to grow through the 80s and 90s as airline deregulation produced greater competition and lower fares. About a dozen LAX airlines also operated passenger flights at ONT to serve the rapidly growing Inland Empire.



By 1985, the airlines and LAWA determined additional facilities were needed to keep pace with the passenger growth rate. A Supplemental Agreement to the 1967 JPA was negotiated for the "Acquisition of Ontario International Airport by the City of Los Angeles." That Agreement acknowledged the prior \$4 million payment by Los Angeles (which was subsequently fully repaid by ONT) and cleared the way for LAWA to begin development of a Master Plan to meet the airport's long-term needs and provided future air service capacity for Southern California.

Section 14 of this Agreement stated "that both Los Angeles and Ontario recognize the continuing necessity for and hereby agree to cooperate with each other in carrying out the purposes and objectives of the Joint Powers Agreement which it is agreed shall remain in full force and effect."

As the planning continued into the early 1990s, a major dispute arose at LAX between the airlines and LAWA relating to LAWA's use of airport revenues and its desire to impose a "commercial compensatory" methodology for setting airline rates and charges at LAX. ONT was not involved in that dispute. Instead, it remained a stand-alone "residual" airport where the airlines' rates and charges were adjusted periodically to ensure the airport broke even and did not require any subsidy from LAWA. This occurred beginning in 1994.

Airline rates and charges at ONT were extremely low through the 1990s, thanks to low overhead and lack of significant debt service payments. This was typical of secondary airports in the United States and the reason JetBlue Airways chose ONT as its first West Coast city in 2000. A second JetBlue flight was added in 2001 and plans announced for a third flight as part of a gradual buildup of its West Coast schedules.

As planning for the new ONT facilities turned to how to pay for them, the airlines and LAWA agreed to a plan using Passenger Facility Charges that would help keep operating costs as low as possible after the new facilities opened.

In the early 1990s, federal legislation created the ability for airports to charge a Passenger Facility Charge to be collected by the airlines in the ticketing process with funds held in trust by the airport sponsor for approved capital projects. At \$3 per enplaned passenger, LAX collected several hundred million dollars in PFCs over the course of several years. With only a limited number of LAX capital projects eligible for use of the PFC funds, the airlines serving ONT (that also served LAX) suggested using \$125 million of collected PFCs at LAX as a down payment on the new ONT facilities. Because the same airlines accounted for the vast majority of PFC collections at both ONT and LAX, it made sense to use some LAX PFC funds for the ONT terminal project. The international airlines at LAX who did not serve ONT also agreed to the plan after additional PFCs were allocated to LAX projects benefiting them. The FAA approved the specific use of PFCs and funds were transferred to the ONT terminal project. This permitted the project to go ahead with limited need for debt financing; as a result, ONT today enjoys one of the lowest debt service ratios among medium hub airports.

Nevertheless, while debt service costs were kept low, LAWA made a number of decisions that dramatically increased costs, including staffing the new facilities with City of Los Angeles employees, bringing in-house functions such as janitorial and grounds keeping that are frequently contracted out, and imposing a burdensome administrative charge. These decisions would rapidly lead to high personnel costs that would make it much more expensive for airlines to serve ONT.

# 3. Market Analysis

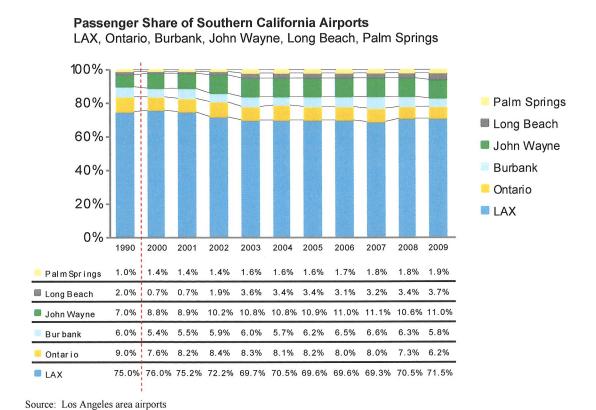
ONT is located in one of the fastest growing regions of the U.S., serving a population of nearly 5 million people in San Bernardino and Riverside Counties and portions of north Orange County and east Los Angeles County. For the broader region, ONT is generally considered the most promising solution for Southern California's future airport capacity needs because of its ability to accommodate a large increase in air service in a region where other airports have very limited capacity to grow.

After experiencing significant growth during the '80s and '90s, ONT entered 2000 on solid footing. As illustrated below, however, by 2009, ONT had nearly 28% fewer passengers than in 2000 – a dismal record in comparison with the other Los Angeles area airports. The number of ONT passengers – which approached that of John Wayne in 2000 and 2001 – now amounts to only slightly more than half of John Wayne's. Burbank, which handled far fewer passengers than ONT in 2000, is now about the same size as ONT.



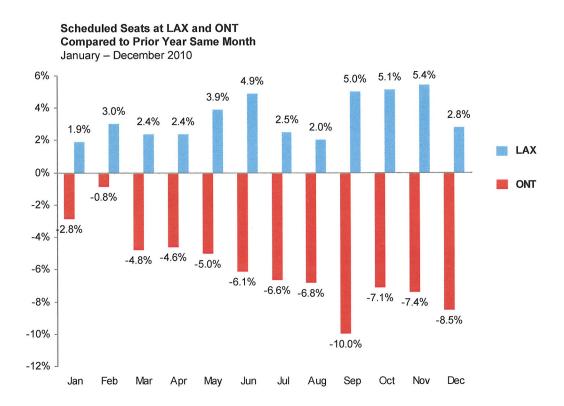
<sup>&</sup>lt;sup>1</sup> Los Angeles area airports include LAX, Burbank, John Wayne, Long Beach, and Palm Springs. San Diego is not included as it serves a separate metropolitan area.

As ONT passengers have declined in absolute numbers, so has ONT's share of the Los Angeles region's air market. Despite LAWA's stated policy and commitment to promote regionalization – the greater use of regional airports other than LAX – LAX's share of passengers in the Los Angeles region has actually increased over the past seven years from 69.7% to 71.5%.



6

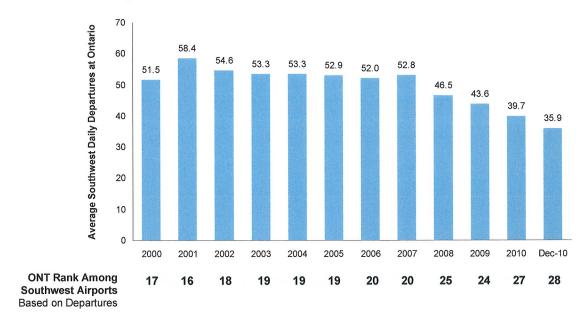
Published airline flight schedules for ONT for 2010 show that ONT continues to lose air service and will experience even deeper cuts during the 2<sup>nd</sup> half of the year. As ONT offers fewer flight options, it becomes less attractive to travelers who choose instead to fly from LAX and other area airports. This downward cycle becomes self-reinforcing and makes ONT increasingly vulnerable to further cuts. Meanwhile, as ONT continues to decline, LAX air service has grown each month in 2010 and will continue to do so for the remainder of the year.



Source: Official Airline Guide as of July 30, 2010

ONT's largest airline, Southwest – which also serves LAX, Burbank, and John Wayne airports in the Los Angeles area – continues to cut service at ONT. As a result, ONT, which ranked as the 17<sup>th</sup> largest airport in Southwest's system in 2000, will have slipped 11 places to 28<sup>th</sup> as of this December.





Source: Official Airline Guide as of July 30, 2010

### Other changes since 2000:

- In 2000, ONT attracted its first non-stop service to Canada (Toronto) and Mexico (Mexico City and Guadalajara). Over the next three years, it attracted additional service to Hermosillo and Mexico City, as well as cargo service to China. As of February 2010, however, ONT has lost all international service, along with the Customs and Border Patrol staffing that is very difficult to obtain and that would be needed to accommodate international service in the future.
- JetBlue, which originally initiated its service to Southern California at ONT in 2000, now serves three Los Angeles area airports LAX, Long Beach, and Burbank but not ONT.
- Of the 100 largest U.S. airports, ONT's performance in terms of passenger growth since 2007 ranked 98<sup>th</sup>.

As a secondary airport in a large metro area, ONT's airlines would normally include multiple low cost carriers. Instead, all the major low cost carriers in the Los Angeles area now serve LAX, while Southwest is the only low cost carrier remaining at ONT (see chart below).

Low Cost Carrier Passengers at LAX and ONT 2009 Domestic O&D

	LAX	ONT
Southwest	6,151,260	2,560,150
Virgin America	1,601,610	
AirTran Airways	504,340	
Frontier Airlines	437,980	
Allegiant	218,950	
JetBlue	168,740	
Spirit Airlines	127,040	
Midwest Express	76,440	
Sun Country Airlines	53,680	
	9,340,040	2,560,150

Source: Domestic O&D Survey 2009

Based on recent performance and trends, the FAA projects that ONT passengers will reach only 6 million by 2030, a figure that ONT passed in the '90s and that is 17 percent lower than ONT's passenger volume was in 2005. Regardless of the accuracy of that forecast, there is reason for grave concern about ONT's future.

**ONT – FAA Passenger Forecast** 2009-2030 8 6.0 MAP 7 5.3 MAP (2030)6 (2020)5 3 2 1 2000 2002 2004 2006 2008 2010 2012 2014 2016 2018 2020 2022 2024 2026 2028 2030

Source: FAA TAF 2009-2030; Passengers = Enplanements x 2. FAA actual 2000-2008; FAA forecast 2009-2030

What is causing ONT's air service decline? Can an effective recovery strategy be developed and implemented?

## 4. The Problem

In major metropolitan areas with multiple airports, the economics of the airline business favour large scale operations at the primary airport – in this case LAX. Successful secondary airports in metropolitan areas with multiple airports almost invariably share two characteristics:

- 1. Substantially lower costs than the primary airport. Especially during the current downturn when primary airports are less congested, it is more important than ever that secondary airports maintain their cost advantage; and
- Aggressive marketing campaigns for air service that recognize the secondary airport must compete with the primary airport and other airports in the region for passengers and flights.

As discussed below, LAWA's management of ONT has burdened the airport with the highest costs in the region and among the highest in the country.

At the same time, LAWA has made drastic cuts in ONT's marketing efforts, slashing the resources devoted to ONT market by 85% since 2007.

Whether these facts reflect a deliberate LAWA policy to develop LAX at the expense of ONT is unknown. Whether deliberate or not, the result is the same – ONT has extremely high and uncompetitive costs, and has sharply curtailed its marketing efforts.

## A. ONT's Extremely High Airport Costs

From an airline perspective, airport costs are typically measured in terms of the Cost per Enplaned Passenger (CPE). The CPE is the sum of the charges paid by the airlines to the particular airport divided by the number of passengers departing from that airport. The most recent reported U.S. median CPE was \$6.76 for FY08<sup>2</sup>. In budget information provided by LAWA to the City of Ontario, ONT's CPE is projected to be approximately \$14.50 in the current fiscal year, or more than double the U.S. median. The LAWA/Jacobs Report provides an even higher ONT CPE estimate of \$16 for 2010.<sup>3</sup>

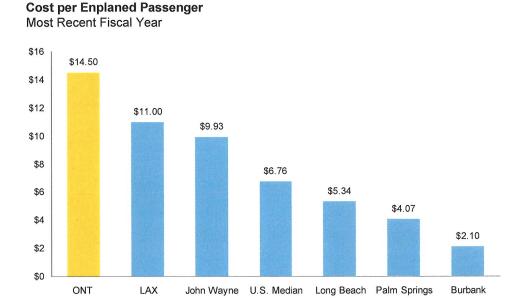
The airlines are not able to charge higher fares at ONT to make up for the higher ONT airport cost. (In a region with competing airports, travelers are not willing to pay higher airfares to fly from ONT than other area airports.) Thus ONT's higher cost reduces the airlines' ability to make a profit at ONT. And the nearly \$8 difference between ONT's CPE and the U.S. median exceeds the airlines' total average profit per enplaned passenger.

<sup>&</sup>lt;sup>2</sup> U.S. Airport Medians for FY 2008, Moody's U.S. Public Finance, November 2009.

<sup>&</sup>lt;sup>3</sup> See Alternatives for Management and Operation LA/Ontario International Airport, August 2, 2010, p.9.

As widely reported, ONT's projected CPE for the current fiscal year exceeds that of all airports in the region. The LAWA/Jacobs Report<sup>4</sup> shows that ONT's CPE is the highest among the 31 medium-size airports it evaluated. A broader analysis shows that ONT's CPE is the 2<sup>nd</sup> highest among the 69 airports served by Southwest Airlines.

Recent cost estimates for ONT, LAX, and the other Southern California airports are provided below.



Source: Airport financials, press reports, FAA Form 127

CPEs are somewhat of a moving target as airline enplanements change and airports embark on major capital programs. As discussed below, although ONT's CPE also will rise and fall as enplanements change, the airport is fortunate to have a low level of debt, and therefore should have a greater ability than most airports to reduce costs during periods of declining enplanements.

## B. The Role of Low Costs in Attracting Additional Air Service

Examples of successful secondary airports in large metro areas include: BWI, where lower costs were a strong factor in attracting Southwest's major operation there over Washington Dulles; and Ft. Lauderdale, where lower costs led to the development of LCC service there while Miami has none. Chicago Midway Airport, Houston Hobby, Boston Manchester, and Dallas Love Field have all achieved success by having much lower costs than the primary airports in these metropolitan areas.

<sup>&</sup>lt;sup>4</sup> See Alternatives for Management and Operation LA/Ontario International Airport, Jacobs Consulting, August 2, 2010, p. 9.

Low cost carriers, such as Southwest, JetBlue, AirTran, Allegiant, Spirit, and Frontier, which offer a simplified fare structure and lower average fares, are the most likely candidates for growth at ONT. These carriers are also the most likely to consider airport costs as an important factor in their air service decisions. ONT's current high costs present a significant hurdle to the expansion of air service.

As an example, Allegiant – perhaps the most cost-sensitive of all carriers – made the unexpected decision to serve LAX instead of ONT based at least in part on LAX's lower costs. Allegiant's decision to serve LAX beginning in May 2009 stands in contrast to its actions in other large urban areas, such as Phoenix, where it serves a secondary airport, Williams Gateway; and Tampa, where it serves a secondary airport, St. Petersburg. Allegiant has recently expanded service in the LA region by initiating service to four cities from Long Beach, another lower cost airport.

Although there is no guarantee that lowering ONT costs will result in more air service, having low costs gives ONT a fighting chance to reverse the recent loss of air service and to begin a long-term growth trend. With lower costs more typical of a secondary airport in a large metropolitan area, ONT would be well-equipped to make its case for additional or new service to Southwest, JetBlue, Allegiant, and other low cost carriers.

The LAWA/Jacobs Report acknowledges the importance of lowering ONT's costs:

"Reducing CPE alone would not result in an increase in air service from incumbent airlines in the short-term, but doing so could be an important step in the long-term growth in air service from incumbent airlines and in attracting competitive air service from new-entrant airlines." <sup>5</sup>

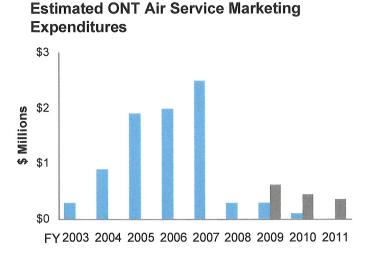
# C. LAWA's Drastic Reduction of Air Service Marketing at ONT

Apart from having low costs, nearly all successful secondary airports have engaged in aggressive air service marketing campaigns. LAWA did so as well for ONT until 2007, when it changed course and slashed the resources devoted to ONT marketing efforts.

Precise figures on ONT marketing expenses are not broken out in LAWA's budget, but the information below is believed to be reasonably accurate.

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<sup>&</sup>lt;sup>5</sup> See Alternatives for Management and Operation LA/Ontario International Airport, Jacobs Consulting, August 2, 2010, p. 3.



Source: Estimated based on industry sources and LAWA budget analysis; 2009-2011 figures in grey provided by LAWA.

Figures for FY2003 through 2008 are based on historical information and industry sources, with estimates going forward. Separate figures in grey for FY2009-2011 are as provided by LAWA

After spending in the range of \$2-3 million per year for ONT air service marketing during FY 2005-2007, LAWA slashed that figure to less than \$400,000 for the current fiscal year, a reduction of approximately 85%.

LAWA has never explained this deliberate decision to curtail air service marketing at ONT. It is, however, inconsistent with LAWA pledges to support regionalization and has been harmful to air service development at ONT. During this same period, many U.S. airports were increasing the resources devoted to air service marketing in the face of growing competition among airports for new air service.

Other LAWA actions further illustrate its lessening commitment to ONT. For example, for many years, the LAWA Board of Airport Commissioners routinely held two Commission meetings each year in Ontario to demonstrate its commitment to ONT and regionalization. The BOAC has not held a meeting in Ontario since October 2007 (almost 3 years).

## D. Understanding the Components of ONT's Costs

The charges paid by the airlines serving ONT are determined by totalling the airport's operating expenses and debt payments, and subtracting any revenue the airport receives from sources such as airport parking, rental car fees, and airport food and retail. The balance is what the airlines must pay.

<sup>&</sup>lt;sup>6</sup> LAWA reports that it discontinued ONT meetings based on a City Attorney opinion that prohibits LAWA from acting on any LAX or Van Nuys items during meetings held outside of Los Angeles.

To determine why ONT's costs are so high, it is necessary to briefly review the airport's operating expenses, debt payments, and non-airline revenue. Although the LAWA/Jacobs Report suggests that additional study is needed to determine why ONT's costs are so high, even a cursory analysis of the airport provides a clear answer. We begin with a review of ONT's debt.

## E. Airport Debt – Not the Problem

Some airports have high costs as a result of the substantial debt incurred as part of large capital development programs. The debt incurred in building the Denver Airport in the early 1990s made it a particularly costly airport for many years, as did the debt required to finance San Francisco's international terminal in 2000. Debt service requirements sometimes make up more than half of total operating costs at airports with major capital programs.

ONT is fortunate in that it has little debt. Fitch Ratings, in its March 2009 review of ONT, highlights the airport's "low debt levels" and "very modest and level debt profile (with debt service payments representing only 8% of total operating revenues in fiscal 2008)." Fitch notes as well that the "airport has no major capital projects over the next 5-10 years and intends to fund maintenance capital projects from airport cash and from passenger facility charge revenues and grants."

The median level of airport debt for U.S. airports was \$78 per O&D passenger in fiscal 2008, according to Moody's<sup>7</sup>. For Ontario, the comparable figure was only \$23 in airport debt per enplaned passenger. For the current fiscal year, the ONT figure will have risen to about \$34 because of the declining number of passengers. Even so, ONT's outstanding debt is only 44% the level of the median U.S. airport. In short, despite ONT's passenger declines, debt is not the cause of its high costs. Other things being equal, ONT's low debt means it should have lower than average costs.

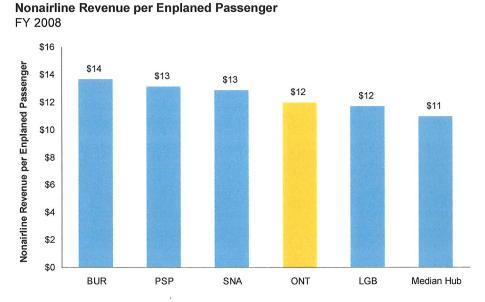
### F. Revenue from Non-Airline Sources – Not the Problem

The more revenue collected from sources such as airport parking, rental car fees, airport food and retail, and other "non-airline" sources, the lower the fees the airlines must pay.

Although there is certainly room for improvement in some aspects of ONT's non-airline revenue management efforts, it turns out that ONT's non-airline revenue per enplaned passenger is slightly higher than the medium-hub airport average of \$11. This is primarily because ONT's parking revenue and rental car rental are higher than average. These sources of revenue more than compensate for ONT's lower than average food & beverage and retail revenue.

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<sup>&</sup>lt;sup>7</sup> U.S. Airport Medians for FY 2008, Moody's U.S. Public Finance, November 2009.



In summary, a lack of non-airline revenue is not the cause of ONT's high costs. Other things being equal, ONT's higher than average non-airline revenue means that it should have lower than average airline costs.

## G. Sky High Airport Operating Expenses

If ONT has low airport debt and above average non-airline revenue, what is the reason for ONT's high costs? The short answer is that ONT has extremely high operating expenses as a result of:

- A much larger workforce than comparable airports
- The burdensome LAWA administrative charge
- Much higher compensation levels than at comparable airports

For U.S. airports, the median level of operating expenses per enplaned passenger for FY 2008 was less than \$14<sup>8</sup>. For ONT, operating expenses per enplaned passenger have ranged from \$29 to \$33 over the past several years – and even after cost and staff reductions at ONT will be in the \$29 range. Thus, as the LAWA/Jacobs Report accurately states, even after cost cutting –

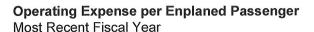
"ONTs total operating expenses per enplaned passenger are more than twice the average for U.S. medium hub airports"<sup>9</sup>.

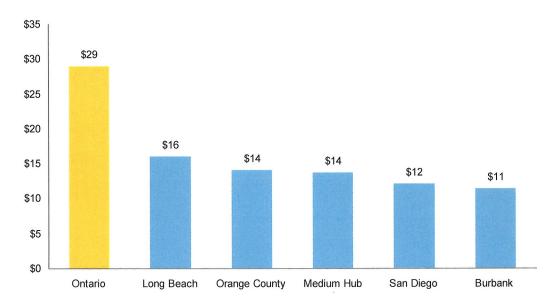
<sup>&</sup>lt;sup>8</sup> U.S. Airport Medians for FY 2008, Moody's U.S. Public Finance, November 2009.

<sup>&</sup>lt;sup>9</sup> See Alternatives for Management and Operation LA/Ontario International Airport, August 2, 2010, p.11.

The LAWA/Jacobs Report shows that in comparison to ONT's \$29 operating expense, comparable airports had operating expenses ranging from \$9 to \$17 per enplaned passenger, with all but one of the comparable airports below the \$15 level. 10

The chart below shows the operating expense per enplaned passenger at Los Angeles area airports and San Diego.





Source: Airport financials, Fitch ratings reports, FAA Form 127

Stated differently, assuming that ONT had achieved the medium-hub airport cost average at its existing enplaned passenger level, ONT could generate over \$31 million in cost savings, or a cost reduction in the range of \$13 per enplaned passenger.

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<sup>&</sup>lt;sup>10</sup> See Alternatives for Management and Operation LA/Ontario International Airport, August 2, 2010, p.11.

# H. Too Many Employees, at High Average Compensation Levels, and Additional Millions (\$) for Administrative Services

Comparing the number of employees at different airports has certain limitations because the degree of outsourcing differs.<sup>11</sup> Nevertheless, most airports operate within certain ranges, and in terms of employee staffing, ONT is in a class by itself.

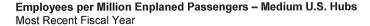
ONT has budgeted for 302 employees for the fiscal year beginning July 2010, an extremely high number that is discussed below. In addition to budgeting for those employees and other operating expenses, ONT pays LAX an administrative fee of 15% of its operating expenses. For the fiscal year that began July 2010, the administrative fee will be \$8.7 million. We do not know what services are provided in exchange for this charge. Although there are certainly some important functions that LAWA provides ONT, such as legal, risk management, etc., the magnitude of the administrative charge raises questions as to the value provided – and particularly so when viewed in conjunction with ONT's already high budget for wages and benefits.

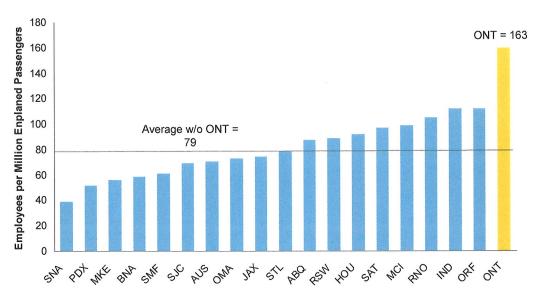
ONT's compensation budget for the current fiscal year is \$30.9 million, which amounts to \$102,400 per employee. Taking into account the administrative fee, ONT's true employee count is really the 302 employees budgeted plus 85 additional LAWA employees that it pays for with the \$8.7 million administrative fee (85 x \$102,400 is \$8.7 million). The true total ONT employee count of 387 is more than double John Wayne's staff of 175, more than three times Long Beach's staff of 124, and more than San Diego's staff of 355 (SAN has three and a half times as many passengers as ONT).

Shown below for 18 medium-size airports is the number of airport employees per million enplanements, which range from 52 to 112 – with an average of 79 employees per million enplaned passengers. The ONT estimate of 163 employees per million enplaned passengers is more than double the average of the other airports.

<sup>&</sup>lt;sup>11</sup> At Burbank, for example, most airport functions have been outsourced, and total airport salaries and benefits are only \$2.4 million compared with contractual services that are seven times that amount.

<sup>&</sup>lt;sup>12</sup> Both the employee count and the administrative charge are down substantially from the year before when LAWA budgeted for 366 employees and a \$10.2 million ONT administrative charge.





Source: Analysis of reported airport staffing

Note as well that among medium size airports there is little correlation between the size of an airport and the number of employees reported per million enplanements. In other words, smaller airports do not necessarily have more employees per million enplanements.

Using the ratio of 79 employees per million enplanements and applying that ratio to ONT's projected 2.37 million enplanements shows that ONT should have approximately 187 employees – assuming that the administrative charge goes away – and not 302 as currently budgeted. If ONT continues to pay an \$8.7 million administrative charge, then ONT would need to reduce its staff from the current level of 302 employees to only 102 employees to reach an average staffing level. (The administrative charge alone adds \$3.68 per enplanement to ONT's costs – which is more than Orange County, San Diego, or Burbank paid in total compensation and benefits per enplanement in FY2008.)

Apart from the sheer number of employees, the ONT budgeted average employee compensation of \$102,400 is the highest of any airport in the region, with other airports having total average compensation at least 15% lower. And this figure may understate true average ONT compensation because many of ONT's core senior management functions are provided by LAWA. Even the airport manager position at ONT is split half time with Van Nuys Airport – an unusual arrangement for a medium hub airport.

LAWA's management has made substantial cuts in ONT's operating costs.<sup>13</sup> To have made such efforts only to achieve little progress in improving ONT's costs suggests that the LAWA organizational structure is simply not suited to operating an airport such as ONT which must have a competitive cost structure to have a realistic chance of succeeding. The LAWA/Jacobs Report suggests as much in its consideration of outsourcing the majority of ONT operations.

<sup>&</sup>lt;sup>13</sup> LAWA notes that there were 450 LAWA employees at ONT in 2007, and therefore the 2011 budgeted number of 302 represents a decrease of nearly one-third.

## 5. Transfer Options

This section discusses the three options set out in the LAWA/Jacobs Report, as well as the most logical option of transferring management control of the airport back to the City of Ontario.

Each option is evaluated using the following criteria:

- (1) Will the option result in ONT achieving a competitive cost structure?
- (2) Will the option result in ONT's management aggressively marketing the airport?
- (3) Does the option assure that management will devote the time and attention needed to develop ONT to its full potential?
- (4) Does the option assure that ONT's interests will be paramount and not subject to conflicting priorities?

## A. LAWA/Jacobs Report Options

The following three options are discussed in the LAWA/Jacobs Report:

<u>LAWA continues to manage and operate ONT</u> – LAWA would continue to seek ways to lower airline costs and increase non-airline revenues.

This option is a continuation of the status quo that has not worked to date and fails to meet any of the four criteria outlined above—cost reduction, aggressive marketing, management focus, and conflict avoidance.

 $3^{rd}$  Party Terminal and Parking Concession Agreement – LAWA would outsource the operation and maintenance of the terminal facilities, concession program, public parking, and rental car.

This option partially addresses the first criterion and none of the others. By outsourcing portions of the airport to a more efficient operator, it would lower airport costs. However, it does not outsource the entire airport, including portions that consume significant operating resources, and therefore may not achieve the cost reductions required. In addition, it does not address the other criteria listed above.

<u>Long Term Concession Agreement</u> – LAWA would lease the airport for 40-60 years. Although the LAWA/Jacobs Report does not mention the FAA's privatization program, the description suggests that vehicle would be used.

This option may or may not ultimately lead to a competitive cost structure for the airlines at ONT. So far, there have been no successful privatization efforts in the U.S. so this is unproven territory. What we do know, however, is that even if successful, the privatization process will take at least 2-3 years. ONT cannot wait that long to make substantial progress in reducing costs and to begin to aggressively promote the airport. Each month that passes means less air service at

ONT and a more difficult recovery. Depending on the structure of the deal, this option may satisfy the other criteria listed, at least if Ontario is the public agency sponsoring the privatization."

### B. Transfer of Control to Ontario

The City of Ontario once used the JPA to transfer control of ONT to the City of Los Angeles. The same JPA may be used to transfer management and operational control of ONT back to the City of Ontario. Ontario is committed to taking whatever steps are necessary to assure that this vital economic engine is reinvigorated through the creation of a low-cost airport that aggressively markets the airport and region. For Ontario, there is no doubt as to the airport's highest priority of attracting new service, nor will there be the appearance of a conflict of interest.

# 6. The Ontario Imperative

It is a hopeful sign that Los Angeles recognizes the need for a different approach to the management and operations of ONT. Ontario strongly believes that the management and operating responsibility for ONT should be transferred to the City of Ontario through a modification of the JPA as described in this White Paper. This option provides the greatest opportunity to ensure the long-term viability of ONT while achieving the mutual goal of airport regionalization.

There must be a sense of urgency as the two cities work together cooperatively to find a way to reverse the downward decline of air service and passenger traffic at ONT. Since 2007 passenger traffic at ONT has plummeted more than 32 percent. Adding to the need for immediate action, airlines serving ONT have announced flight schedule reductions of nearly 8 percent in the second half of 2010. In economic terms, the decline in air service at ONT from 2007-2009 has meant the loss of over \$400 million to the Inland Empire regional economy and the loss of over 8,000 jobs. 14

In 2006, LAWA affirmed its commitment to regionalization as part of the settlement of a lawsuit challenging the Master Plan for expansion of LAX. There, LAWA expressly agreed to "develop a regional strategic planning initiative to encourage the growth of passenger and cargo aviation activity at under-utilized, LAWA owned, commercial airports in the region (currently Ontario International Airport and Palmdale)."

It is admirable that LAWA has begun to reduce operating costs at ONT. It is crucial that the City of Ontario continue this process as it aggressively markets the airport. There also must be recognition that there is the appearance of a conflict as a result of LAWA owning and operating competing airports in the current and future Southern California economy. This conflict must be addressed as a prerequisite to achieving true airport regionalization and restoring ONT as an economic engine for the region.

Since 2001, LAX has declined from the 3rd busiest airport in the world to the 7th. In 2009, it served 56.5 million passengers, a loss of 5.9 million passengers since 2007 and 10.8 million since 2000. Ontario understands LAWA's need to focus attention and resources on rebuilding LAX traffic even as it mounts the largest capital improvement program in the airport's 83-year history.

Returning ONT to local control will also promote airport regionalization, a key initiative of Los Angeles Mayor Antonio Villaraigosa. Regional airports in Southern California under local control have rebounded from 9/11 and weathered the recessionary economy. Regional airports

<sup>&</sup>lt;sup>14</sup> Estimated total economic impact of ONT passenger air service; 2007: \$1.27 billion; 2009: \$860 million; loss of \$410 million. Estimated total jobs created by ONT: 2007: 25,081; 2009: 17,006; loss of 8,075 jobs. Source: Oliver Wyman analysis.

under absentee control – ONT and Palmdale Regional Airport – have not. Adding to the importance and urgency of airport regionalization is SB 375. Without a healthy ONT, the region will be challenged to develop a successful sustainable community strategy under SB 375 which the California Air Resource Board would approve.

Under local control, ONT will simultaneously reduce its cost structure and increase its marketing, advertising and promotion spending to provide the airport capacity Southern California needs in the long term to protect its tourism economy. Other airports in the region are constrained. John Wayne Airport has a passenger cap. Long Beach Airport has a noise cap. Bob Hope Airport is constrained by its facilities and staunch opposition to airport expansion from the City of Burbank. Palm Springs Airport's ability to assume a greater market share is limited by its distance from the regions' major population centers. ONT is the only airport in Southern California that is unconstrained, and where there is political and community support for greatly expanded operations.

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# **CITY MANAGER'S REPORT**

(Informational Oral Presentation only – not for Council action)

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APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	8MB
CITY MANAGER	-1145

# Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: February 14, 2012 (Continued from 1/10/2012)

TITLE: ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON

**VARIOUS STREETS** 

### RECOMMENDED ACTION

Staff recommends that the City Council:

- 1. Receive and file this report; and
- 2. Introduce Ordinance No. 837, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

### ADVISORY BOARD/COMMISSION RECOMMENDATION

This item was presented to the Traffic Safety Commission (TSC) at their regular monthly meeting on Wednesday, January 4<sup>th</sup>, 2012. The TSC recommendations regarding the subject prima facie speed limits are on file with the TSC report and the Engineering and Traffic Surveys in the Public Works Department.

## **BACKGROUND**

Section 40802 of the California Vehicle Code (CVC) requires an Engineering and Traffic Survey, as defined in CVC Section 627, be performed when enforcing the speed limit by radar or other electronic devices. In compliance with this requirement, Transportation Engineering Division staff prepares and updates Engineering and Traffic Surveys as specified in the CVC and per the guidelines of the California Manual on Uniform Traffic

Control Devices (CAMUTCD). Based upon the results of these Engineering and Traffic Surveys, staff recommends the City Council to approve and declare the proposed speed limits listed in the ordinance as prima facie speed limits that facilitate the orderly movement of traffic within the city.

### **DISCUSSION**

The recommended speed limit, a main component of an Engineering and Traffic Survey, is based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists, and by measuring prevailing speeds, a speed limit is determined that is reasonable and effective. For a speed limit to be effective, at least eight-five percent of the drivers must voluntarily comply with the law. Setting speed limits at appropriate levels creates a uniform flow of traffic, discourages violation of the law, and helps maintain safe streets and highways. Speed limits are often set below prevailing speeds when other factors otherwise not readily apparent to the driver, exist on the roadway. Factors that need to be considered include, but are not limited to, collision history for the roadway segment, design speed, sight distance constraints, pedestrian / bicycle safety, and direct residential access. Staff has recommended these prima facie speed limits accordingly. Currently, there is no existing established speed zone for the segment of Alessandro Boulevard, from Theodore Street to Gilman Springs Road. Based upon the result of the Engineering and Traffic Survey, staff recommends that a speed limit of 50 MPH be established for this segment. For the remaining speed zones listed in the ordinance, no change is recommended for the existing speed limits.

The Moreno Valley Police Department submits the following additional information for consideration:

Engineering and Traffic Surveys are critical for the radar enforcement of posted speed limits within the City of Moreno Valley. Additionally, the Riverside County Superior Court magistrate diligently verifies that there are current Engineering and Traffic Surveys on file.

### **FISCAL IMPACT**

The cost of signing and striping modifications required for the subject speed zones is included in the annual budget of the Transportation Engineering Division for Signing & Striping Maintenance (Account No. 121.55430).

### CITY COUNCIL GOALS

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

<u>POSITIVE ENVIRONMENT</u>: Create a positive environment for the development of Moreno Valley's future.

### **SUMMARY**

As required by Section 40802 of the California Vehicle Code, Engineering and Traffic Surveys were performed for certain streets to support enforcement of speed limits by radar or other electronic devices. Based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists and the measured prevailing speed, staff recommends that the proposed speed limits (as listed on the ordinance) be approved by City Council and declared as prima facie speed limits.

### **NOTIFICATION**

Publication of Agenda

## **ATTACHMENTS**

Attachment A - Proposed Ordinance

Attachment B - Summary of Certified Speed Zones Attachment C - Map entitled "Citywide Speed Limit"

Prepared By: Vincent L. Tran, P.E. Associate Engineer Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

Concurred By: Eric Lewis, P.E., T.E. City Traffic Engineer Concurred By: John Anderson Police Chief

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

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### ORDINANCE NO. 837

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS

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

### SECTION 1. AMENDMENT TO THE MUNICIPAL CODE:

Section 12.20.020 of the City of Moreno Valley Municipal Code is hereby amended by declaring the prima facie speed limit (in miles per hour) for the following streets to provide as follows:

Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Alessandro Boulevard	Lasselle Street to Nason Street	50
Alessandro Boulevard	Nason Street to Moreno Beach Drive	50
Alessandro Boulevard	Moreno Beach Drive to Merwin Street	40
Alessandro Boulevard	Merwin Street to Theodore Street	50
Alessandro Boulevard	Theodore Street to Gilman Springs Road	50
Bay Avenue	Perris Boulevard to Lasselle Street	35
Cactus Ave	Moreno Beach Drive to 1/2 mile east of Redlands Boulevard	50
Calle San Juan De Los Lagos	Veterans Way to Frederick Street	35
Cottonwood Avenue	Nason Street to Moreno Beach Drive	40
Cottonwood Avenue	Day Street to Frederick Street	40
Cottonwood Avenue	Old 215 Frontage Road to Day Street	35
Day Street	Alessandro Boulevard to Cottonwood Avenue	25

Attachment "A" Ordinance No. 837
Date Adopted: January 10, 2012

Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Eucalyptus Avenue	Morrison Street to Nason Street	40
Gentian Avenue	Heacock Street to Indian Street	40
Gentian Avenue	Kitching Street to Lasselle Street	45
Heacock Street	John F. Kennedy Drive to Southern City Limit	50
Iris Avenue	Perris Boulevard to Kitching Street	50
Ironwood Avenue	Nason Street to Theodore Street	55
John F. Kennedy Drive	Oliver Street to Cactus Avenue	45
Kalmia Avenue	Moreno Beach Drive to Quincy Street	25
Kitching Street	John F. Kennedy Drive to Alessandro Boulevard	45
Kitching Street	Cottonwood Avenue to Eucalyptus Avenue	40
Kitching Street	Eucalyptus Avenue to Sunnymead Boulevard	40
Kitching Street	Elder Street to Ironwood Avenue	30
Lasselle Street	Iris Avenue to Southern City Limit	50
Lasselle Street	John F. Kennedy Drive to Iris Avenue	50
Manzanita Avenue	Heacock Street to Perris Boulevard	40
Moreno Beach Drive/Auto Mall Parkway	John F. Kennedy Drive to Eucalyptus Avenue	55
Moreno Beach Drive	Eucalyptus Avenue to Locust Street	55
Nason Street	Alessandro Boulevard to Ironwood Avenue	45
Oliver Street	Iris Avenue to Laurel Court	25
Oliver Street	Alessandro Boulevard to Cactus Avenue	40
Reche Vista Drive	Heacock Street to Northern City Limit	45
Theodore Street	Alessandro Boulevard to Ironwood Avenue	55

Ordinance No. 837 Date Adopted: January 10, 2012 SECTION 2. BASIS OF DETERMINATION:

There is on file with the City Traffic Engineer a traffic investigative report

indicating that the speed limits set forth above are reasonable and safe and most

appropriate to facilitate the orderly movement of traffic.

**SECTION 3. IMPLEMENTATION:** 

The City Traffic Engineer shall post appropriate signs giving notice of the prima

facie speed limit changed as determined by this Ordinance.

**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.

Ordinance No. 837 Date Adopted: January 10, 2012

APPROVED AND ADOPTED this _	day of	2012.
_	Ma	yor
ATTEST:		
City Clerk		
APPROVED AS TO FORM:		
City Attorney		

	ORDINANCE JURAT
	[Clerk's office will prepare]
[NOTE:	Any attachments or exhibits to this ordinance should follow this jurat.]

Ordinance No. 837 Date Adopted: January 10, 2012 This page intentionally left blank.

	Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	Coll Rate Status	Remarks
1	Alessandro Blvd	Lasselle St to Nason St	50	50	51	49	46-55	4	1.00	8.4	0.65	Below	
2	Alessandro Blvd	Nason St to Moreno Beach Dr	50	50	51	49	45-54	1	1.00	8.4	0.16	Below	
3	Alessandro Blvd	Moreno Beach Dr to Merwin St	40	40	41	39	35-44	5	1.25	8.4	0.65	Below	
4	Alessandro Blvd	Merwin St to Theodore St	50	50	51	49	45-54	0	0.75	2.7	0.00	Below	
5	Alessandro Blvd	Theodore St to Gilman Springs Rd	New	50	51	49	45-54	0	2.00	2.4	0.00	Below	
6	Bay Ave	Perris Blvd to Lasselle St	35	35	35	33	29-38	3	1.00	2.3	1.79	Below	
7	Cactus Ave	Moreno Beach Dr to 1/2 mile east of Redlands Blvd	50	50	52	49	45-54	0	1.50	1.0	0.00	Below	
8	Calle San Juan De Los Lagos	Veterans Way to Frederick St	35	35	36	34	30-39	1	0.31	2.0	2.21	Below	
9	Cottonwood Ave	Nason St to Moreno Beach Dr	40	40	38	41	34-43	2	1.00	4.1	0.67	Below	
10	Cottonwood Ave	Day St to Frederick St	40	40	41	39	36-45	8	1.00	5.0	2.19	Below	
11	Cottonwood Ave	Old 215 Frontage Rd to Day St	35	35	37	34	31-40	1	0.50	1.7	1.61	Below	
12	Day St	Alessandro Blvd to Cottonwood Ave	25	25	37	33	28-37	1	0.50	8.6	0.32	Below	
13	Eucalyptus Ave	Morrison St to Nason St	40	40	42	39	36-45	2	0.50	4.0	1.37	Below	
14	Gentian Ave	Heacock St to Indian St	40	40	40	37	34-43	1	0.50	1.0	2.74	Below	
15	Gentian Ave	Kitching St to Lasselle St	45	45	47	44	40-49	0	0.50	8.8	0.00	Below	
16	Heacock St	John F. Kennedy Dr to Southern City Limit	50	50	52	49	45-54	8	3.00	5.0	0.73	Below	
17	Iris Ave	Perris Blvd to Kitching St	50	50	51	49	44-53	3	1.00	18.8	0.22	Below	
18	Ironwood Ave	Nason St to Theodore St	55	55	56	53	48-57	2	3.00	5.0	0.18	Below	
19	John F. Kennedy Dr	Oliver St to Cactus Ave	45	45	47	44	39-48	4	1.75	5.0	0.63	Below	
20	Kalmia Ave	Moreno Beach Dr to Quincy St	25	25	27	25	23-32	0	0.75	5.0	0.00	Below	
21	Kitching St	John F. Kennedy Dr to Alessandro Blvd	45	45	46	43	37-46	1	1.00	5.0	0.27	Below	
22	Kitching St	Cottonwood Ave to Eucalyptus Ave	40	40	42	39	35-44	1	0.50	5.0	0.55	Below	
23	Kitching St	Eucalyptus Ave to Sunnymead Blvd	40	40	41	38	34-43	1	0.50	7.8	0.35	Below	
24	Kitching St	Elder St to Ironwood Ave	30	30	32	29	25-34	1	0.50	2.3	1.19	Below	
25	Lasselle St	Iris Ave to Southern City Limit	50	50	51	48	43-52	24	2.30	17.2	0.83	Below	
26	Lasselle St	John F. Kennedy Dr to Iris Ave	50	50	52	49	44-53	13	1.00	14.3	1.25	Below	
27	Manzanita Ave	Heacock St to Perris Blvd	40	40	40	38	33-42	1	0.85	5.0	0.32	Below	

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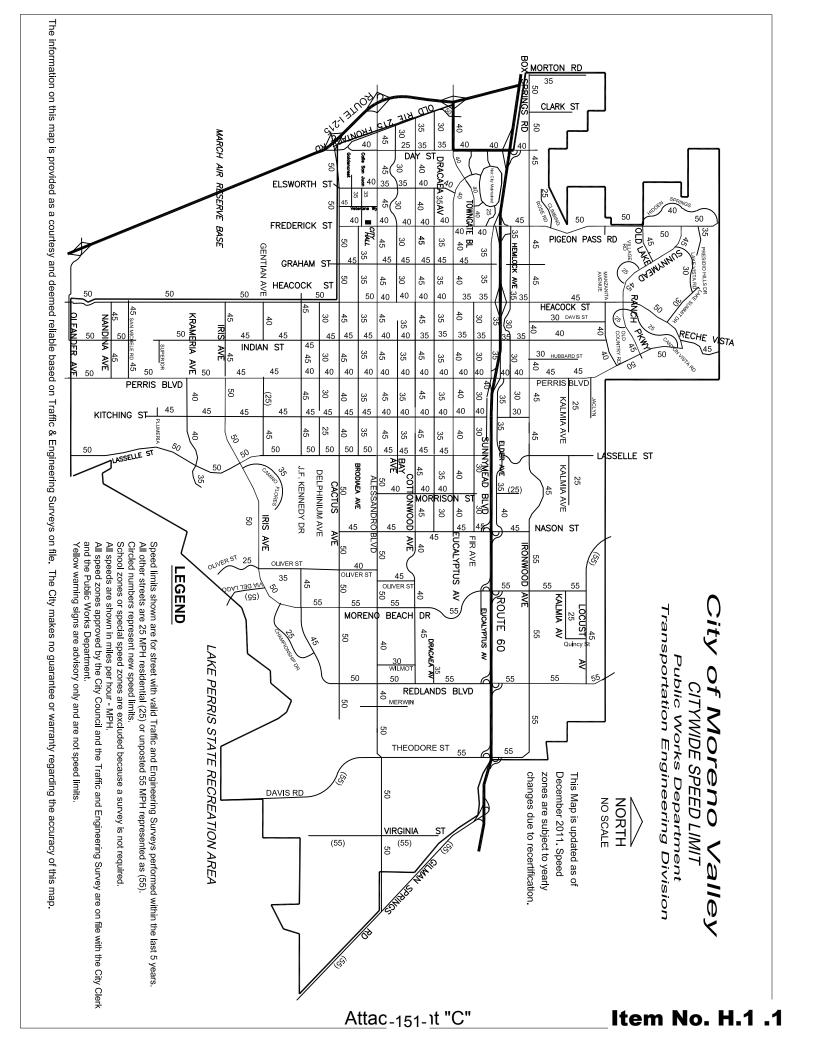
# **Summary of Certified Speed Zones**

	Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	Coll Rate Status	Remarks
28	Moreno Beach Dr/Auto Mall Parkway	John F. Kennedy Dr to Eucalyptus Ave	55	55	56	54	50-59	27	2.50	17.3	0.86	Below	
29	Moreno Beach Dr	Eucalyptus Ave to Locust St	55	55	57	54	50-59	2	1.50	6.8	0.27	Below	
30	Nason St	Alessandro Blvd to Ironwood Ave	45	45	47	44	40-49	16	2.00	15.1	0.73	Below	
31	Oliver St	Iris Ave to Laurel Ct	25	25	27	25	23-32	0	0.50	0.7	0.00	Below	
32	Oliver St	Alessandro Blvd to Cactus Ave	40	40	39	37	33-42	0	0.50	0.5	0.00	Below	
33	Reche Vista Dr	Heacock St to Northern City Limit	45	45	50	45	41-50	8	0.50	9.3	2.36	Above	
34	Theodore St	Alessandro Blvd to Ironwood Ave	55	55	56	54	50-59	0	2.00	1.2	0.00	Below	

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<sup>\*</sup> Shading indicates a change in the existing speed limit or a new speed zone.

<sup>\*</sup> Collision Rate Status is based on the Caltrans 2005 Collision Data on California State Highway.



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