

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

January 8, 2013

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

City Council Closed Session

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

City Council Study Sessions

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

City Council Meetings

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

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3705 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Marcelo Co, Mayor Pro Tem
Jesse L. Molina, Council Member

Tom Owings, Mayor

Victoria Baca, Council Member
Richard Stewart, Council Member

**REVISED AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
January 8, 2013**

CALL TO ORDER

SPECIAL PRESENTATIONS

1. American Public Works Association (APWA) 2012 Project of the Year for the Moreno Valley Auto Mall Transformation – a Redevelopment Agency Business Attraction Plan

2. Business Spotlight
 - a) Portillo's Restaurant
 - b) Rancho Belago Realty

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

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

**REGULAR MEETING - 6:30 PM
JANUARY 8, 2013**

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 - Pastor Mark Orellana, Victory Outreach Church

ROLL CALL

INTRODUCTIONS

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

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

AGENDA
January 8, 2013

JOINT CONSENT CALENDARS (SECTIONS A-D)

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

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF DECEMBER 11, 2012 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

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

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of December 5, 2012 – January 1, 2013

A.4 PARCEL MAP 30472 PHASE 2B – REDUCE IRREVOCABLE STANDBY LETTER OF CREDIT AS FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF MODULAR WAY AND KITCHING STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM (Report of: Community & Economic Development Department)

Recommendations:

1. Adopt the proposed Resolution No. 2013-01 authorizing the acceptance of the public improvements within Parcel Map 30472 Phase 2B as complete and accepting the portions of Modular Way and Kitching Street associated with the project into the City's maintained street system.

Resolution No. 2013-01

AGENDA
January 8, 2013

A Resolution authorizing the acceptance of the public improvements within Parcel Map 30472 Phase 2B as complete and accepting the portions of Modular Way and Kitching Street associated with the project into the City's maintained street system.

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

A.5 APPROPRIATION OF EQUIPMENT REPLACEMENT RESERVE FUNDS FOR THE REPLACEMENT OF TRUCK 2
(Report of: Fire Department)

Recommendations:

1. Approve an appropriation of \$729,000 to 1010-40-45-30110-660332 for the purchase of a replacement 100' aerial ladder truck.
2. Approve a transfer \$670,400 from Equipment Replacement Reserve Funds to 1010-40-45-30110-660322 for the replacement Truck 2.
3. Approve a budget transfer of \$58,600 from 1010-40-45-30110-620320 to 1010-40-45-30110-660322.
4. Authorize the Financial & Administrative Services Director to issue a purchase order to the City of Perris in the amount of \$675,000 with the remaining \$54,000 to be submitted to the state as sales tax.

A.6 REPLACEMENT OF FOUR POLICE MOTORCYCLES
(Report of: Police Department)

Recommendations:

1. Authorize the purchase of four BMW R 1200 RT-P Police Motorcycles and related emergency equipment totaling \$110,079.
2. Authorize the transfer of \$110,079 from the Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (Fund 1010) to fund the purchase of four 2013 BMW R 1200 RT-P replacement Police Motorcycles and related emergency equipment.
3. Authorize the following budget appropriations/adjustments: Appropriate \$110,079 from the General Fund balance to the Police

AGENDA
January 8, 2013

Dept. – Traffic, Vehicle Replacement object (1010-60-67-40210-660322).

4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order for four BMW R 1200 RT-P Police Motorcycles from BMW Motorcycles of Riverside in the amount of \$110,079.

A.7 CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) – STEP GRANT
(Report of: Police Department)

Recommendations:

1. Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) - STEP Grant in the amount of \$107,824 for the period beginning October 1, 2013 and ending September 30, 2014.
2. Authorize the revenue and expense budgets in the Office of Traffic Safety – Police Fund (Fund 2705) for the STEP Grant in the amounts of \$107,824, respectively, upon approval and acceptance of the grant from OTS.

A.8 CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) - SOBRIETY CHECKPOINT GRANT
(Report of: Police Department)

Recommendations:

1. Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) - Sobriety Checkpoint Grant in the amount of \$218,467 for the period beginning October 1, 2013 and ending September 30, 2014.
2. Authorize the revenue and expense budgets in the Office of Traffic Safety – Police Fund (Fund 2705) for the Sobriety Checkpoint Grant in the amounts of \$218,467, respectively, upon approval and acceptance of the grant from OTS.

A.9 ACCEPTANCE OF CYCLE 5 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT AND FUNDING APPROPRIATION FOR ALESSANDRO BOULEVARD AND ELSWORTH STREET INTERSECTION IMPROVEMENT PROJECT
PROJECT NO. 801 0047 70 77
(Report of: Public Works Department)

Recommendations:

1. Accept the California Department of Transportation (Caltrans) Highway Safety Improvement Program (HSIP) Cycle 5 grant award of

AGENDA
January 8, 2013

up to \$760,500 in funds for the Alessandro Boulevard and Elsworth Street Intersection Improvement Project with a City match of \$84,500.

2. Authorize the following appropriations: \$760,500 – revenue appropriation (2001-99-99-92001); \$845,000 – expense appropriation (2001-70-77-80001) in the Measure A Fund.
3. Amend the Fiscal Year 12/13 Adopted Capital Improvement Plan to include the Alessandro Boulevard and Elsworth Street Intersection Improvement Project as a funded Street Improvement.

A.10 ACCEPTANCE OF CYCLE 5 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT AND FUNDING APPROPRIATION FOR SUNNYMEAD BOULEVARD AND STATE ROUTE-60 EASTBOUND ON-RAMP INTERSECTION IMPROVEMENT PROJECT
PROJECT NO. 801 0046 70 77
(Report of: Public Works Department)

Recommendations:

1. Accept the California Department of Transportation (Caltrans) Highway Safety Improvement Program (HSIP) Cycle 5 grant award of up to \$433,600 in funds for the Sunnymead Boulevard and State Route-60 Eastbound On-Ramp Intersection Improvement Project with a City match of \$153,400.
2. Authorize the following appropriations: \$433,600 – revenue appropriation (2001-99-99-92001); \$459,000 – expense appropriation (2001-70-77-80001) in the Measure A Fund.
3. Amend the Fiscal Year 12/13 Adopted Capital Improvement Plan to revise the Sunnymead Boulevard/SR-60 On-Ramp from Perris Boulevard Traffic Signal Project (Page T-15) as a fully funded Street Improvement per the authorized appropriations.

A.11 BUDGET RE-APPROPRIATION FOR WAYFINDING AND WELCOME SIGN PROJECT
PROJECT NO. 801 0048 70 77
(Report of: Public Works Department)

Recommendations:

1. Authorize the following budget re-appropriation: \$115,000 – from (1010-70-76-45110) to (1010-70-77-80001)
2. Amend the Fiscal Year 12/13 Adopted Capital Improvement Plan (CIP) to include the Wayfinding and Welcome Sign Improvement Project as a funded Street Improvement, project number 8014 0048

AGENDA
January 8, 2013

70 77.

A.12 APPROVAL OF SETTLEMENT AGREEMENT WITH ROBERT HANSEN
(Report of: Administrative Services Department)

Recommendation:

1. Approve the Settlement Agreement with Robert Hansen.

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 DECEMBER 11, 2012 (Report of:
City Clerk's Department)

Recommendation:

1. 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 DECEMBER 11, 2012 (Report of:
City Clerk's Department)

Recommendation:

1. Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF DECEMBER 11, 2012 (Report of:
City Clerk's Department)

Recommendation:

1. Approve as submitted.

E. PUBLIC HEARINGS

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

- E.1 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3) (ITEM CONTINUED FROM DECEMBER 11, 2012 BY A 5-0 VOTE)
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #1 to 2012-13 CDBG Annual Action, Substantial Amendment #2, to the NSP 3 Program.
 2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas, clarify the eligible activities within each Target Area, and reallocate funds between HUD-approved NSP3 eligible activities. (Attachment 1).
 3. Approve the re-appropriations and authorize the Financial & Administrative Services Director to process the adjustments.
 4. Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities.
- E.2 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #2 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) (ITEM CONTINUED FROM DECEMBER 11, 2012 BY A 5-0 VOTE)
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).
2. Review and adopt the proposed Substantial Amendment #1 to the FY 2012-2013 Annual Action Plan, Substantial Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1).

AGENDA
January 8, 2013

3. Approve the Revenue and Expense Appropriations in the amount of \$3,515,740 and authorize the Financial & Administrative Services Director to process the adjustments.
4. Authorize the City Manager to reallocate grant funds between HUD-approved NSP1 grant activities.

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

G. REPORTS

- G.1 SR 60-EAST OVERLAY AREA FOR HIGHEST & BEST LAND USES
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Discuss the idea of retaining a planning consultant to prepare a study to establish an Overlay Area along the SR 60-East area to help determine the highest & best land uses along the largely undeveloped freeway corridor.
2. Approve the budget appropriation of \$50,000 from General Fund fund balance for the purpose of retaining a planning consultant for the SR 60-East Overlay corridor.

- G.2 2013 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS
(Report of: City Clerk Department)

Recommendations:

1. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
2. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
3. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Commission (MJPC).
4. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).
5. Appoint Council Member Richard A. Stewart to serve as the City of Moreno Valley's alternate representative on the Riverside County

Habitat Conservation Agency (RCHCA).

6. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC).
 7. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).
 8. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA).
 9. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA).
 10. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG).
 11. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).
 12. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Western Riverside County Regional Conservation Authority (RCA).
 13. Appoint Council Member Richard A. Stewart serve as the City of Moreno Valley's alternate representative on the Western Riverside County Regional Conservation Authority (RCA).
 14. Approve the appointments to the remaining various committees and regional bodies, as noted on the 2013 Council Committee Participation – Mayor's Recommendations list.
- G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)
- G.4 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

AGENDA
January 8, 2013

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

- H.1.1 ORDINANCE NO. 858 - 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 (Report of: Public Works Department)

Recommendations That the City Council:

1. Receive and file this report.
2. Introduce Ordinance No. 858, 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)

Ordinance No. 858

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

- H.2.1 ORDINANCE NO. 856 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE OF THE CITY OF MORENO VALLEY AND ORDERING THE RECORDATION OF AN AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN AND REPEAL OF ORDINANCE NO. 821 (RECEIVED INTRODUCTION AND FIRST READING ON DECEMBER 11, 2012 BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendations That the City Council:

1. Adopt Ordinance No. 856.

Ordinance No. 856

AN Ordinance of the City Council of the City of Moreno Valley, California, Dissolving Community Facilities District No. 4-Infrastructure of the City of Moreno Valley and Ordering the Recordation of an Amendment to the Notice of Special Tax Lien

AGENDA
January 8, 2013

Related to such District and Repealing Ordinance No. 821

- H.2.2 ORDINANCE 857 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA12--22 TO CHANGE THE ZONE FROM BUSINESS PARK MIXED USE TO LIGHT INDUSTRIAL FOR A 7.6 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF FREDERICK STREET AND CACTUS AVENUE (ASSESSOR'S PARCEL NUMBER 297-170-027 (RECEIVED INTRODUCTION AND FIRST READING ON DECEMBER 11, 2012 BY A 5-0 VOTE) (Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Adopt Ordinance No. 857.

Ordinance No. 857

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA12-0021 to Change the Zone from Business Park Mixed Use to Light Industrial for a 7.6 Acre Site Located at the Northeast Corner of Frederick Street and Cactus Avenue (Assessor's Parcel Number 297-170-027

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

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

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

AGENDA
January 8, 2013

***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(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

a Case: *City of Moreno Valley, Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, and Moreno Valley Housing Authority v. Paul Angulo, in his official capacity as the Auditor Controller of the County of Riverside, Elaine M. Howle, in her official capacity as the State Auditor of the State of California, Ana Matosantos, in her official capacity as Director of Finance for the State of California, et al.*

Court: Sacramento Superior Court

Case No: Case No. 34-2012-80001350

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

AGENDA
January 8, 2013

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA
- b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA
- c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential
Management Employees

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

ADJOURNMENT

***Denotes Revision to the Agenda**

CERTIFICATION

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

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Jane Halstead, CMC,
City Clerk

Date Posted: January 3, 2013

AGENDA
January 8, 2013

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MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
December 11, 2012

CALL TO ORDER

SPECIAL PRESENTATIONS

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

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

**REGULAR MEETING – 6:30 PM
December 11, 2012**

CALL TO ORDER

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Richard A. Stewart in the Council Chamber located at 14177 Frederick Street

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Marcelo Co

INVOCATION - Deacon Richard Heames, St. Patrick Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Council Member
Marcelo Co	Council Member

Absent:

William H. Batey II	Mayor Pro Tem
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk

MINUTES
December 11, 2012

Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
Joel Ontiveros	Police Chief
Mike Smith	Fire Department
Ahmad Ansari	Public Works Director
Barry Foster	Community and Economic Development Director
Tom DeSantis	Human Resources Director
Mike McCarty	Parks & Community Services Director
Michele Patterson	Assistant to the City Manager
Dante Hall	Business Support & Neighborhood Programs Administrator

Mayor Richard A. Stewart announced that the public comments on matters not on the agenda will be held after Item 3, City Council Reorganization.

SPECIAL ORDER OF BUSINESS

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

Recommendation:

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

Resolution No. 2012-96

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

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

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

Approved by a vote of 3-0, Mayor Pro Tem William H. Batey and Council Member Robin L. Hastings absent.

- 2 SWEARING-IN OF COUNCIL MEMBERS ELECT

Mayor Richard A. Stewart opened the agenda item for public comments,

MINUTES
December 11, 2012

which were received from Gil Navarro, Pete Bleckert, Pete Bleckert on behalf of Ray Hosman, and Danny Morales.

City Clerk Jane Halstead swore in Council Member Jesse L. Molina and Council Member Owings. Judge Jorge Hernandez swore in Council Member Victoria Baca.

3 CITY COUNCIL REORGANIZATION – MAYOR AND MAYOR PRO TEM
(Report of: City Clerk Department)

Recommendations That the City Council:

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

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

Motion to conduct the selection process by voice vote by m/Mayor Richard A. Stewart, s/Council Member Victoria Baca

Approved by a vote of 5-0.

The City Clerk opened nominations for Mayor.

Mayor Richard A. Stewart nominated Council Member Tom Owings for mayor; seconded by Council Member Jesse L. Molina.

Victoria Baca nominated Council Member Jesse L. Molina.

Motion to Close nominations by m/Mayor Richard A. Stewart, s/Council Member Tom Owings

Approved by a vote of 5-0.

Roll call for Motion to select Council Member Tom Owings as Mayor.

Approved by a vote of 4-1, Council Member Baca opposed.

Roll call for Motion to select Council Member Jesse L. Molina as Mayor.

Motion Failed by a vote of 1-4. Council Member Marcelo Co, Council Member Jesse L. Molina and Mayor Richard A. Stewart opposed.

MINUTES
December 11, 2012

The City Clerk announced that Council Member Tom Owings was selected as Mayor.

The City Clerk opened nominations for Mayor Pro Tem.

Mayor Richard A. Stewart nominated Council Member Marcelo Co for Mayor Pro Tem; seconded by Council Member Jesse L. Molina

Motion to Close nominations by m/Council Member Tom Owings, s/Mayor Richard A. Stewart

Approved by a vote of 5-0.

Roll Call for Motion to Select Council Member Marcelo Co as Mayor Pro Tem

Approved by a vote of 5-0.

The City Clerk announced that Council Member Marcelo Co was selected as Mayor Pro Tem.

Public Comments were taken after conclusion of Item No. 3.

Recess;
Reconvened

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

Mayor Richard A. Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Item A10).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

MINUTES
December 11, 2012

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

Recommendation:

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

A.4 AWARD CONSTRUCTION CONTRACT TO SEQUEL CONTRACTORS, INC. FOR THE ALESSANDRO BOULEVARD IMPROVEMENTS AT INDIAN STREET, PROJECT NO. 801 0041 70 77-2002

(Report of: Public Works Department)

Recommendations

1. Award the construction contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, CA 90670, to the lowest responsible bidder, for the construction of Alessandro Boulevard Improvements at Indian Street.
2. Authorize the City Manager to execute the Agreement with Sequel Contractors, Inc.
3. Authorize the issuance of a Purchase Order to Sequel Contractors, Inc. for \$309,608.18 (\$269,224.50 base bid amount plus 15% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Sequel Contractors, Inc. up to, but not to exceed, the contingency amount of \$40,383.68, subject to the approval of the City Attorney.
5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to Sequel Contractors, Inc., if no claims are filed against the project.

A.5 AWARD CONSTRUCTION CONTRACT TO C & C GRADING & PAVING, INC. FOR THE STREET IMPROVEMENT PROGRAM, KENTLAND LANE SOUTH OF EUCALYPTUS AVENUE, WILSON PLACE AND KENNY DRIVE, PROJECT NO. 801 0011 70 77

(Report of: Public Works Department)

Recommendations

1. Award the construction contract for \$243,613.96 to C & C Grading & Paving, Inc., P.O. Box 251, Temecula, CA 92593, the lowest

MINUTES
December 11, 2012

responsible bidder, for construction of the Street Improvement Program, Kentland Lane south of Eucalyptus Avenue, Wilson Place and Kenny Drive.

2. Authorize the City Manager to execute the Agreement with C & C Grading & Paving, Inc.
3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for \$292,336.75 (\$243,613.96 bid plus 20% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with C & C Grading & Paving, Inc. up to, but not exceeding, the contingency amount of \$48,722.79, subject to the approval of the City Attorney.
5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to C & C Grading & Paving, Inc., if no claims are filed against the project.

A.6 MORENO VALLEY RANCH SPECIFIC PLAN 193 – EXONERATE FAITHFUL PERFORMANCE BOND AND MATERIAL & LABOR BOND FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS FOR PLANNING AREA 32 (TRACT 32144), IRIS AVENUE FRONTAGE AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM
(Report of: Community & Economic Development Department)

Recommendations

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

Resolution No. 2012-97

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

MINUTES
December 11, 2012

System

2. Authorize the City Engineer to exonerate the Faithful Performance Bond in the amount of \$142,710 and exonerate the Material & Labor Bond in the amount of \$71,355 for landscape and irrigation improvements.

A.7 RECEIVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEES FOR FISCAL YEAR 2011-12
(Report of: Financial & Administrative Services Department)

Recommendations

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

A.8 NOTICE OF COMPLETION AND ACCEPTANCE OF THE MORRISON PARK FIRE STATION (FIRE STATION NO. 99), PROJECT NO. 803 0013 70 77 (FORMERLY 11-43472527)
(Report of: Public Works Department)

Recommendations

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

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

Recommendations

1. Accept the Transportation Uniform Mitigation Fee (TUMF)

MINUTES
December 11, 2012

Reimbursement Agreement for PA04-0104, TM 32625 for qualifying public improvements on Redlands Boulevard.

2. Authorize the Mayor to execute the Agreement.
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

- A.10 APPROVE RESOLUTION 2012-98 DIRECTING MORENO VALLEY UTILITY TO USE THE ALLOWANCE REVENUE FROM THE CALIFORNIA CAP-AND-TRADE PROGRAM AUCTION SOLELY TO BENEFIT ITS RETAIL ELECTRICITY CUSTOMERS
(Report of: Public Works Department)

Recommendation:

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

Resolution No. 2012-98

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

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

Recommendations

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

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

MINUTES
December 11, 2012

Recommendation:

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

Resolution No. 2012-99

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

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

(Report of: Community & Economic Development Department)

Recommendation That the City Council as Successor Agency

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

Resolution No. SA 2012-100

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

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

Resolution No. SA 2012-101

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

3. Authorize the Executive Director or his designee to make modifications to the Schedule.
4. Authorize the transmittal of the ROPS 2 and ROPS 3 to the

MINUTES
December 11, 2012

Oversight Board for review and approval.

- A.14 RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING INDEPENDENT ACCOUNTANT'S REPORT OF THE DUE DILIGENCE REVIEW OF ALL FUNDS AND ACCOUNTS OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND PURSUANT TO SECTIONS 34179.5 AND 34179.6 OF THE DISSOLUTION ACT
(Report of: Community & Economic Development Department)

Recommendations

1. That the City Council as Successor Agency adopt Resolution No. 2012-102 approving the Independent Accountant's Report of the Due Diligence Review of the Non-Housing Assets Conducted Pursuant to Section 34179.5 for the Non-Housing Funds.

Resolution No. SA 2012-102

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

2. Authorize staff to transmit the Report to the Oversight Board and to the County Auditor-Controller (CAC), State Controller's Office (SCO), and Department of Finance (DOF) Pursuant to Section 34179.6 of the Dissolution Act.

- A.15 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) EXPENDITURE PLAN FOR FY 2012-13
(Report of: Financial & Administrative Services Department)

Recommendations

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2012-13.
2. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 revenue budget (account 2410-60-69-76012-486000) to reflect the total FY 2012-13 allocation of \$315,970.

MINUTES
December 11, 2012

3. Approve an increase of \$115,970 to the SLESF Grant Fund FY 2012-13 expenditure budget (account 2410-60-69-76012-620320) to reflect the FY 2012-13 planned expenditure of \$315,970.

A.16 RESOLUTION ADJUSTING DEVELOPMENT IMPACT FEES TO ADD A CATEGORY FOR HIGH CUBE INDUSTRIAL DEVELOPMENT
(Report of: Community & Economic Development Department)

Recommendation:

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

Resolution No. 2012-103

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

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

Recommendations

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

Resolution No. 2012-104

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

2. City Council serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. SA 2012-105, adopting a Conflict of Interest Code.

Resolution No. SA 2012-105

A Resolution of the City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, California, Adopting a Conflict of Interest Code by Reference to the Fair Political

MINUTES
December 11, 2012

Practices Commission's Standard Model Conflict of Interest Code, and Repealing all Prior Enactments on the Same Subject

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

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.3 READOPTING CONFLICT OF INTEREST CODE (Report of: City Clerk Department)

Recommendations

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

Resolution No. CSD 2012-22

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

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk's Department)

MINUTES
December 11, 2012

Recommendations

Approve as submitted.

C.3 READOPTING CONFLICT OF INTEREST CODE
(Report of: City Clerk Department)

Recommendations

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

Resolution No. HA 2012-07

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

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF NOVEMBER 27, 2012 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 ADOPTION OF FY 2013-2014 CDBG AND HOME PROGRAM OBJECTIVES AND POLICIES

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a Public Hearing to allow for the community to comment on the needs of low-and-moderate income residents in Moreno Valley, including the CDBG Target Areas.

MINUTES
December 11, 2012

2. Approve the proposed CDBG and HOME Program Objectives and Policies for the 2013-2014 Program Year.

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

Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Tom Owings.

Approved by a vote of 5-0.

- E.2 A PUBLIC HEARING FOR THE RPT CENTERPOINTE WEST PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. PA12-0019 PROPOSES EITHER A 164,720 SQUARE FOOT (SF) WAREHOUSE BUILDING OR AN ENCLOSED TRUCK STORAGE YARD ON 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVE. AND FREDERICK ST. PA12-0020 PROPOSES ADDING 507,720 SF TO AN EXISTING 779,016 SF WAREHOUSE BUILDING ON 18.6 ACRE AT THE NORTHWEST CORNER OF CACTUS AVE. AND GRAHAM ST. PA12-0021 PROPOSES A 607,920 SF WAREHOUSE BUILDING ON 30 ACRES AT THE NORTHWEST CORNER OF GRAHAM ST. AND BRODIAEA AVE. THE PROJECT WILL REQUIRE THE VACATION OF EXISTING JOY STREET. PA12-0022 PROPOSES A ZONE CHANGE FROM BUSINESS PARK - MIXED USE (BPX) TO LIGHT INDUSTRIAL (LI) FOR 7.6 ACRES AT THE NORTHEAST CORNER OF CACTUS AVENUE AND FREDERICK STREET. THE APPLICANT IS RIDGE MORENO VALLEY, LLC.
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

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

Resolution No. 2012-106

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P12-057), Adoption of the Findings and Statement of Overriding

MINUTES
December 11, 2012

Considerations, and Approval of the Mitigation Monitoring Program for the RPT Centerpointe West Project, Generally Located at or Near the Northeast Corner of Frederick Street and Cactus Avenue on Assessor's Parcel Numbers 297-170-027, -064, -065, -067, -075, -076, & -08.

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

Ordinance No. 857

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

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

Resolution No. 2012-107

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

Presentation was given by Dennis Rice, applicant (Ridge Property Trust).

Mayor Richard A. Stewart opened the public testimony portion of the public hearing. The public testimony was received from Tom Thornsley (opposes), Michael Parrish (supports), Peter C. Racine (representing Harbor Freight Tools; supports), and Tom Jerele Sr. (supports).

Motion to Approve Recommendation No. 2 by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Resolution No. 2012-106, as amended (addition of condition of approval related to Good Neighbor Guidelines) by

MINUTES
December 11, 2012

m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 3 by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Resolution No. 2012-107 (Recommendation No. 4) as amended (addition of condition of approval related to Good Neighbor Guidelines), by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co

Approved by a vote of 5-0.

Agenda Item G.3 was discussed after Item E.2.

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

Recommendations That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #1 to 2012-13 CDBG Annual Action, Substantial Amendment #2, to the NSP 3 Program.
2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas, clarify the eligible activities within each Target Area, and reallocate funds between HUD-approved NSP3 eligible activities. (Attachment 1).
3. Approve the re-appropriations and authorize the Financial & Administrative Services Director to process the adjustments.
4. Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities.

Motion to Continue the item to January 8, 2013 Council Meeting by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

- E.4 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #2 TO THE

MINUTES
December 11, 2012

FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1)
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

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

Motion to Continue the item to January 8, 2013 Council Meeting by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - none

G. REPORTS

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

Item G.2 was discussed after Item G.5.

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

Recommendations That the City Council:

Acting as the legislative body of Community Facilities District No. 4- Infrastructure of the City of Moreno Valley introduce Ordinance No. 856 ordering the dissolution of CFD No. 4-Infrastructure and the recordation of

MINUTES
December 11, 2012

an amendment to the Notice of Special Tax Lien and repeal of Ordinance 821.

Ordinance No. 856

AN Ordinance of the City Council of the City of Moreno Valley, California, Dissolving Community Facilities District No. 4-Infrastructure of the City of Moreno Valley and Ordering the Recordation of an Amendment to the Notice of Special Tax Lien Related to such District and Repealing Ordinance No. 821

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

Motion to Approve by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

After Item G.2, Item G.6 was discussed.
Item G.3 was discussed after Item E.2.

G.3 APPOINTMENT TO THE PARKS AND RECREATION COMMISSION
(TEENAGE MEMBER)
(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint Patrick Samones to the Parks and Recreation Commission as a teenage member for a term expiring November 25, 2015, or until high school graduation, whichever comes first.
2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

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

Motion to Approve by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

G.4 APPOINTMENT TO THE ARTS COMMISSION
(Report of: City Clerk Department)

Recommendations That the City Council:

MINUTES
December 11, 2012

1. Appoint one member to the Arts Commission with a term expiring June 30, 2014.
2. If an appointment is not made, declare the position vacant and authorize the City Clerk to re-notice the position as vacant.

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

Motion to Appoint Debby Johnson to the Arts Commission with a term expiring June 30, 2014, by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

- G.5 ECONOMIC DEVELOPMENT-RETAIL ANCHOR REUSE INCENTIVE PROGRAM
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

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

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

Motion to Approve by m/Council Member Tom Owings, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

After Item G.5, Item G.2 was discussed.

Item G.6 was discussed after Item G. 2.

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

Recommendations That the City Council:

1. Receive and file this report on the status of the financial results for Fiscal Year (FY) 2011-12 and the first quarter ended September 30, 2012 for FY 2012-13.

MINUTES
December 11, 2012

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

Resolution no. 2012-108

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

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

Recommendation That the City Council as Successor Agency

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

Resolution No. SA 2012-109

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

MINUTES
December 11, 2012

Fiscal Year 2012/13

Recommendations That the CSD:

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

Resolution No. CSD 2012-23

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

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

Motion to Approve Recommendation No. 1 by m/Council Member Jesse L. Molina, s/Council Member Tom Owings

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 2 (Resolution No. 2012-108) by m/Council Member Jesse L. Molina, s/Council Member Marcelo Co

Approved by a vote of 4-1, Council Member Tom Owings opposed.

Motion to Approve Recommendation No. 3 (designation of \$101,000 of General Fund fund balance as designated for Outside Legal Services) by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 3-2, Council Member Jesse L. Molina and Council Member Tom Owings opposed.

Motion to Approve Recommendation No. 4 (position control changes summarized on page 10 of the staff report) by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Failed by a vote of 1-4, Council Member Baca, Council Member Co, Council Member Molina and Council Member Owings opposed.

MINUTES
December 11, 2012

Motion to Approve Resolution No. CSD 2012-23 by m/Board Member Jesse L. Molina, s/Board Member Victoria Baca

Approved by a vote of 5-0.

Motion to Approve Resolution No. SA 2012-109 by m/Council Member Jesse L. Molina, s/Council Member Victoria Baca

Approved by a vote of 5-0.

- G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none
- G.8 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

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

Public Comments were taken after Item No. 3 of Special Order of Business.

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

James Hutchenson

- 1. Representing Cottonwood Golf Course Committee

Violeta Suazo

- 1. Council election

Donna Jacomet

- 1. New sewer rate methodology

Tom Thornsley

MINUTES
December 11, 2012

1. Council election

Christopher Baca, representing United Democrats of Moreno Valley and Riverside County Democratic Central Committee

1. Congratulations to Council Member Baca, Council Member Molina, Council Member Owings and other elected officials

Elena Santa Cruz

1. Congratulations to Council Member Victoria Baca

Louise Palomarez

1. Congratulated newly elected council members; thanked Council Member Victoria Baca for involvement with the community and advocating for kids with special needs

Alfredo Cordova

1. Congratulations to Council Member Victoria Baca and Council Member Jesse Molina; thanked for help

Manuel Alas, representing Group Home of Level 14 Children

1. Congratulated newly elected council members; thanked everybody for the great job
2. Group homes

Louise Palomarez on behalf of JoAnn Stephan who left

1. Thanked Council Member Baca for help (mentoring her son)

Edgar Montes

1. Congratulated newly elected council members; thanked Council Member Baca for being a role model

Tom Jerele Sr.

1. Thanked Council Member Molina for the exemplary service
2. Wished the best to newly elected council members and Mayor

Robin Gilbert

1. Congratulations; thanks for the great job to all council members

Recess;

Reconvened

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

Council Member Victoria Baca

1. Thanked residents for giving her the opportunity to serve as a council member; thanked staff for assistance; thanked Judge Jorge Hernandez for swearing her in
2. Thanked Pete Bleckert for representing Ray Hosman, who was very active as a community member, and conveying Mr. Hosman's comments. Is sorry that he is ill; emphasized that we need to respect people we represent, and she will not allow to disrespect public speakers
3. Stated that the most important concern addressed by the community is a lack of jobs in Moreno Valley; will work diligently to do what is possible to bring jobs to the City; wants what is the best for Moreno Valley
4. Another platform she is working on is to bring together the council and the school boards of Moreno Valley School District and Val Verde School District; would like the Council to discuss changing council meeting date so there is no conflict with school boards meetings
5. Another platform: Safety - would like police to be more visible in the City and use more volunteers to protect our City; we can be friendly to all residents and not target certain groups; can embrace everyone and have a good life for everyone
5. Explained that the reason she nominated Jesse Molina for Mayor is that he has been on the Council for 4 years and hasn't been a mayor yet; being a mayor is a big responsibility and everyone should help out; hopes we will

MINUTES
December 11, 2012

have a directly elected mayor on the ballot for residents to choose

6. Stated that she represents District 5, which includes Edgemont – Edgemont community feels like a step child of the City, neglected, particularly with the fiasco with the water district; we need to look at the water district, sewer; hopes to continue working with Mr. Bleckert, who has a lot of knowledge about Edgemont; glad that the item on revitalization of Edgemont was postponed because there are people who need to be consulted

7. Stated that some people are still enemies of social justice, discriminating; as a community we have to put our efforts together to change the perception and work together for the betterment of Moreno Valley

8. Stated that she worked with Mr. Bleckert, Mr. Hosman, and Mr. Anderson to repeal the utility tax, but at this time, with the budget shortfalls, she doesn't believe, we can eliminate the tax; we need to bring businesses to the City to be self-sustainable and to be able provide services for the community (fire, safety, infrastructure). It's important that eventually we eliminate utility taxes

9. Thanked everyone, especially the voters of District 5, for giving her the opportunity to represent them (electing her)

10. Reminded everyone that tomorrow at Saint Patrick's, a celebration for Lady Guadalupe will be held

Council Member Co

1. Congratulated newly elected council members; hopes we forget our differences and work together towards the betterment of Moreno Valley;

2. Sixteen of Moreno Valley businesses collect one of the 25 top sales tax in the County; hopes this trend will continue; we can make Moreno Valley a much better place; we have people to do it and knowledge; indicated that warehouses provide jobs, and some people need these jobs to survive

3. Would like the Council to set up a fund to help existing businesses that are failing or almost failing; is willing to donate money to this fund; asked the business community to help. We are successful if all are successful

4. Stated that we need volunteers to help us to stop crimes and help our Police Department; we are going toward a fiscal cliff; more people will be out of work, and more people will have to pay higher taxes; asked to call congressman to work with the President; we should move forward and unite

MINUTES
December 11, 2012

5. Thanked everyone for electing him as a mayor pro tem. Feels he can help a lot. Asked to please call him with any questions

Council Member Tom Owings

1. Would like the City Council to reconsider the idea of the overlay zone study for the 60 east corridor between Nason and the City line and would like the item to be placed on the next City Council agenda to evaluate land uses

2. Would like to find out what it would take to establish a moratorium for any new projects in that area being considered by the Planning Commissioners or the City Council until a study is completed and considered by the City Council

3. Stated that we are not going to be de-toured from being a developed city

4. Regarding diversification of jobs - we need small businesses in

4. Thanked Moreno Valley for electing him and putting the confidence in him and the Council for selecting him as mayor; agrees that we should have a city-wide mayor to fulfill the desire of the public

Council Member Jesse L. Molina

1. Thanked everyone who worked on his campaign; appreciates being nominating for mayor, but it is not his time yet

2. Went to the Festival of Lights in Riverside. It took Riverside a long time to come to this point. Moreno Valley is a new city compared to Riverside and did not have time for arts, as people are busy working. We need to bring jobs to Moreno Valley; Tom has a lot of experience with a lot of situations we are in; will help people in any way he can

3. Always something new to learn at the dais

4. Congratulated Tom and Victoria; will work together for the best of Moreno Valley

Mayor Richard A. Stewart

1. Suggested that Council Member Baca serve on the joint school district task force, which meets during lunch time; two council members, representatives from two school districts and staff members are attending the meetings; the task force was established to increase communication

MINUTES
December 11, 2012

2. Explained that he was enthusiastic to nominate Tom as a mayor - Tom ran large businesses, has impressive background, was a Planning Commissioner, is a very good investigator; believes he will do a fantastic job; one of mayor's duties is to cover for the events; sometimes it is a challenge, as many events are held at almost the same time; it is important we show our presence at these events; we can divide them up and attend them next year. Marcelo has experience and a corporate knowledge and will be able to assist the Mayor

Motion to Continue the meeting past 11:00 p.m. by m/Council Member Marcelo Co, s/Council Member Victoria Baca

Approved by a vote of 5-0.

There being no further business to conduct, the meeting was adjourned to Closed Session at 11:13 p.m. by unanimous informal consent.

CLOSED SESSION

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

Tom Thornsley

1. Stated that he is not against the project described in Item E.2 – the development standards need to be raised

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority was held in the City Manager's Conference Room, Second Floor, City Hall. The City Council met 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.

The Closed Session was 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

MINUTES
December 11, 2012

Number of Cases: 5

3 SECTION 54957 - PUBLIC EMPLOYMENT

a. Public Employee Annual Performance Evaluation - City Attorney

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

Reportable Action:

On 12-12-12 at 1:17 am, it was reported that the City Attorney Robert Hansen was placed on Administrative Leave by the following vote:

Council Member Baca: abstained

Council Member Co: yes

Council Member Molina: yes

Council Member Owings: yes

Mayor Stewart: abstained

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned on December 12, 2012 at 1:18 a.m. by unanimous informal consent.

Submitted by:

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

Approved by:

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

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MINUTES
December 11, 2012

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: January 8, 2013

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of December 5, 2012 – January 1, 2013.

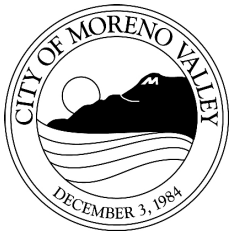
<i>Reports on Reimbursable Activities December 5, 2012 – January 1, 2013</i>		
Council Member	Date	Meeting
Victoria Baca		None
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings		None
Jesse L. Molina	12/7/12	Moreno Valley Hispanic Chamber of Commerce Installation and Awards Ceremony
	12/12/12	Student of the Month
Tom Owings	12/19/12	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Richard A. Stewart	12/4/12	Moreno Valley Hispanic Chamber of Commerce Adelante
	12/6/12	Riverside/San Bernardino Economic Forecast Conference
	12/9/12	Moreno Valley Master Chorale
	12/12/12	American Public Works Association (APWA) Awards Luncheon

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

Department Head Approval:
Jane Halstead
City Clerk

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

\\Zurich\shared\InterDept\Council-Clerk\City Clerk Files\Council Office\AB 1234 Reports\2013\Staff Report 2013_Reimbursable Activity 010813.doc



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

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: January 8, 2013

TITLE: PARCEL MAP 30472 PHASE 2B – REDUCE IRREVOCABLE STANDBY LETTER OF CREDIT AS FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF MODULAR WAY AND KITCHING STREET ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM

RECOMMENDED ACTION

Recommendations:

1. Adopt the proposed Resolution No. 2013-01 authorizing the acceptance of the public improvements within Parcel Map 30472 Phase 2B as complete and accepting the portions of Modular Way and Kitching Street associated with the project into the City’s maintained street system.

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

BACKGROUND

On February 26, 2002, the City council approved Tentative Parcel Map No. 30472 (PA01-0080). The tentative map was a proposal to consolidate five existing parcels into one parcel of 91 acres for a 693,660 square foot industrial warehouse building and distribution facility in the Moreno Valley Industrial Plan (SP No. 208).

On May 14, 2002, The City Council of the City of Moreno Valley approved the agreement and Irrevocable Standby Letters of Credit for Phase 2 of Parcel Map 30472. The Phase 2 improvements included Modular Way and Kitching Street improvements. The public improvements include but are not limited to asphalt paving, curb, gutter, sidewalks, driveway approaches, wheel chair ramps, street lights, signage, storm drain, sewer, and water. Accompanying the Public Improvement Agreement is an Irrevocable Standby Letter of Credit as Faithful Performance Bond in the amount of \$1,271,000 and an Irrevocable Standby Letter of Credit as Material and Labor Bond in the amount of \$635,000 issued by Wells Fargo Bank.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Irrevocable Standby Letter of Credit as Faithful Performance Bond of \$1,271,000 issued by Wells Fargo Bank. Ninety days after City Council approves the Irrevocable Standby Letter of Credit reduction, the Irrevocable Standby Letter of Credit as Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the Irrevocable Standby Letter of Credit as Faithful Performance Bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the remaining Irrevocable Standby Letter of Credit as Faithful Performance Bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Parcel Map 30472 Phase 2B as complete and accepting Modular Way and Kitching Street into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Irrevocable Standby Letter of Credit as Faithful Performance Bond, exonerate the Irrevocable Standby Letter of Credit as Faithful Performance Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Irrevocable Standby Letter of Credit as Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Parcel Map 30472 Phase 2B as complete and accepting Modular Way and Kitching Street into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Irrevocable Standby

Letter of Credit as Faithful Performance Bond, exonerate the Irrevocable Standby Letter of Credit as Faithful Performance Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Irrevocable Standby Letter of Credit as Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these public improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 2000-Gas Tax, Fund 2001-Measure "A", and Fund 2008-NPDES. Fund 2000 is restricted to the construction and maintenance of streets and roadways. Fund 2001 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 2008 annual levy are restricted for use only within the Storm Water Management program).

NOTIFICATION

Publication of the agenda

ATTACHMENTS

- Attachment 1 – Agreement & Irrevocable Standby Letters of Credit
- Attachment 2 – Vicinity Map
- Attachment 3 – Proposed Resolution

Prepared By:
Anitra N. Holt
Management Analyst

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

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

Department Head Approval:
Barry Foster
Community & Economic Development

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

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RECORDING REQUESTED BY:
City of Moreno Valley

DOC # 2002-362447

07/01/2002 08:00A Fee:NC

Page 1 of 10

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



WHEN RECORDED, RETURN TO:

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

No recording fee per Government Code, Section 6103

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**AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PARCEL MAP 30472
PHASE 2 - MODULAR WAY, KITCHING STREET**



This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and WALGREEN CO., hereinafter called Contractor.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as PARCEL MAP 30472 agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within EIGHTY-FOUR (84) months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of SEVEN HUNDRED SIXTY-EIGHT THOUSAND AND NO/100 Dollars (***\$768,000.00***).

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

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

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

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

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

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

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

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

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



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

City:

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

Contractor:

Walgreens Company
200 Wilmot Rd., MS #2201
Deerfield, IL 60015-4616

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

Date approved by the City: May 14, 2002

Walgreens Company

MM By: Julian A. Oldenburg ^{VICE} PRESIDENT
By: [Signature] ^{Title} ASSISTANT SECRETARY
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: Aline Reed
City Clerk

CITY OF MORENO VALLEY

By: [Signature]
Charles R. White, Mayor

(SEAL)

APPROVED AS TO FORM:
CITY ATTORNEY

Date: 5/13/02

By: [Signature]
City Attorney

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

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



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

On April 3, 2002, before me, *Lola Allen-M*,
Date Name, Title of Officer
personally appeared Julian A. Oettinger, Vice President, and
Allan M. Resnick, Assistant Secretary,
Name(s) of Signer(s)

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

WITNESS my hand and official seal.

Lola Allen-M
SIGNATURE OF NOTARY



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

PROJECT: Parcel Map 30472 - Phase 2

DATE: 03/19/02
PREPARED Kent Wegelin

<u>IMPROVEMENT TYPE:</u>	<u>TOTAL</u>
MODULAR WAY :	\$91,000
KITCHING STREET :	\$677,000
TOTAL COST OF IMPROVEMENTS: INCLUDING 20% CONTINGENCY	\$768,000

TOTAL FAITHFUL PERFORMANCE BOND AMOUNT: \$768,000

CHECKED BY: 



2002-362447
07/01/2002 08:00R
5 of 18

ENGINEER'S ESTIMATE

PROJECT: Parcel Map 30472 - Modular Way Phase 2

DATE: 03/19/02

PREPARED BY: Kent Wegelin

STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation	920	C.Y.	12.00	11,041
A.B. Class II	1.35	Thickness (ft.)		
	14196	S.F.	15.00	20,842
A.C.	0.4	Thickness (ft.)		
	14196	S.F.	40.00	16,467
Curb and Gutter - 6"	507	L.F.	12.00	6,084
Cross Gutter and Spandrel	600	S.F.	7.00	4,200
Sidewalk	2789	S.F.	2.25	6,274
Slurry Seal	1577	S.Y.	0.80	1,262
Traffic Striping/raised pavement markers	1	L.S.	--	3,500
Street Lights (22000 lumen)	1	EA.	3,500.00	3,500
Erosion Control	1.0	Ac.	2,500.00	2,500
SUBTOTAL:				75,670



2002-362447
07/01/2002 08:00A
6 of 18

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

PROJECT: Parcel Map 30472 - Modular Way Phase 2

DATE: 03/19/02
PREPARED BY: Kent Wegelin

IMPROVEMENT TYPE:

ROADWORK :	\$75,670
TOTAL COST OF IMPROVEMENTS:	<u>\$75,670</u>
+20% CONTINGENCY:	\$15,134
SUBTOTAL:	<u>\$90,804</u>
<u>GRAND TOTAL:</u>	\$90,804

BOND AMOUNT: \$91,000

CHECKED BY: 



2002-362447
07/01/2002 08:00A
7 of 10

EXHIBIT "A"

ENGINEER'S ESTIMATE

PROJECT: Parcel Map 30472 - Kitching Street

DATE: 03/19/02
 PREPARED Kent Wegelin

STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation	13760	C.Y.	12.00	165,120
A.B. Class II	1.8	Thickness (ft.)		
	86400	S.F.	15.00	169,128
A.C.	0.5	Thickness (ft.)		
	86400	S.F.	40.00	125,280
Curb and Gutter - 8"	1600	L.F.	13.00	20,800
Sidewalk	8800	S.F.	2.25	19,800
Slurry Seal	9600	S.Y.	0.80	7,680
Wheelchair Ramp	1	EA.	250.00	250
Street Name Sign	1	EA.	425.00	425
Traffic Striping/raised pavement markers	1	L.S.	--	11,776
Street Lights (22000 lumen)	8	EA.	3,500.00	28,000
Erosion Control	2	Ac.	2,500.00	5,000
SUBTOTAL:				553,259



2002-362447
 07/01/2002 08:00R
 8 of 10

PROJECT: Parcel Map 30472 - Kitching Street

DATE: 03/19/02

PREPARED Kent Wegelin

STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
18" Reinforced Concrete Pipe	120	L.F.	62.00	7,440
Catch Basin	7	L.F.	400.00	2,800
			SUBTOTAL	10,240



2002-362447
 07/01/2002 08:00A
 9 of 10

Amendment To
Irrevocable Standby Letter Of Credit

Number : NZS439458
Amendment Number : 1
Amend Date : January 27, 2012

BENEFICIARY

CITY OF MORENO VALLEY
CITY COUNCIL
14177 FREDERICK STREET
MORENO VALLEY, CALIFORNIA 92552-0805

APPLICANT

WALGREEN COMPANY
200 WILMOT ROAD MS2261
ATTN: DAVID WOODBRIGE
DEERFIELD, ILLINOIS 60015-4620

Ladies and Gentlemen:

At the request and for the account of the above referenced applicant, we hereby amend our Irrevocable Standby Letter of Credit (the "Wells Credit") in your favor as follows:

The current available amount is increased by USD 503,000.00 to USD 1,271,000.00 .

All other terms and conditions remain unchanged.

This Amendment is to be attached to the original Wells Credit and is an integral part thereof.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By: _____

Authorized Signature

**AUREA C. BALENBIN
ASSISTANT VICE PRESIDENT**

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.



Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to Wells Fargo Bank, National Association, Attn: U.S. Standby Trade Services

at either One Front Street
MAC A0195-212,
San Francisco, CA 94111

or 401 Linden Street
MAC D4004-017,
Winston-Salem, NC 27101

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-798-2815 Option 1
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)



**Amendment To
Irrevocable Standby Letter Of Credit**

Number : NZS439460
Amendment Number : 1
Amend Date : January 27, 2012

BENEFICIARY

CITY OF MORENO VALLEY
CITY COUNCIL
14177 FREDERICK STREET
MORENO VALLEY, CALIFORNIA 92552-0805

APPLICANT

WALGREEN COMPANY
200 WILMOT ROAD MS2261
ATTN: DAVID WOODBRIGE
DEERFIELD, ILLINOIS 60015-4620

Ladies and Gentlemen:

At the request and for the account of the above referenced applicant, we hereby amend our Irrevocable Standby Letter of Credit (the "Wells Credit") in your favor as follows:

The current available amount is increased by USD 251,000.00 to USD 635,000.00 .

All other terms and conditions remain unchanged.

This Amendment is to be attached to the original Wells Credit and is an integral part thereof.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By:


Authorized Signature

**AUREA C. BALENBIN
ASSISTANT VICE PRESIDENT**

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.



Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to Wells Fargo Bank, National Association, Attn: U.S. Standby Trade Services

at either One Front Street
MAC A0195-212,
San Francisco, CA 94111

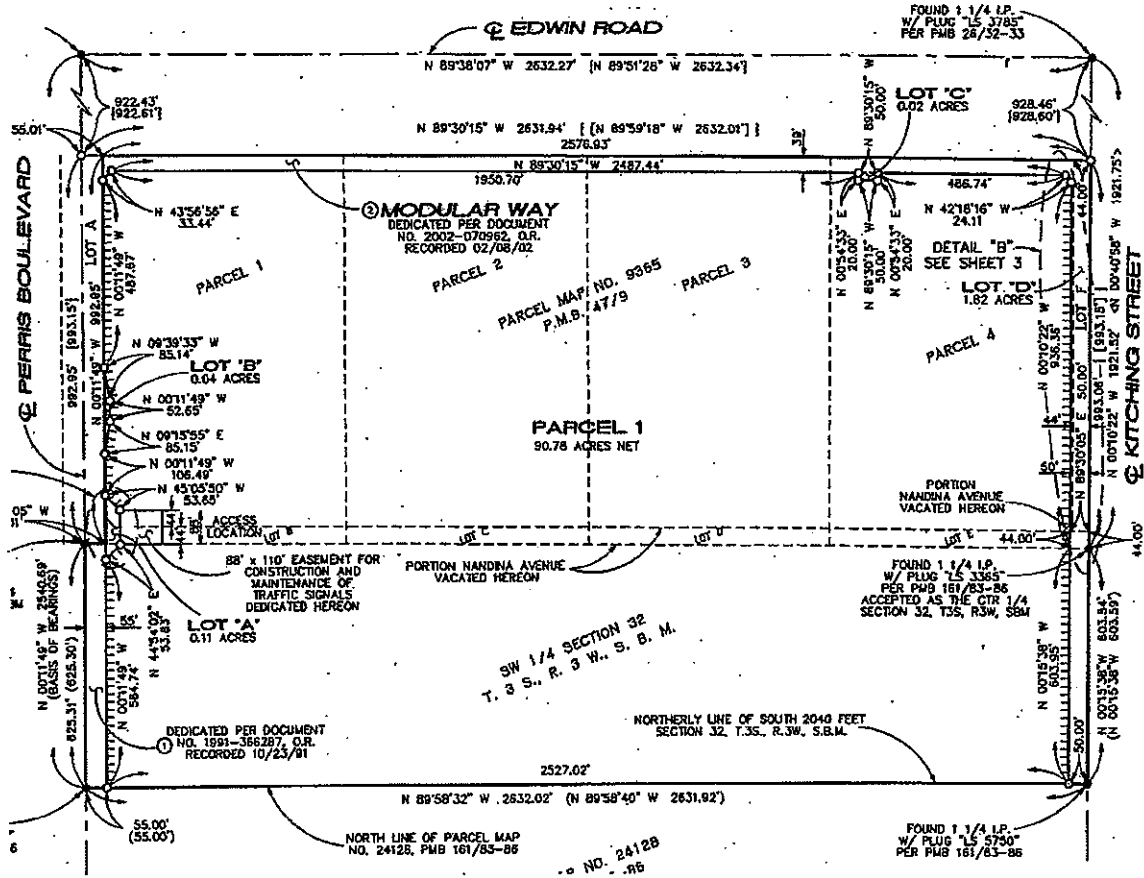
or 401 Linden Street
MAC D4004-017,
Winston-Salem, NC 27101

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

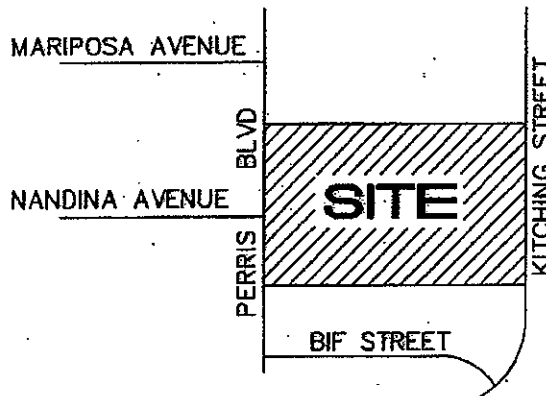
1-800-798-2815 Option 1
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)





VICINITY MAP:



NOT TO SCALE

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

**PROJECT NO.
PARCEL MAP 30472**

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RESOLUTION NO. 2013-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PARCEL MAP 30472 PHASE 2B AND ACCEPTING THE PORTIONS OF MODULAR WAY AND KITCHING STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Walgreen Co. on the portions of Modular Way and Kitching Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley; and

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

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of the public improvements as complete within Parcel Map 30472 Phase 2B and accept the portions of Modular Way and Kitching Street associated with the project into the City's maintained street system; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Parcel Map 30472 Phase 2B are complete, and the portions of Modular Way and Kitching Street associated with the project are accepted into the City's maintained street system.

1
Resolution No. 2013-01
Date Adopted: January 8, 2013

APPROVED AND ADOPTED this 8th day of January, 2013.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2013-01²
Date Adopted: January 8, 2013

RESOLUTION JURAT

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2013-01 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of January, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2013-01³
Date Adopted: January 8, 2013

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

Report to City Council

TO: Mayor and City Council

FROM: Abdul Ahmad, Fire Chief

AGENDA DATE: January 8, 2013

TITLE: APPROPRIATION OF EQUIPMENT REPLACEMENT RESERVE FUNDS FOR THE REPLACEMENT OF TRUCK 2

RECOMMENDED ACTION

Recommendations:

1. Approve an appropriation of \$729,000 to 1010-40-45-30110-660332 for the purchase of a replacement 100' aerial ladder truck.
2. Approve a transfer \$670,400 from Equipment Replacement Reserve Funds to 1010-40-45-30110-660322 for the replacement Truck 2.
3. Approve a budget transfer of \$58,600 from 1010-40-45-30110-620320 to 1010-40-45-30110-660322.
4. Authorize the Financial & Administrative Services Director to issue a purchase order to the City of Perris in the amount of \$675,000 with the remaining \$54,000 to be submitted to the state as sales tax.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

Truck 2 is a KME 100' Aerial Ladder Truck that was purchased by the City in Fiscal Year 2002/2003 to replace an aerial ladder truck that had been purchased by the City in 1990. All fire apparatus are depreciated over a 10 year cycle so that they can be

removed from front line response status to reserve status to extend their useful life and ensure the City has an adequate fleet of fire apparatus for emergency responses. Truck 2 is due to be replaced with a new aerial ladder truck at the end of this fiscal year with the KME truck becoming a part of the Fire Department's reserve fleet.

DISCUSSION

In 2009, the City of Perris purchased a Smeal 100' aerial ladder truck which was delivered in 2010. Unfortunately, due to the economic climate that all jurisdictions have been experiencing over the last several years, the City of Perris was unable to augment their current fire protection services by placing this aerial ladder truck into service. The City of Perris has decided to sell their aerial ladder truck as they will be unable to staff this piece of equipment in the foreseeable future.

The 2009 Smeal 100' aerial ladder truck was inspected on October 2 by Southwest Emergency Services, INC. They determined that other than some minor cosmetic repairs the aerial ladder truck is in excellent condition. The City of Perris has agreed to make the minor cosmetic repairs prior to the final sale of the aerial ladder truck to the City of Moreno Valley.

As the current estimate for purchasing a new 100' aerial ladder truck is estimated to range from \$850,000 to \$950,000, the City would save between \$121,000 - \$221,000 by purchasing the Smeal 100' aerial ladder truck from the City of Perris rather than purchasing the vehicle new from Smeal to replace Truck 2. Additionally, the cost of any new fire apparatus is expected to continue to increase due to the current and projected changes in emission standards. Finally, no new equipment is required as all the existing equipment on Truck 2 would be transferred to the replacement 100' aerial ladder truck as the equipment is in good condition.

ALTERNATIVES

1. Approve an appropriation of \$729,000 to 1010-40-45-30110-660332 for the purchase of a replacement 100' aerial ladder truck; approve a transfer \$670,400 from Equipment Replacement Reserve Funds to 1010-40-45-30110-660322 for the replacement Truck 2; approve a budget transfer of \$58,600 from 1010-40-45-30110-620320 to 1010-40-45-30110-660322; and authorize the Financial & Administrative Services Director to issue a purchase order to the City of Perris in the amount of \$675,000 with the remaining \$54,000 to be submitted to the state as sales tax. ***Staff recommends this alternative.***
2. Do not approve an appropriation of \$729,000 to 1010-40-45-30110-660332 for the purchase of a replacement 100' aerial ladder truck; do not approve a transfer \$670,400 from Equipment Replacement Reserve Funds to 1010-40-45-30110-660322 for the replacement Truck 2; do not approve a budget transfer of \$58,600 from 1010-40-45-30110-620320 to 1010-40-45-30110-660322; and do not authorize the Financial & Administrative Services Director to issue a purchase

order to the City of Perris in the amount of \$675,000 with the remaining \$54,000 to be submitted to the state as sales tax. **Staff does not recommend this alternative**

FISCAL IMPACT

As of June 30, 2012 there was \$670,400 accumulated in the City's Equipment Replacement Fund for the replacement of Truck 2. The remaining \$58,600 would be funded by Fire Department savings for FY 12/13 from account number 1010-40-45-30110-620320.

Proposed Transfer between funds:

Cat.	Fund	Account No.	Proposed Adjustment
Transfer from	Equipment Replacement Fund	7510-99-97-88120-901010	\$670,400
Transfer to	General Fund – Fire Dept.	1010-99-99-91010-807510	\$670,400

Proposed Appropriation transfer:

Cat.	Fund	Account Number	Account Type	Original Budget	Proposed Adjustment	Revised Budget
G/L	General Fund – Fire Dept	1010-40-45-30110-620320	Expense	\$14,009,545	(\$58,600)	\$13,950,945
G/L	General Fund – Fire Dept	1010-40-45-30110-660322	Expense	\$0	\$729,000	\$729,000

CITY COUNCIL GOALS

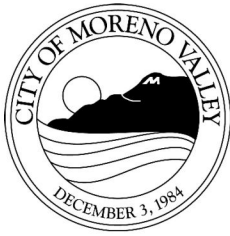
Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Prepared By:
Cynthia Owens
Management Assistant

Department Head Approval:
Abdul Ahmad
Fire Chief

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

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

Report to City Council

TO: Mayor and City Council

FROM: Joel Ontiveros, Chief of Police

AGENDA DATE: January 8, 2013

TITLE: REPLACEMENT OF FOUR POLICE MOTORCYCLES

RECOMMENDED ACTION

Recommendations:

1. Authorize the purchase of four BMW R 1200 RT-P Police Motorcycles and related emergency equipment totaling \$110,079.
2. Authorize the transfer of \$110,079 from the Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (Fund 1010) to fund the purchase of four 2013 BMW R 1200 RT-P replacement Police Motorcycles and related emergency equipment.
3. Authorize the following budget appropriations/adjustments:
 - a. Appropriate \$110,079 from the General Fund balance to the Police Dept. – Traffic, Vehicle Replacement object (1010-60-67-40210-660322).
4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order for four BMW R 1200 RT-P Police Motorcycles from BMW Motorcycles of Riverside in the amount of \$110,079.

BACKGROUND

Since May 2007 the Moreno Valley Police Department (MVPD) has been utilizing the Honda ST1300P series police enforcement motorcycle. The MVPD currently has four 2006 Honda ST1300P series police enforcement motorcycles which exceed the factory warranty term of three years and are due for replacement. These four motorcycles each have in excess of 60,000 miles of patrol use and currently require more frequent maintenance.

DISCUSSION

On a daily basis, the MVPD utilizes eleven police motorcycles for law enforcement. In 2006, MVPD switched from BMW motorcycles to Honda motorcycles because the Honda proved to be ergonomically better suited for police work. Since that time, BMW has improved the ergonomics of their police motorcycle and police agencies are again using the BMW motorcycle for police work. The Los Angeles County Sheriff's Department recently completed an extensive test of police motorcycles and chose the BMW R 1200 RT-P Police Motorcycle. The California Highway patrol also deploys the BMW R 1200 RT-P Police Motorcycle. In addition to the improved ergonomics, the BMW is the only motorcycle fully outfitted for police service by the manufacturer. Other police motorcycle options require the use of a combination of vendors to completely outfit the motorcycle for police use. Using the BMW motorcycles will streamline the maintenance and repair process as one vendor will handle all aspects of the process.

In July of 2012, the City of Palm Desert competitively awarded BMW Motorcycles of Riverside, California a contract for the purchase of two BMW R 1200 RT-P Police Motorcycles. The MVPD would like to "piggyback" on this recently completed competitive process to facilitate the purchase of the four new BMW motorcycles. The City's purchasing ordinance allows for cooperative or "piggybacking" on another agency's competitive award. Section 3.12.260 of the City ordinance states:

"Where advantageous for the City and to the extent consistent with state law, the City Manager may authorize the Financial & Administrative Services Director or the Purchasing Manager to purchase supplies, materials, equipment or contractual services through legal, competitively awarded contracts with or of other governmental jurisdictions or public agencies, including California Multiple Award Schedules (CMAS) commonly referred to as "piggybacking," without further contracting, solicitation or formal bidding as described in this chapter. (Ord. 624 § 1.7, 2003; Ord. 587 § 2.1 (part), 2001)"

The City of Moreno Valley Purchasing & Facilities Division Manager reviewed the City of Palm Desert Award documents and found they sufficiently support the "piggybacking" process. Additionally, BMW Motorcycles of Riverside agreed to sell four BMW R 1200 RT-P Police Motorcycles to the City of Moreno Valley for the same unit price specified in the City of Palm Desert award.

1. The cost of this proposed motorcycle purchase will be covered by existing and budgeted motorcycle replacement funds. Through the depreciation process, replacement funds are budgeted and increase as the motorcycles depreciate in value.
2. In addition to the proposed use of replacement funds for motorcycles in the current inventory, there are also replacement funds available from motorcycles that are no longer in the police inventory. In prior years the Police Department

rotated the four (4) motorcycles listed below out of the fleet to surplus inventory to be auctioned off:

2004BMW	V.I.N. WB10499A44ZE93817	RF: \$22,598
2006Honda	V.I.N. JH2SC51746M400158	RF: \$22,534
1999Kawasaki	V.I.N. JKAHZCP25XB517391	RF: \$11,268
1999 Kawasaki	V.I.N. JKAKZCP26XB517383	<u>RF: \$ 9,596</u>
		\$66,996

When these four (4) motorcycles were rotated to surplus, \$66,996 of replacement funds were left unused and remain available to cover the cost of the proposed purchase. The Police Department intends to use the \$66,996 in replacement funds to cover a portion of the purchase of the four new BMW R 1200 RT-P Police Motorcycles.

The remainder of the cost of the four new BMW R 1200 RT-P Police Motorcycles will be covered by replacement funds for motorcycles the motorcycles in the existing inventory with V.I.N. numbers:

2006 Honda	V.I.N. JH2SC51766M400162	RF: \$23,534
2006 Honda	V.I.N. JH2SC51706M400089	<u>RF: \$24,452</u>
		\$48,076

The total replacement funds designated for the proposed purchase:	\$115,072
The total cost of the proposed new motorcycle purchase:	<u>\$110,079</u>
	\$ 4,993

Because the replacement funds available exceed the funds necessary for the purchase, there will be an unused balance of \$4,993.04 for the motorcycle with V.I.N. JH2SC51706M400089. These funds will remain available to cover motorcycle replacement costs in the future.

A total of four motorcycles with V.I.N. numbers will be rotated to surplus and sold at auction:

2000Honda	V.I.N. JH2SC51786M400082
2006Honda	V.I.N. JH2SC517X8M400102
2006Honda	V.I.N. JH2SC51766M400162
2006Honda	V.I.N. JH2SC51706M400089

ALTERNATIVES

Council has the following alternatives:

1. Authorize the purchase of four 2013 BMW R 1200 RT-P Police Motorcycles and related emergency equipment totaling \$110,079; Authorize the transfer of \$110,079 from the Equipment Replacement Reserve Fund (Fund 7510) to the

General Fund (Fund 1010) to fund four 2013 BMW R 1200 RT-P replacement Police Motorcycles and related emergency equipment; Authorize the following budget appropriations/adjustments:

- a. Appropriate \$110,079 from the General Fund balance to the Police Dept. – Traffic, Vehicle Replacement object (1010-60-67-40210-660322); and

Authorize the Purchasing & Facilities Division Manager to issue a purchase order to BMW Motorcycles of Riverside in the amount of \$110,079. **Staff recommends this alternative.**

2. Not authorize the purchase of four replacement 2013 BMW R 1200 RT-P Police Motorcycles and related emergency equipment totaling \$110,079; not authorize the transfer of \$110,079 from the Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (Fund 1010) to fund four 2013 BMW R 1200 RT-P replacement Police Motorcycles and related emergency equipment; not authorize the following budget appropriations/adjustments:

- a. Appropriate \$110,079 from General Fund balance to the Police Dept. – Traffic, Vehicle Replacement object (1010-60-67-40210-660322);

Not authorize the Purchasing & Facilities Division Manager to issue a purchase order to BMW Motorcycles of Riverside in the amount of \$110,079 and provide further direction to staff. **Staff does not recommend this alternative.**

FISCAL IMPACT

Approval of the purchase of four 2013 BMW R 1200 RT-P Police Motorcycles and the related emergency equipment would result in an expenditure of \$110,079. The City will receive monies through the surplus property auction process from the sale of four motorcycles in an amount to be determined at auction.

Approval of Transfer of Funds:

<u>Type</u>	<u>Account</u>	<u>Description</u>	<u>Amount</u>
Transfer from:	7510-99-97-88190-901010	Equipment Replacement Reserve	\$110,079
Transfer to:	1010-99-99-91010-807510	General Fund	\$110,079

Approval of additional Budget Appropriation/Adjustment(s): Increase/(Decrease):

<u>Dept</u>	<u>Account</u>	<u>Description</u>	<u>2012-13 Budget</u>	<u>Proposed Appropriation</u>	<u>2012-13 Revised Budget</u>
PD - Traffic	1010-60-67-40210-660322	Replacement Vehicles	\$0	110,079	\$110,079

CITY COUNCIL GOALS

The replacement of the four 2006 Honda St-1300P Police Enforcement Motorcycles with the purchase of four 2013 BMW R 1200 RT-P motorcycles will help meet the City Council Public Safety Goal which states:

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

NOTIFICATION

Indicate any outreach efforts made to elicit comments from parties with interest in the issue. Review comments that may have been made. Also, identify to whom copies of the report were sent so they could be informed about the agenda item.

ATTACHMENTS

- Attachment 1_2012_Riverside BMV Bill of Sale
- Attachment 2_2012_Palm Desert RFP
- Attachment 3_2012_Palm Desert Purchase Order

Prepared By:
James Bengtson
Sergeant - Traffic Division

Department Head Approval:
Joel Ontiveros
Chief of Police

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

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BMW Motorcycles of Riverside
 7740 Indiana Avenue
 Riverside, CA 92504
 (951) 353-0607

Motorcycle Bill of Sale

PURCHASE ORDER: _____ STOCK NO: **A1005** DELIVERY DATE: **11/12/12**

Attachment 1

PURCHASER NAME CITY OF PALM DESERT				ADDRESS 73705 GERALD FORD DRIVE PALM DESERT, CA 92211			
HOME PHONE (760) 836-1724		BUSINESS PHONE (760) 346-0611		DR. LIC N/A			
DESCRIPTION OF PURCHASE				SETTLEMENT			
NEW / USED NEW	YEAR 2012	MAKE BMW	MODEL R1200RT	VEHICLE PRICE		24,712.25	
VIN WB1044004DZW21767			STOCK NO. A1005		ACCESSORIES / APPAREL / LABOR		N/A
COLOR ALPINE WHITE/NIGHT BLACK			ENGINE NO. 32126119		GAP; Service Contract; Insurance; OTHER		N/A
TIRE FRONT: DKBT2JEM1812		MILEAGE: 16		GROSS PRICE		24,712.25	
TIRE REAR: BKVA2JKM1212				TITLE / LICENCE		N/A	
LIEN HOLDER / INSURANCE				REGISTRATION		N/A	
LIEN HOLDER N/A				DOCUMENTATION		55.00	
ADDRESS N/A				SALES TAX		1,919.46	
INSURANCE COMPANY				CALIFORNIA TIRE FEE		3.50	
AGENT ADDRESS				TOTAL CASH PRICE		26,690.21	
POLICY #		EXPIRATION N/A		AGENT PHONE # N/A		DEPOSIT & DOWNPAYMENT N/A 26,690.21	
TRADE-IN VEHICLES				NET TRADE-IN		N/A	
YEAR	MODEL	STOCK #	NET TRADE-IN VEHICLE	LESS TOTAL CREDITS (26,690.21)	
			0	BALANCE DUE		N/A	
YEAR	MODEL	STOCK #	NET TRADE-IN VEHICLE				
			0				
YEAR	MODEL	STOCK #	NET TRADE-IN VEHICLE				
			0				

The Purchaser agrees to take the above vehicle as-is, without warranty, other than as provided for by the Original Equipment Manufacturer (OEM), including latent defects, unless otherwise specified on the reverse. There are no understandings, agreements, representations or warranties, expressed or implied, pertaining to the above vehicle purchase other than as shown on the face of this Bill of Sale. The Purchaser certifies he/she is of legal age and hereby acknowledges receipt of an exact copy of this Bill of Sale.

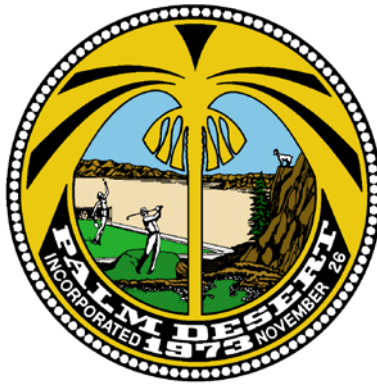
SALESPERSON

PURCHASER

DEALER ACCEPTANCE

CO-PURCHASE

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**CITY OF PALM DESERT
CITY MANAGER'S OFFICE**

IFB NO. C31840

**NOTICE OF INVITING SEALED BIDS FOR THE
PURCHASE OF TWO 2012 BMW R1200 RT-P MOTORCYCLES
AND EMERGENCY EQUIPMENT**

**73-510 Fred Waring Drive
Palm Desert, CA 92260
(760) 776-6326**

Key Information

Issued Date: MAY 23, 2012
Submit Written Questions: 2:00 P.M. on June 12, 2012
Bid Opening: 2:00 P.M. on June 19, 2012



City of Palm Desert
City Manager's Office
ATTENTION: CITY CLERK'S OFFICE
73-510 Fred Waring Drive
Palm Desert, CA 92260
Phone: (760) 346-0611, Extension 326

NOTICE OF INVITING SEALED BIDS

TWO 2012 BMW R1200 RT-P MOTORCYCLES & EMERGENCY EQUIPMENT

May 23, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City of Palm Desert invites sealed proposals to purchase **TWO 2012 BMW R1200 RT-P MOTORCYCLES & EMERGENCY EQUIPMENT** for the Palm Desert Police Department. The City will receive the proposals in the office of the City Clerk up to the hour of **2:00 p.m. on Tuesday the 19^h of June, 2012**, at which time they will be publicly opened.

Copies of said IFB and Specifications will be available by request via U.S. Mail or can be downloaded at: <http://www.cityofpalmdesert.org>. It is the responsibility of the bidder to see that any bids sent through the mail have sufficient time to be in the hands of the City Clerk prior to the bid closing date and time. The receiving time at City Hall will be the governing factor on acceptability of bids. **An original and two (2) copies of any submittal is requested. Electronic or telephone bids will not be accepted.**

Bids must be prepared on the approved proposal forms and submitted in a sealed envelope plainly marked on the outside **"SEALED BID FOR IFB NO. C31840- DO NOT OPEN WITH REGULAR MAIL."** Bids should be addressed to **Office of the City Clerk, City of Palm Desert, 73-510 Fred Waring Drive, Palm Desert, California 92260**. The complete proposal packet includes: 1) Price Sheet; and 2) Signatory Page. All forms must be fully completed and submitted for the proposal to be considered responsive.

The Palm Desert City Council reserves the right to reject any or all bids at any time without penalty; to take all bids under advertisement for up to sixty (60) days after opening; to waive any irregularity on any bid; and to be the sole judges of the relative merits of the material mentioned in the respective bids received. The Council also reserves the right to reject any item(s), award more than one contract for each of the items, and reject bids that are not accompanied by the requested information.

Requests for additional information should be directed to Mr. Stephen Y. Aryan, Risk Manager, (760) 346-0611, Extension 326. Email: saryan@cityofpalmdesert.org

PALM DESERT POLICE DEPARTMENT MOTORCYCLE SPECIFICATION SHEET

1. GENERAL:

The City of Palm Desert is soliciting bids for two (2) new/unused full-built 2012 BMW R1200 RT-P motorcycles with emergency equipment, as specified herein. Vehicle mileage shall not exceed 200 miles when delivered to the City. The City will consider a newer model, provided it meets all requirements stated herein.

Bidder shall furnish all parts, labor, and materials necessary to build the complete motorcycles with the emergency equipment as listed in the Specification Section below. All work shall be completed in a substantial and professional manner.

Equipment shall be manufacturer's latest model and shall have been manufactured as a 2012 model year at minimum. All components shall be installed new, unused, and equipment is to be serviced in accordance with manufacturer's recommended pre-delivery checklist and shall be ready for operation upon delivery. Equipment offered below the listed specifications will be considered unacceptable.

It is the intent of this specification to describe a police motorcycle to be used in high-speed highway traffic and law enforcement work. The motorcycle will at times be operated at speeds above 115 mph for both short and long distances at ambient temperatures ranging from 20⁰F to 120⁰F. It will be driven on all types of roads and road surfaces and shall possess outstanding handling characteristics, maneuverability, and stability.

It is intended that the manufacturer in the selection of components will use materials and design practices that are the best available in the industry for the type of operating conditions to which the motorcycle will be subjected. Frame, engine, transmission, drive train, brake, suspension, wheel, tire and other component parts of the motorcycle shall be selected to give maximum performance, service life and safety and not merely meet the minimum requirements of this specification.

The term "heavy duty" as used in this specification shall mean that the item to which the term is applied shall exceed the usual quantity, quality, or capacity supplied with standard production motorcycles; and it shall be able to withstand unusual strain, exposure, temperature, wear and use.

Motorcycles offered in compliance with this specification must be manufacturer's police models. Police accessories must be engineered and designed, or certified, by the manufacturer of the motorcycle to be compatible with all other components, give dependable service and not degrade its handling characteristics or appearance.

2. RULES AND REGULATIONS:

Motorcycles shall comply with all applicable California Vehicle Code (CVC), Code of Federal Regulations, Title 49, "Federal Motor Vehicle Safety Standard~ (FMVSS) and California Code of Regulations, Title 13, "Motor Vehicles" rules and regulations. Motorcycles shall also comply with all applicable Society of Automotive Engineers

standards and Health and Safety Code, (distance of radio equipment from the operator's head, etc.) regulations. In addition, all motorcycles shall comply with all other Federal and State rules, regulations and safety standards applicable to the vehicle type in effect on the date of the opening of the invitation for bid.

Vehicle shall be current year production model, two-wheel motorcycle, equipped for police service and having a wheelbase of not less than 58 inches nor more than 65 inches. Each model shall visibly display the vehicle identification number (VIN), gross vehicle weight rating (GVWR), date of manufacture and any other information require by Federal or State regulation.

3. TECHNICAL SPECIFICATIONS:

3.1 Engine:

The engine shall be a heavy-duty "police package" of the manufacturer's standard engine, meeting the following requirements:

- A. Not less than 998 cubic centimeters (cc) displacement.
- B. Minimum of 2 cylinders.
- C. Air or liquid cooled.
- D. Shall be four cycle.
- E. Shall produce not less than 90 hp.
- F. Reciprocating engine parts to be balanced at the factory in an effort to reduce engine and consequential motorcycle vibration during the service life of motorcycle.
- G. Fuel injection with recommended octane rating of 91 AKI.
- H. Electronic engine management system with automatic choke, individual cylinder pre-ignition, temperature and oxygen sensors to provide consistent operation under varied conditions and fuels.
- I. Engine shall possess an oil level indicator light to advise operator of low oil level.
- J. Engine to be equipped with factory installed thermostatically-controlled radiator cooling fan to avoid overheating.

3.2 Powertrain:

3.2.1 Final Drive:

May be maintenance-free shaft drive.

3.2.2 Clutch:

- A. To be latest type, single or multiple disc, wet or dry type, hand operated.
- B. Hand lever shall be located on left handlebar with adjustment for size of operator hand.
- C. Hydraulic self-adjusting actuation providing automatic clutch lever free-play adjustment under all service conditions.

3.2.3 Transmission:

- A. Shall be minimum of 6 speeds.
- B. Gears shall be constant mesh design.
- C. Shift pattern shall be as follows: Neutral located between first and second gears, shall shift down from neutral to first gear and up from neutral to second, third, fourth, fifth, etc.

- D. Shall have foot shift lever of rocker type and designed to be operated by toe or toe and heel and shall not interfere with normal foot position on foot peg or board.
- E. Foot shift lever shall be located on left side with adjustment for size of rider's boot.
- F. An indicator light, readily visible to the rider, shall be provided to indicate when the transmission is in neutral position.

3.3.1 Brakes:

- A. Front and rear brakes shall be hydraulic controlled systems with independent rear wheel brake control. Anti-Lock Brake System (ABS) required.
- B. Front brakes shall be dual disc type, hand operated from the right handlebar with adjustability in lever for size of operator hand. Shall provide full modulation to the limit of traction without loss of control.
- C. Rear brake shall be disc type, foot operated with pedal located on right side. Linkage shall be close fitting to eliminate any lost motion and designed to give trouble free service for the life of the motorcycle. Brake pedal shall incorporate a non-skid pedal surface or pad to permit safe application and minimize the possibility of the foot slipping off the brake pedal. Foot pedal and linkage shall be designed and located so that full travel of pedal or rider's foot shall be such that brake can be applied without lifting heel from the, footrest/footboard.
- D. Hydraulic hoses and metal lines shall be mounted and protected in such a manner so as to prevent them from becoming damaged due to chafing, rubbing, or vibration. Brake lines and calipers shall be located away from exhaust heat.

3.3.2 Frame/Suspension/Fiberglass/Sheet Metal:

- A. Frame shall be carbon steel tubing / cast elements of such a design, construction and material to enhance stability and handling characteristics with law enforcement equipment installed (radio, antenna, light systems, and other components required by this specification). Vibration and other naturally occurring forces shall not cause cracking of the motorcycle frame, suspension or body components when subjected to normal police service.
- B. Rear fork shall be swinging arm type with integral coil spring(s) and hydraulic/gas shock absorber(s). Rear shock absorber(s) shall have provision for adjustment to accommodate rider's weight.
- C. Front forks to be hydraulic design and adjusted to permit the shortest possible turning radius and designed for best handling characteristics in police service considering weight and weight distribution. Fork pre-load shall not be gas pressure adjustable.
- D. Frame, spring(s) and shock absorber(s) shall be adequate to handle rider plus

the added weight of a transistorized motorcycle certified radio transmitter and receiver, radio repeater, carrier and saddlebags as engineered and installed for police service on rear of the motorcycle.

- E. The **minimum load-carrying** capacity of **the motorcycle** as delivered shall be no **less than 400 pounds** (GVWR minus unladen weight prior to installation of police-specific equipment).

3.4 Electrical System:

3.4.1 Chassis Electrical:

- A. Shall be 12-volt system with can-bus / circuit breakers / protectors and/or fuses for protection of all circuits from overload or short circuits.
- B. Heavy duty alternator (700 watt minimum), with voltage regulator incorporating transient voltage protection, producing a minimum of 25A at recommended engine idle speed (without special police equipment in operation) to ensure prompt and reliable recharging of battery systems during normal motor operation.
- C. Motorcycle shall incorporate a linked dual battery system, providing one heavy duty maintenance-free primary battery for the operation of the motorcycle and anti-lock brake system, and an identical auxiliary maintenance-free battery with a minimum of 8 special conventionally-fused circuits for the operation of specialized police equipment. Both batteries shall be linked to recharged from the central alternator during motor operation. A heavy duty relay triggered by the electrical management system shall disengage the auxiliary battery when the engine is not running (or producing current) to enable all special police equipment to draw only from the auxiliary battery, thereby preserving the primary battery to enable reliable restarting regardless of the length of the violator stop.
- D. Starter shall be latest type 12-volt starting motor with solenoid and one-way clutch engagement. Starter button shall be located on right handlebar. Shall feature a "clutch safety system" that prevents the engine from being started when the clutch is engaged and the transmission is not in neutral.

3.4.2 Lighting:

- 11.0 Headlight to be dual element low beam / single element high beam, quartz halogen-with a high beam indicator light mounted so that it is readily visible to the rider. High and low beams to be controlled by a switch on the handlebar. A two-position switch should be located on the handlebar which allows front and rear lighting to be turned "on" or "off" with engine operating independent of ignition switch. Tail light shall be fitted with dual brake / tail light bulbs with warning to advise the operator if a brake / tail light bulb fails.
- 12.0 Brake light shall provide illumination as required by FMVSS and be a dual bulb system with warning to advise the operator if a brake light bulb fails. High-mounted or low-mounted supplementary LED brake/tail light shall

be fitted to provide additional rear visibility. Supplementary light shall comply with all applicable SAE and CA Title 13 requirements.

- 13.0 Turn signals designed and/or installed in such a manner as to be visible from the front and rear, two (2) on the front and two (2) on the rear with indicator lights on dash panel. A separate switch for the rear turn signal lights with indicator light shall permit the rear signal lights to flash together, independent of the front signal lights and to operate with ignition switch in either the "On" or "Off" position. Turn signal switch for both left and right signals shall be located on the handlebars and shall be the push to lock on type with indicator lights which will operate when the turn signals are in operation.

Side-facing LED additional turn signal lights shall be located in the rear emergency light module to allow motorists to better see signaling intentions while riding along side other motorists. These optional side turn signals will function when the individual turn signal is engaged as well as the all-way flasher system.

- 14.0 Two (2) blue identification lights (Ref. Truck-Lite #10A) shall be installed on a plate with the license plate. The lights shall be mounted, one on each side of the license plate, and connected with the tail light circuit.
- 15.0 Emergency Lights: To be modular LED lighting units which contain multiple LED light heads optimally aimed for high visibility. Light heads shall be one each forward facing (left and right), one each forward 45 degree, one each forward side facing, one each rear side facing, one each rear facing.
- 16.0 Integrated, latching push button w/indicator to activate "cruise lights" shall be standard equipment, providing 20% power to the front and rear facing emergency lights to satisfy cruise light requirements.
- 17.0 Integrated rocker switch w/indicator to manually activate "alley lights" shall be standard equipment. Switch will steadily illuminate the front left or right 3-up LED emergency light, regardless of the emergency light activity.
- 18.0 Emergency light heads shall be non-flashing type controlled by processor-controlled flasher system with 12 flash patterns and sequential light switching from a single push-button switch.

Flasher system pre-wired for optional photo-eye to turn-off optional lower LED light heads to reduce glare during night riding. Flasher connected to siren InterClear function to enable secondary flashing pattern for 7 seconds each time siren mode is changed. Primary and secondary flasher programming buttons provided in secure location.

Emergency lights shall operate with ignition switch in either the "On" or "Off" position, or lockable accessory position. Side-facing front and rear lights shall provide option to activate with rear or front lights. Motor shall include two indicator lights within the operator's field of vision to indicate when rear or front lights are "On".

Light color to be specified below:

front light color:	left	<u>RED</u>	right	<u>BLUE</u>
f-45° light color:	left	<u>RED</u>	right	<u>BLUE</u>
f-side light color:	left	<u>RED</u>	right	<u>BLUE</u>
r-side light color:	left	<u>BLUE</u>	right	<u>RED</u>
rear light color:	left	<u>RED</u>	right	<u>BLUE</u>
aux. rear light color:	left	<u>RED</u>	right	<u>BLUE</u>

- 19.0 Horn must have a minimum of 82 dB output measured at a height of 4' and at a distance of 50 feet directly ahead of motorcycle on an asphalt surface, with the engine at idle (SAE J377). Horn button to be located on the left handlebar switch assembly. With motorcycle ignition "on", the horn will activate the siren "air horn" function as well as the normal motorcycle horns.
- 20.0 Switches for control of all emergency equipment (siren, emergency lights, etc.) shall be located on the handlebar and accessible without removing hands from the grips. Emergency light switch shall be a momentary rocker switch with ALL the following functions:
- front & rear emergency lights
 - rear emergency lights only
 - front emergency lights only
 - OFF
- 21.0 Ignition switch, headlight switch, rear flashing amber light switch and all other switches not specifically located in this specification, shall be mounted on the dash panel or on the handlebar and be conveniently accessible by the rider.
- 22.0 The ignition, headlight and running light switches shall be designed and wired to permit the engine to run without the headlight or running lights on.
- 23.0 Dash panel and instrument lights shall be hooded or otherwise designed to prevent glare onto the windshield.

3.5 Handlebars:

Handlebars shall be chrome plated, stainless steel, or other corrosion resistant finish of the latest approved type suitable for police work and allow the officer to sit in an upright vertical position with both hands on handlebar grips. Movement of the handlebars shall not be restricted by any accessory equipment or windshield/fairing.

- A. All exposed wiring to switches shall be encased in plastic loom and clamped to bars. All wiring subjected to friction to be adequately protected to prevent wear and eventual grounding.
- B. Handlebar grips to be of firm dark colored plastic and / or rubber which will not discolor hands.
- C. Throttle control, to be located on right handlebar, shall allow no lost motion or play and shall return to idle when hand is released from grip.

- D. Throttle control shall incorporate a throttle friction screw to enable the rider to temporarily inhibit the throttle from closing to assist with hand signals.
- E. Handlebar control levers shall contain ball type knobs on their outer ends to minimize the possibility of the hand slipping off the lever.
- F. Provision shall be made for mounting a radio control head system (including microphone) in the center of the handlebars, gas tank console or fairing. Fairing dashboard shall contain a radio speaker of 4 Ohms impedance to broadcast radio traffic, pre-wired with for connection to mobile radio. Mounting of the radio control head and microphone shall not obstruct visibility of indicators or accessibility of controls and switches and shall be readily accessible when seated on the motorcycle.
- G. Pre-wired handlebar switch for the activation of electronic gun locks shall be standard equipment.
- H. Pre-wired handlebar switch for the activation of BMW take-down lights shall be standard equipment.

3.6 Tires and Wheels:

3.6.1 Tires:

To be first quality, bead retention, tubeless tires specifically approved by the manufacturer for police service.

- A. Each tire and wheel assembly shall be balanced. Lateral and radial run-out shall be within the factory recommended tolerances.
- B. Tires supplied shall be tested and approved by the manufacturer for use on the make motorcycle bid.
- C. Tires supplied must be readily available through motorcycle manufacturers distributors at time of delivery of the first motorcycles supplied in compliance with these specifications.
- D. Tires shall conform with the performance requirements listed in section 4.1.

3.6.2 Wheels:

Front and rear wheels shall be alloy type. Front and rear wheel shall be designed to prevent tire separation from rim if tire becomes flat. Rim shall be equipped with an interior shoulder that does not permit dismounting of the sidewall bead from the shoulder and prevents subsequent movement of the sidewall into center-recess of the rim or to the outside of the rim when tire is run flat. Rim locks are not acceptable as an alternate to this specification. Tire pressure valve stem shall be easily accessible for daily check / correction of tire pressure.

3.7 Mirrors:

Right and left side rear view mirrors are to be installed in such a manner to minimize vibration and shall be:

- A. Rectangular in shape. No less than 3-1/2" x 5" or 17 square inches.
- B. Short shank, mounted on the handlebars or breakaway design mounted to fairing shell.
- C. Mirrors shall be "true vision" type.

- 3.8 Speedometer:
Shall be designed for police work. Shall be certified accurate within ± 2 mph throughout its entire speed and temperature operating range as compared to the true motorcycle speed in which it is installed.
- A. Shall provide illuminated accurate easy-to-read digital display.
 - B. Shall provide a handlebar switch to press and lock the (pace) speed, displaying this speed on the digital display adjacent to the primary speed display. The pace speed shall be retained through ignition sessions until a new pace speed is locked.
 - C. Shall operate from the wheel speed sensor providing a digital reading that will not change with time or wear (not require recalibration).
 - D. Tachometer shall be supplied.
- 3.9 Protection Bars:
Front (engine guard) and rear (bag guard) protection bars shall be shot-peened finished stainless steel construction to resist corrosion. The front and rear protection bars shall also be designed to provide mountings for the siren speaker and other accessories.
- 3.10 Fairing:
Shall be equipped with a frame mounted full fairing and electrically-adjustable windshield system providing exceptional stability and protection from the elements.
- A. Windshield shall be of clear polycarbonate, scratch-resistant, approved glazing material (Ref. Lexan MR-4000 or equivalent).
 - B. Windshield angle should be electrically adjustable while riding via handlebar switch to provide optimal protection / adjustment to minimize wind noise to the operator.
 - C. Fairing and windshield system shall not cause imbalance of the motorcycle at any speed.
- 3.11 Seat:
Shall be height-adjustable heavy-duty police type foam padded adjustable saddle covered with black leather or vinyl material.
- 3.12 Stands:
Side stand shall be of steel construction and have a minimum of two and one-half square inches of surface on the ground when extended. Stand designed to support the weight of the motorcycle when loaded with full police equipment.
- A. Shall be mounted on left side.
 - B. Shall be designed so that the stand can be lowered and retracted with foot when seated on the motorcycle.
 - C. So designed that it will not strike ground during hard left turns when retracted.
 - D. Amount of lean of motorcycle shall not exceed **15 degrees** from vertical when stand is extended and front wheel is in a straight-ahead position.
 - E. Optional locking system installed so that with the weight of the machine on the stand, the stand cannot be folded or retracted.
 - F. Center service stand shall be standard, permanently fitted to motor, raising one wheel off the ground when deployed, to enable operator to rotate - check condition of either tire.

3.13 Footrests:

Shall be equipped with footrests (floorboards are acceptable) so constructed that they will fold in the event of contact with the ground and equipped with skid plates on the bottom outer sides to reduce rapid wear from frequent pavement contact.

3.14 Siren/Public Address System:

Electronic BMW/Code 3 motorcycle 100W siren/public address (PA) system, including radio rebroadcast, shall be supplied and installed, operating only when ignition switch is "on". Siren to produce electronic tones wail, yelp, hyper-yelp and air horn (hyper-yelp disable for California agencies). PA and radio rebroadcast control system may be interfaced with mobile radio. Motorcycle to be fitted with Code 3 100W siren speaker. Control switch(s) shall have these operating modes:

- (1) Momentary rocker push-button – single press to activate siren. Additional single press of push-button will scroll through wail, yelp and hyper-yelp (when enabled). Press and hold of push-button deactivates siren regardless of position in scroll cycle.
- (2) Horn button - siren air horn operates whenever ignition switch is "on" and horn button is pressed.

3.15 Muffler:

- A. Shall meet legal sound restrictions.
- B. Shall be constructed of stainless steel to maximize useful life.
- C. Muffler to be polished stainless steel finish.

3.16 Keys:

To have three keys (two luxury keys and one service key) provided for each motorcycle at time of delivery. Keys to contain anti-theft security chip to disable ignition system unless the proper ignition key is utilized.

3.17 Color:

Motorcycle finish and color to be combination of black and white (BMW color code 753) as follows:

- A. Frames - Black.
- B. Fenders - front white on painted area with black texture rain guard, rear black
- C. Fairing shall be black and white combination.
- D. Saddlebags to have black sides and **black** lids. Radio box painted white.

3.18 Radio Box and Saddlebag System:

To be equipped with a lockable integrated radio storage box with grounded base suitable for mounting of police radio / video system / etc. An optimally grounded radio antenna mounting location is integrated into the rear protection bar system. Optional 800 MHz range antenna mounting plate for attachment to roof of radio box to be installed. Radio box optimal dimensions: 17"L x 12"-10"W x 6"-4.5"H (box is tapered front to rear).

Two (2) law enforcement type utility saddlebags mounted on each side of the rear wheel. Saddlebags shall be composite construction. Optimal dimensions: 19.5"L x 6.75"W x 10.5"H (bag) / 4"H (lid). Tapered rectangular shape with a minimum capacity of 23 liters each. Boxes shall be sealed against moisture and dirt. Front hinge / single glove-friendly rear latch should allow operator to open lid while seated on motor. Latch secures lid without requirement to lock / key lock standard for security.

3.19 Emergency Tool Kit:

A minimal emergency tool kit shall be supplied with each motorcycle in a plastic/vinyl pouch.

4.0 PERFORMANCE REQUIREMENTS:

Motorcycles purchased against this specification shall display outstanding stability, maneuverability, cornering and other handling characteristics necessary for a motorcycle engaged in urban enforcement as well as high-speed traffic law enforcement use which includes operation over various types of road surfaces and operating conditions. Motors shall be capable of reaching a top speed of at least 125 mph with no sign of instability, even when riding through curves at high speed. Cornering lean angle shall not be less than 43 degrees, providing optimal cornering clearance, improving the ability of the operator to avoid obstacles spotted in a curve.

0-100 MPH Acceleration = maximum of 12 seconds.

Top Speed = 125 MPH minimum

Average Deceleration Rate = minimum 27 feet per second.

5.0 PRE-DELIVERY SERVICE:

All motorcycles must be completely serviced, inspected, properly adjusted and road tested before delivery, including the proper fill of all fluids and lubricants. All motorcycles shall be delivered with a minimum of 2 gallons of fuel in the fuel tank. Batteries shall be serviced and fully charged on delivery.

6.0 WARRANTY:

The standard manufacturer's warranty shall apply to all motorcycles purchased under this specification. Manufacturer shall also provide a 39-month / 60,000 mile, no deductible limited warranty for all motorcycles. Any cost for this warranty shall be included in the bid price of the motorcycle. The manufacturer shall have 6,000 mile service intervals in the Manufacturer's maintenance schedule for meeting the service requirements for obtaining warranty service. Oil consumption in excess of one quart per 1,000 miles shall be cause for warranty repair. Defective emergency added equipment shall be guaranteed according to the manufacturer's warranty program. Workmanship for dealer-installed equipment shall be guaranteed for a minimum of twelve months from date of delivery to the City.

7.0 TECHNICAL SUPPORT AND INFORMATION:

The successful bidder shall supply the Department with the following technical information at the time the first motorcycle is delivered to the Department.

Manuals:

- A. Each motorcycle shall be delivered with a rider's manuals as well as warranty guide / consumer information guide necessary for proper operation and maintenance of the motorcycle.
- B. Factory service manual covering repair of all components of the motorcycle is available for view on the Police Motors website at www.bmwmc.net.
- C. Electronic parts catalogue can operate on agency PC giving service part numbers complete in every detail covering the vehicle purchased - 1 copy.
- D. Wiring diagram for police pursuit lighting & siren system are available for view on the Police Motors website at www.bmwmc.net.

8.0 DELIVERY:

All motorcycles shall be delivered to the following location and Delivery is desired within 90 calendar days after receipt of order.

Palm Desert Sheriff's Station 73-705 Gerald Ford Drive, Palm Desert, Ca. 92211

9.0 SUPPLEMENTARY ORDERS:

The Department retains the right to place supplementary orders, either upon issuance of the Purchase Order or by a Purchase Order Change within 120 calendar days after the Purchase Order date. In the event the Department exercises such increase option, the vendor shall agree to furnish to the Department the additional quantity of units ordered at the bid price.

OPTIONS & ACCESSORIES

The following BMW accessory options will be fitted to the motor prior to delivery

- A. Night Black & Alpine White color scheme Option Code 753
- B. Saddlebags to be black with black lids.
- C. Heated Grips- Option Code 519
- D. (5) Red Optix LED Light – 63 17 0 415 001
- E. (5) Blue Optix LED Light – 63 17 0 415 002
- F. (2) Side-facing LED rear turn signals- 63 17 0 415 831
- G. (1) High mount LED brake/tail light. 63 17 0 415 830
- H. (1) Red Optix LED Light installed above license plate – 63 17 0 415 005
- I. (1) Blue Optix LED Light installed above license plate – 63 17 0 415 006
- J. (2) BMW take-down lights- 63 17 2 163 689
- K. Take down processor control- 61 35 2 163 690
- L. Wire harness- 61 35 2 163 690
- M. BMW battery charger- 72 11 0 419 496
- N. Ticket Book Holder- 82 00 0 419 426
- O. (2) Saddlebag liners – 71 60 7 704 109
- P. Radio Power Plug Connector - 65 12 2 211 642
- Q. Front Flashlight Holder – 65 14 0 439 422
- R. Note pad holder – 65 14 0 421 315
- S. Adjustable seat in standard version
- T. Motorcycle deluxe storage cover- 71 60 0 431 627
- U. Locking side stand- 46 53 2 163 681
- V. Pivot bolt- 46 53 7 684 949
- W. Rear Vertical shotgun mount (Rem 870 with 14" barrel)- 65 14 0 445 541
- X. Variable timer gun lock – 65 14 2 163 695
- Y. (1) front cigarette lighter type power outlet- 61 11 2 220 601
- Z. (1) rear cigarette lighter type power outlet- 61 11 2 220 603
- AA. PTT Remote mounting bracket- 61 31 2 211 637
- BB. PVP PTT 2-hole plate- 61 31 2 211 638
- CC. 800 MHz Antenna ground plate- 65 14 0 403 652

Non BMW Accessories:

- DD. PVP Communication Kit (wireless) #PVORI-RT12A-C3/XM- Install new
- EE. Emergency Vehicle Preemption (Strobe) – Install new.
- FF. Install agency supplied police radio head unit and equipment (Macom). Items will be delivered to builder.
- GG. Kustom Pro-Laser 3 Lidar Mount (Fully enclosed/Protected with Padding- Install New

PRICE SHEET
PLEASE PROVIDE COST BREAKDOWN AS LISTED BELOW

YEAR & MODEL: 2012 BMW R1200 RT-P	UNIT PRICE	QUANTITY	TOTAL
Motorcycle Base Price (taxable)		2 Each	
Taxable BMW Accessories		2 Each	
Taxable Non-BMW Accessories		2 Each	
Non-Taxable Materials (if applicable)			
Non-Taxable Labor (if applicable)			
Taxable Labor (if applicable)			
Documentation/Transportation Fees (if any). The City is exempt from DMV registration fees.		2 Each	
CA Tire Fee		4 Each	
Other Applicable Fees (Specify)			
Sales Tax (must be calculated at 7.75% rate for Riverside County even if your jurisdiction's rate is different)		2 Each	
Prompt Payment Discount or Incentives if any. Please describe:			
TOTAL COST (F.O.B. DESTINATION)		2 Each	

Lead Time: _____

Years of Experience Outfitting Police Motorcycles: _____

In House: ____ or Outsource ____ If outsourced, name of vendor _____

SIGNATORY PAGE

In compliance with this Request for Proposals, and subject to all the conditions thereof, the undersigned offers to furnish the items or services requested and certify he/she has read, understands, and agrees to all terms, conditions, and requirements of this proposal and is **authorized to contract** on behalf of the firm named below.

Company Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____ FAX No.: _____

E-mail: _____

Print Name: _____ Title: _____

Signature: _____ Date: _____

(This Form Must Be Signed. Signature must be original, not photocopied)

PURCHASE ORDER**City of Palm Desert**

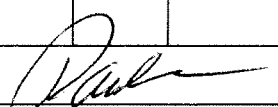
P.O. NO: 017965

73-510 FRED WARING DRIVE, PALM DESERT, CALIFORNIA 92260-2578
TELEPHONE (760) 346-0611

FAX (760) 341-4564

DATE: 07/17/12

TO: BMW MOTORCYCLE OF RIVERSIDE
7740 INDIANA AVENUE
RIVERSIDE, CA 92504SHIP TO: City of Palm Desert
73520 FRED WARING DRIVE
PALM DESERT, CA 92260

VENDOR NO.									
12638									
DELIVER BY		SHIP VIA		F.O.B.		TERMS			
06/30/13						NET			
CONFIRM BY			CONFIRM TO			REQUISITIONED BY			
			SEE REQUISITIONER/JRB			SARYAN/NMO			
FREIGHT		CONTRACT NO.		ACCOUNT NO.		PROJECT		REQ. NO.	REQ. DATE
				53041954154030				20335	07/16/12
LINE NO.	QUANTITY	UOM	ITEM NO. AND DESCRIPTION				UNIT COST		EXTENDED COST
1	53380.42	DL	SERVICE-SHERIFF NEW EQUIPMENT PURCHASE 2 BMW MOTORCYCLES & EMERGENCY EQUIPMENT COUNCIL APRVD 06/28/12				1.0000		53380.42
							SUB-TOTAL		53380.42
							TOTAL		53380.42
REMARKS: ATTN.VENDOR: If a similar order has been placed verbally, this P.O. serves as a CONFIRMING ORDER.									
AUTHORIZED BY 						INVOICE PAID		AMOUNT PAID	
PURCHASING OFFICER									
						APPROVED FOR PAYMENT			

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

Report to City Council

TO: Mayor and City Council

FROM: Joel Ontiveros, Chief of Police

AGENDA DATE: January 8, 2013

TITLE: CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) – STEP GRANT

RECOMMENDED ACTION

Recommendations:

1. Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) - STEP Grant in the amount of \$107,824 for the period beginning October 1, 2013 and ending September 30, 2014.
2. Authorize the revenue and expense budgets in the Office of Traffic Safety – Police Fund (Fund 2705) for the STEP Grant in the amounts of \$107,824, respectively, upon approval and acceptance of the grant from OTS.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On December 17, 2012, the Public Safety Sub-Committee granted the Chief of Police permission to apply for this grant and recommended the acceptance of this OTS – STEP Grant opportunity.

BACKGROUND

The City of Moreno Valley is committed to providing for the public safety. The City Council has consistently made sufficient financial support of the Moreno Valley Police Department (MVPD) Traffic Division a top priority. In doing so, the City Council has ensured the MVPD Traffic Division is equipped to ensure and improve Moreno Valley roadway safety.

DISCUSSION

The California OTS recently announced they were accepting grant applications for the Federal Fiscal Year 2013-2014, STEP Grant. This grant is used to fund law enforcement operations to include DUI saturation patrols, DUI warrant sweeps, stakeout operations for known DUI offenders, distracted driving enforcement (cellphone and texting) and primary collision factor (PCF) violation enforcement (red light, speed, stop sign, etc).

If the City Council approves the MVPD application for the California OTS STEP grant, the funding if awarded, will be used to fund approximately 15 DUI saturation patrols; 2 highly publicized Motorcycle Safety enforcement operations to reduce motorcycle collisions resulting a high number of motorcycle incidents or collisions from unsafe speed, DUI, unsafe lane changes; 3 DUI warrant sweep operations; 3 known DUI offender stakeout operations; 37 distracted driving and 37 PCF violation enforcement operations.

If the grant application is approved and the grant awarded, the funds will be used to pay for training and travel for two training courses. Specifically, we will send two officers to a five day "Cavanaugh and Associates" DUI Seminar class which has proven to be a great resource in building the skills necessary to handle DUI cases. Additionally, we will also send six officers to the Vehicular Homicide Seminar which is designed to train prosecutors and law enforcement officers who handle misdemeanor and felony vehicular homicides. The course will assist our law enforcement officers in developing the knowledge and skills necessary to investigate, evaluate, prepare, and handle cases involving vehicular fatalities. Subjects will include California substantive law, collision investigation and reconstruction, post-collision determination of speed, how kinematics can assist in driver identification, understanding expert testimony, cross-examining a defense expert, and basic toxicology.

If the grant application is approved and the grant awarded, we will use the funding for Motivational Media Assemblies (MMA), an international leader in all-school "assembly" events. The media assembly features clips from today's most popular movies, music videos and sports footage. Multi Media Assemblies are generating the highest student responses to character-education and responsibility-improvement messages. Themes included in the media assembly are traffic safety, DUI driving, distracted driving, decision-making, conflict resolution, drug prevention and personal excellence. We would like to show this assembly to our local high school students.

Many of our Traffic Officers are tasked with teaching the public, both students and citizens, on the dangers of drunk/drugged driving so the grant funds will also be used to purchase DVD's/books that will give real stories and scenarios on the dangers of drunk/drugged driving and the aftermath.

ALTERNATIVES

The Council has the following alternatives:

- 1) Approve the application and acceptance (if awarded) of the OTS Grant titled “STEP Grant” for \$107,824. **Staff recommends this alternative.**
- 2) Not approve the application for the OTS Grant titled “STEP Grant.” **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no requirement to match funds associated with this grant. All expenses are reimbursed by the grant. Therefore, the grant is cost neutral as there is no impact to the City General Fund.

Budget appropriations are as follows upon approval and acceptance of the grant:

<u>FUND</u>	<u>BUSINESS UNIT</u>	<u>TYPE</u>	<u>AMOUNT</u>
OTS - POLICE FUND (2705)	60-67-XXXXX-485000 (Fed Grant Oper. Rev.)	REV	\$107,824
OTS - POLICE FUND (2705)	60-67-XXXXX-620320 (Agency Services - County)	EXP	\$107,824

CITY COUNCIL GOALS

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

SUMMARY

The City Council is requested to approve the grant application and authorize acceptance (if awarded) of the California Office of Traffic Safety (OTS) – STEP grant in the amount of \$107,824, for the period beginning October 1, 2013 and ending September 30, 2014 and authorize the revenue and expense budgets in the Office of Traffic Safety – Police Fund (Fund 2705) for the STEP Grant in the amounts of \$107,824, respectively, upon approval and acceptance of the grant from OTS.

NOTIFICATION

N/A

ATTACHMENTS

N/A

Prepared By:
Launa Jimenez
Management Analyst

Department Head Approval:
Joel Ontiveros
Chief of Police

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



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

Report to City Council

TO: Mayor and City Council

FROM: Joel Ontiveros, Chief of Police

AGENDA DATE: January 8, 2013

TITLE: CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) - SOBRIETY CHECKPOINT GRANT

RECOMMENDED ACTION

Recommendations:

1. Approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) - Sobriety Checkpoint Grant in the amount of \$218,467 for the period beginning October 1, 2013 and ending September 30, 2014.
2. Authorize the revenue and expense budgets in the Office of Traffic Safety – Police Fund (Fund 2705) for the Sobriety Checkpoint Grant in the amounts of \$218,467, respectively, upon approval and acceptance of the grant from OTS.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On December 17, 2012, the Public Safety Sub-Committee granted the Chief of Police permission to apply for this grant and recommended the acceptance of this OTS – Sobriety Checkpoint Grant opportunity.

BACKGROUND

The City of Moreno Valley is committed to providing for the public safety. The City Council has consistently made sufficient financial support of the Moreno Valley Police Department (MVPD) Traffic Division a top priority. In doing so, the City Council has ensured the MVPD Traffic Division is equipped to ensure and improve Moreno Valley roadway safety.

The OTS Sobriety Checkpoint Grant program is administered by the University of California Berkeley, Safe Transportation Research and Education Center (Safe TREC) and targets the following enforcement periods:

- December 13, 2013 through January 1, 2014
- August 15, 2014 through September 1, 2014

DISCUSSION

The California OTS recently announced they were accepting grant applications for the Federal Fiscal Year 2013-2014, Sobriety Checkpoint Grant. The MVPD currently operates Driving Under the Influence (DUI) Sobriety Checkpoints on a regular basis, and the City Council has historically permitted the acceptance of this grant to fund the operations. These operations require a great number of resources. The specific resources required vary based on the time of day, day of week and location of the sobriety checkpoint. On average however, a single operation will last 6 hours and consist of 2 sergeants, 18 officers, 4 community service officers, 1 dispatcher, 4 reserve officers, 10 volunteers and 10 explorers. A majority of these personnel are paid for with overtime funding.

Because the grant provides specific funding for overtime, the MVPD can conduct the DUI Sobriety Checkpoint Operations and still provide their normal duties at maximum efficiency. In an effort to improve roadway safety, the grant specifies that some of the deployment must take place during specific time frames throughout the year. The designated enforcement periods coincide with major holiday enforcement periods, where we could see increased instances of impaired driving. The grant also specifies personnel assigned to work these operations must be dedicated to DUI Sobriety Checkpoints.

The funding requested from the Sobriety Checkpoint Grant will cover all overtime costs associated with 18 DUI Sobriety Checkpoint Operations conducted during the year-long campaign. This includes overtime funding for sergeants, officers, community service officers, and dispatchers. Also included in the grant application is the request for funds to purchase required DUI Sobriety Checkpoint related equipment such as: reflective cones, reflective safety vests and hand tally counters. As a requirement of the grant, the MVPD will be required to conduct detailed statistical analysis regarding the enforcement campaign and claim forms will be completed and submitted to the UC Berkeley, Safe TREC.

ALTERNATIVES

The Council has the following alternatives:

- 1) Approve the application for the OTS Grant titled - Sobriety Checkpoint Grant, in the amount of \$218,467 and subsequently accept the grant award from OTS. **Staff recommends this alternative.**

- 2) Decline the application for the OTS Grant titled - Sobriety Checkpoint Grant in the amount of \$218,467. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no requirement to match funds associated with this grant. All expenses are reimbursed by the grant. Therefore, the grant is cost neutral as there is no impact to the City General Fund. Budget appropriations are as follows upon approval and acceptance of the grant:

<u>FUND</u>	<u>BUSINESS UNIT</u>	<u>TYPE</u>	<u>AMOUNT</u>
OTS - POLICE FUND (2705)	60-67-XXXXX-485000 (Fed Grant Oper. Rev.)	REV	\$218,467
OTS - POLICE FUND (2705)	60-67-XXXXX-620320 (Agency Services - County)	EXP	\$218,467

CITY COUNCIL GOALS

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

SUMMARY

The City Council is requested to approve the grant application and authorize acceptance (if granted) of the California Office of Traffic Safety (OTS) - Sobriety Checkpoint Grant in the amount of \$218,467 for the period beginning October 1, 2013 and ending September 30, 2014 and authorize the revenue and expense budgets in the Office of Traffic Safety – Police Fund (2705) for the Sobriety Checkpoint Grant in the amounts of \$218,467, respectively, upon approval and acceptance of the grant from OTS.

Prepared By:
Launa Jimenez
Management Analyst

Department Head Approval:
Joel Ontiveros
Chief of Police

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

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: January 8, 2013

TITLE: ACCEPTANCE OF CYCLE 5 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT AND FUNDING APPROPRIATION FOR ALESSANDRO BOULEVARD AND ELSWORTH STREET INTERSECTION IMPROVEMENT PROJECT
PROJECT NO. 801 0047 70 77

RECOMMENDED ACTION

Recommendations:

1. Accept the California Department of Transportation (Caltrans) Highway Safety Improvement Program (HSIP) Cycle 5 grant award of up to \$760,500 in funds for the Alessandro Boulevard and Elsworth Street Intersection Improvement Project with a City match of \$84,500.
2. Authorize the following appropriations:
 - a. \$760,500 – revenue appropriation (2001-99-99-92001);
 - b. \$845,000 – expense appropriation (2001-70-77-80001) in the Measure A Fund.
3. Amend the Fiscal Year 12/13 Adopted Capital Improvement Plan to include the Alessandro Boulevard and Elsworth Street Intersection Improvement Project as a funded Street Improvement.

BACKGROUND

The Highway Safety Improvement Program was established in 2005 by Federal law as a core Federal-aid program. The overall purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related highway safety improvements. Eligible

expenditures for this competitive grant program are limited to preliminary engineering, right of way acquisition, construction, and reconstruction.

At the July 10, 2012 City Council meeting, City Council approved the submittal of the grant application for the Cycle 5 HSIP. On October 17, 2012, Caltrans announced successful grant applications which included this project in the amount of \$760,500 (90% of the estimated project costs). The project is not currently listed in the Fiscal Year 12/13 Capital Improvement Plan and is currently unfunded.

DISCUSSION

A safety analysis identified a high rate of collisions and substandard infrastructure at the intersection of Alessandro Boulevard and Elsworth Street. In order to address this, the project will:

- Modify the existing traffic signal with improved signal head placement, upgraded vehicle detection, pedestrian countdown timers, and ADA compliant pedestrian push buttons.
- Modify the drainage infrastructure through the intersection such that the existing cross-gutters are replaced with catch basins connected to an existing storm drain system. Removal of the cross-gutters will allow for an enhanced street profile along Elsworth Street, removing the “dips” through the intersection.
- Reconstruct the pedestrian access ramps to be ADA compliant in accordance with City standards.

The proposed improvements at the intersection will improve safety, enhance pedestrian mobility, and reduce congestion.

Per the provisions of the HSIP grant, the City is required to use its own funds to implement the project and then receive reimbursement progress payments.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow the City to receive the Cycle 5 HSIP reimbursement for the project and construct the safety improvements.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will prohibit the City from receiving the Cycle 5 HSIP reimbursement for this project and defer design and construction until a later date.*

FISCAL IMPACT

The Cycle 5 HSIP grant for the Alessandro Boulevard at Elsworth Street intersection improvements will provide for reimbursement of up to \$760,500 (90% of project costs). The City will provide a local match of \$84,500, the total estimated cost to the City upon

reimbursement by Caltrans. Staff is requesting the City Council to approve the \$845,000 appropriation of Measure A funds (Fund 2001) for the design and construction phase of the project. These funds can only be used for transportation related improvements. There is no impact to the General Fund.

PROPOSED APPROPRIATIONS:

Budget Appropriation

Cat.	Fund	Project No (PN) G/L Account (GL)	Type	Original Budget	Proposed Adjustment	Revised Budget
CIP	Measure A Fund (2001)	GL – 2001-99-99-92001-482020	REV	\$2,000,000	\$760,500	\$2,760,500
CIP	Measure A Fund (2001)	PN - 801 0047 70 77-2001-99 801 0047 70 77-2001A-99 GL – 2001-70-76-80001-720199	EXP	\$0 \$0 \$7,949,987	\$84,500 \$760,500 \$845,000	\$84,500 \$760,500 \$8,794,987

FISCAL YEAR 2012/2013 FUNDS AVAILABLE:

Measure A Funds Appropriation

(Account No. 2001-70-77-80001 Project No. 801 0047 70 77) **\$845,000**
 Total **\$845,000**

ESTIMATED PROJECT RELATED COSTS:

Design \$92,000
 Construction \$693,000
 Construction Engineering \$35,000
 Project Administration \$25,000
 Total **\$845,000**

ANTICIPATED PROJECT SCHEDULE:

Receive Caltrans Authorization for Design June 2013
 Complete Design December 2014
 Receive Caltrans Authorization for Construction July 2015
 Complete Construction September 2016

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:

Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

ATTACHMENTS

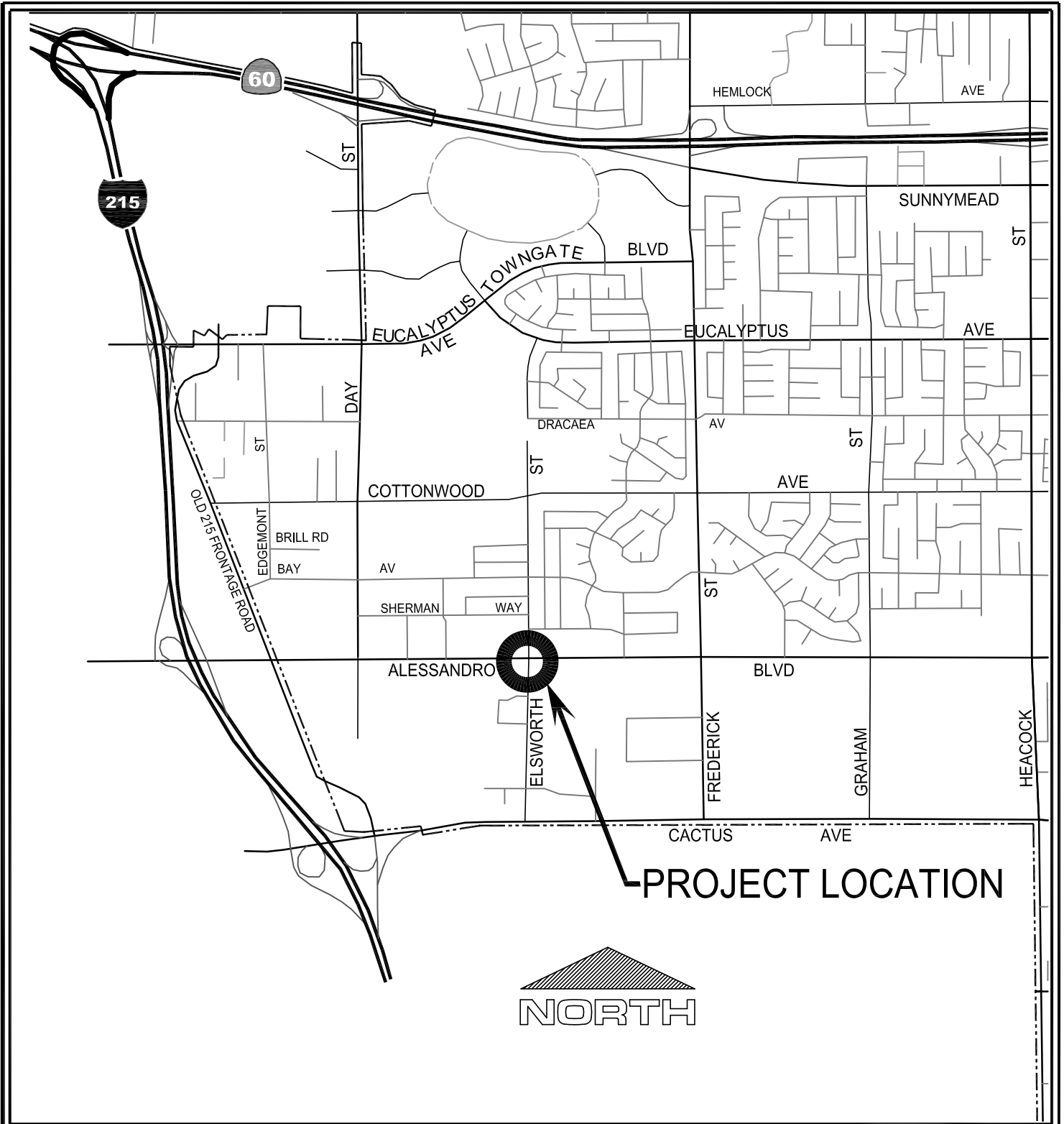
Attachment 1: Location Map

Prepared By:
Michael Lloyd, P.E.
Senior Engineer

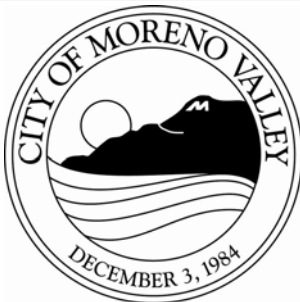
Department Head Approval:
Ahmad R. Ansari, P.E
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

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

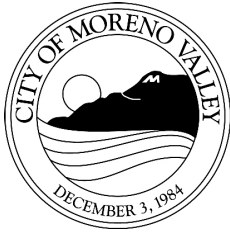


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 User: deepaks



<h1>LOCATION MAP</h1>	
Public Works Department Transportation Division	<h2>ALESSANDRO BOULEVARD AND ELSWORTH STREET INTERSECTION IMPROVEMENT PROJECT</h2>
Scale: None	
ATTACHMENT I	

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: January 8, 2013

TITLE: ACCEPTANCE OF CYCLE 5 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT AND FUNDING APPROPRIATION FOR SUNNYMEAD BOULEVARD AND STATE ROUTE-60 EASTBOUND ON-RAMP INTERSECTION IMPROVEMENT PROJECT
PROJECT NO. 801 0046 70 77

RECOMMENDED ACTION

Recommendations:

1. Accept the California Department of Transportation (Caltrans) Highway Safety Improvement Program (HSIP) Cycle 5 grant award of up to \$433,600 in funds for the Sunnymead Boulevard and State Route-60 Eastbound On-Ramp Intersection Improvement Project with a City match of \$153,400.
2. Authorize the following appropriations:
 - a. \$433,600 – revenue appropriation (2001-99-99-92001);
 - b. \$459,000 – expense appropriation (2001-70-77-80001) in the Measure A Fund.
3. Amend the Fiscal Year 12/13 Adopted Capital Improvement Plan to revise the Sunnymead Boulevard/SR-60 On-Ramp from Perris Boulevard Traffic Signal Project (Page T-15) as a fully funded Street Improvement per the authorized appropriations.

BACKGROUND

The Highway Safety Improvement Program was established in 2005 by Federal law as a core Federal-aid program. The overall purpose of this program is to achieve a

significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related highway safety improvements. Eligible expenditures for this competitive grant program are limited to preliminary engineering, right of way acquisition, construction, and reconstruction.

At the July 10, 2012 City Council meeting, City Council approved the submittal of the grant application for the Cycle 5 HSIP. On October 17, 2012, Caltrans announced successful grant applications which included this project in the amount of \$433,600 (~74% of the estimated project costs). The project is currently listed in the Fiscal Year 12/13 Capital Improvement Plan as the Sunnymead Boulevard/SR-60 On-Ramp from Perris Boulevard Traffic Signal Project and is funded with DIF Traffic Signal funds (Fund 3302) in the amount of \$128,000 for design.

The project is within Caltrans right of way and will require an encroachment permit from Caltrans. Preliminary consultation with Caltrans revealed that, when intersection improvements are proposed, a modern roundabout should be considered as an alternative per agency policy. Based on analysis of the collision types within the intersection, a modern roundabout was determined to be the technically preferred solution to mitigate the collision types. Utilizing DIF Traffic Signal funds for a modern roundabout intersection is consistent with the recently completed DIF nexus update.

DISCUSSION

A safety analysis identified a high rate of collisions at the intersection of Sunnymead Boulevard and the State Route-60 eastbound on-ramp, east of Perris Boulevard. In order to address this, the project will:

- Reconstruct the intersection as a modern roundabout meeting Caltrans standards that includes storm drain infrastructure and raised medians.
- Construct ADA compliant pedestrian access ramps to City standards.
- Install additional street lighting at the intersection.

The proposed improvements at the intersection will improve safety, enhance pedestrian mobility, and reduce congestion.

Per the provisions of the HSIP grant, the City is required to use its own funds to implement the project and then receive reimbursement progress payments.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow the City to receive the Cycle 5 HSIP reimbursement for the project and construct the safety improvements.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will prohibit the City from receiving the Cycle 5 HSIP*

reimbursement for this project and defer design and construction until a later date.

FISCAL IMPACT

The Cycle 5 HSIP grant for the Sunnymead Boulevard and State Route-60 Eastbound On-Ramp Intersection Improvement Project will provide for reimbursement of up to \$433,600 (~74% of project costs). The City will provide a local match of \$153,400, the total estimated cost to the City upon reimbursement by Caltrans. The Sunnymead Boulevard/SR-60 On-Ramp from Perris Boulevard Traffic Signal project funded at \$128,000 from DIF Traffic Signal Capital Projects (Fund 3302) shall be used to cover a portion of the City match with Measure A covering the remaining \$25,400. Staff is requesting the City Council to approve the \$459,000 appropriation of Measure A funds (Fund 2001) for the design, right of way, and construction phases of the project. These funds can only be used for transportation related improvements. The total cost of this project is estimated at \$587,000, and there is no impact to the General Fund.

PROPOSED APPROPRIATIONS:

Budget Appropriation

Cat.	Fund	Project No (PN) G/L Account (GL)	Type	Original Budget	Proposed Adjustment	Revised Budget
CIP	Measure A Fund (2001)	GL – 2001-99-99-92001-482020	REV	\$2,000,000	\$433,600	\$2,433,600
CIP	Measure A Fund (2001)	PN - 801 0046 70 77-2001-99 801 0046 70 77-2001A-99 GL – 2001-70-76-80001-720199	EXP	\$0 \$0 \$7,949,987	\$25,400 \$433,600 \$459,000	\$25,400 \$433,600 \$8,408,987

FISCAL YEAR 2012/2013 FUNDS AVAILABLE:

Sunnymead Boulevard/SR-60 On-Ramp from Perris Boulevard Traffic Signal
 (Account No. 3302-70-77-80001.....Project No. 808 0009 70 77) \$128,000
 Measure A Funds Appropriation
 (Account No. 2001-70-77-80001 Project No. 801 0046 70 77) \$459,000
 Total \$587,000

ESTIMATED PROJECT RELATED COSTS:

Design \$115,000
 Right of Way..... \$35,000
 Construction \$387,000
 Construction Engineering \$30,000
 Project Administration \$20,000
 Total \$587,000

ANTICIPATED PROJECT SCHEDULE:

Receive Caltrans Authorization for Design.....June 2013
 Complete Design.....June 2015
 Receive Caltrans Authorization for Construction.....December 2015
 Complete Construction December 2016

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:

Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

ATTACHMENTS

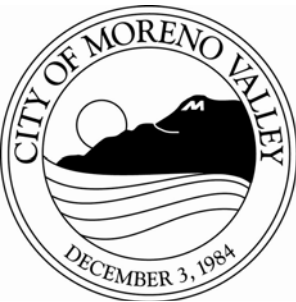
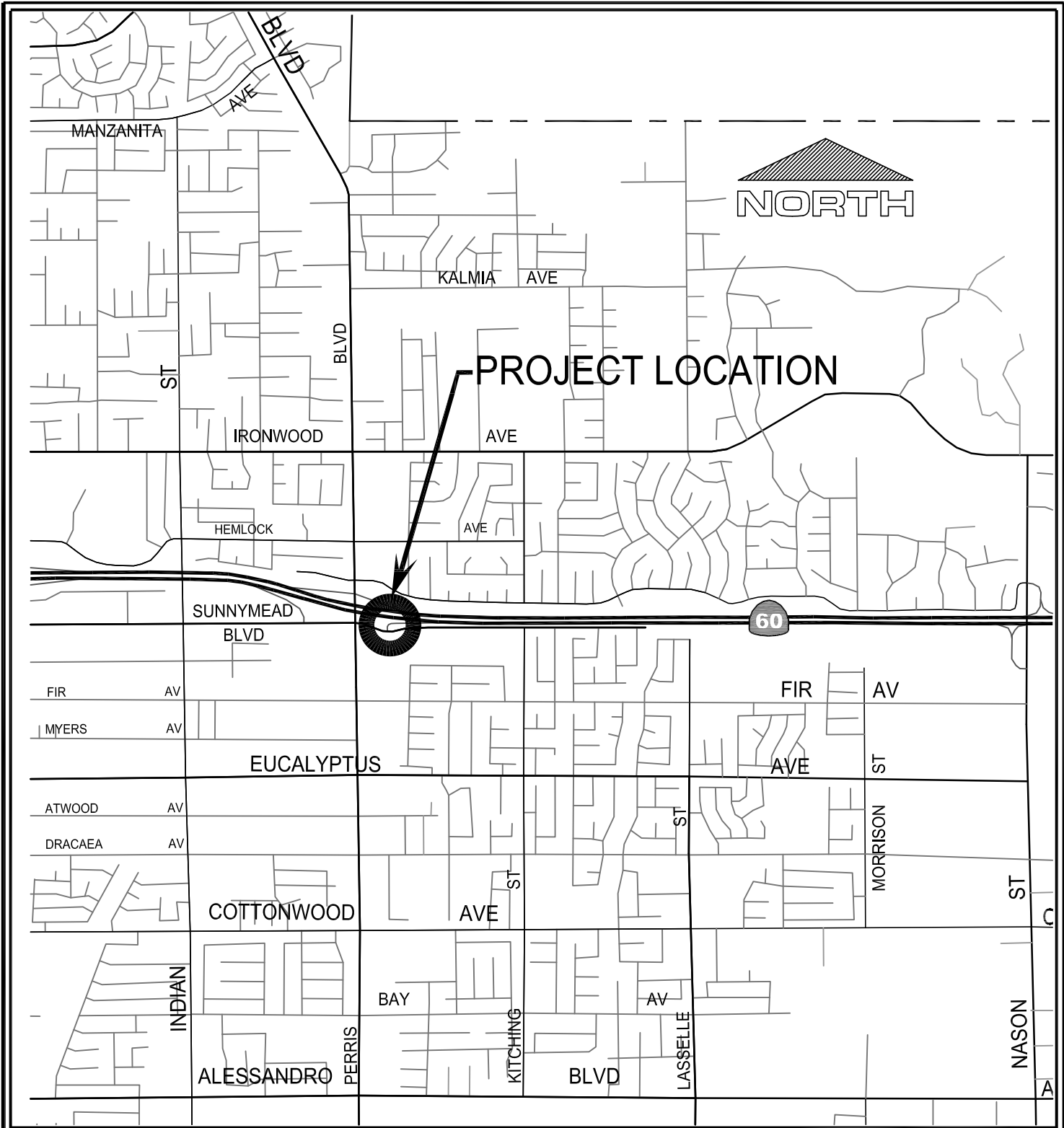
Attachment 1: Location Map

Prepared By:
Michael Lloyd, P.E
Senior 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

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



<h1>LOCATION MAP</h1>	
Public Works Department Transportation Division	<h2>SUNNYMEAD BOULEVARD AND SR-60 EASTBOUND ON-RAMP INTERSECTION IMPROVEMENT PROJECT</h2>
Scale: None	
ATTACHMENT I	

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: January 8, 2013

TITLE: BUDGET RE-APPROPRIATION FOR WAYFINDING AND WELCOME SIGN PROJECT
PROJECT NO. 801 0048 70 77

RECOMMENDED ACTION

Recommendations:

1. Authorize the following budget re-appropriation: \$115,000 – from (1010-70-76-45110) to (1010-70-77-80001).
2. Amend the Fiscal Year 12/13 Adopted Capital Improvement Plan (CIP) to include the Wayfinding and Welcome Sign Improvement Project as a funded Street Improvement, project number 8014 0048 70 77.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

The City has traditionally provided and installed Wayfinding and Welcome to Moreno Valley signs as part of the normal streetscape and traffic operations. The signs, located at key locations throughout the City, have been constructed from standard materials and for the most part, look and function like all other street related signing. However, in an effort to enhance the overall functionality and image of the City signing, staff is proposing to replace the standard signs with decorative upgraded versions. The messages will remain the same, but the look and size of the signs will be modified.

DISCUSSION

Wayfinding signs function to direct the motoring traffic to various public buildings and sites including the Civic Center, Animal Shelter, Library, Corporate Yard, Social Security, March ARB, and the Post Office. These signs are key elements in reducing motorist confusion for people visiting Moreno Valley for the first time, or residents not familiar with the locations. Welcome to Moreno Valley signs provide a friendly and positive message to motorists that the City welcomes all visitors and encourages them to stay and patronize City businesses. With such important attributes, staff feels that the visibility of the signs, as well as the overall image of the City, would be enhanced through the installation of decorative versions of each of the signs.

The initial sign concept and locations were developed by in-house staff. The final design layouts and structural calculations were performed by a local Landscape Architect. Renderings of the proposed design for both the wayfinding and welcome signs are included with this report (see attachment 1).

Through this sign program, six new Welcome to Moreno Valley signs would be installed at key entrance points, primarily located at or near major freeway off ramp locations. A total of twenty-seven wayfinding signs will be installed at various locations along major roadways and will be specific to the intended destinations. To decrease the likelihood of vandalism and graffiti damage to the signs, the program will focus mainly in developed areas of the City.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This will allow the project to move forward to construction.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will not allow the project to be constructed as planned.*

FISCAL IMPACT

During this fiscal year, the Transportation Engineering budget is projected to realize sufficient salary savings by staff working on, and charging eligible time to, special funds associated with various Capital Improvement Projects. It is proposed that these savings be utilized to fund this project. A budget re-appropriation of \$115,000 from General Fund Transportation Engineering to a General Fund CIP budget account would be necessary. With no net budget increase within Transportation Engineering, there will be no impact to the General Fund.

PROPOSED BUDGET RE-APPROPRIATION:

Cat.	Fund	Project No (PN) G/L Account (GL)	Type	Original Budget	Proposed Adjustment	Revised Budget
CIP	General Fund (1010)	GL – 1010-70-76-45110-611110	EXP	\$599,987	\$-115,000	\$484,987
CIP	General Fund (1010)	PN – 801 0048 70 77-1010-99 GL – 1010-70-77-80001-720199	EXP	\$0 \$0	\$115,000 \$115,000	\$115,000 \$115,000

FISCAL YEAR 2012/2013 FUNDS AVAILABLE:

Transportation Engineering - Salaries
(Account No. 1010-70-76-611110)..... \$115,000

ESTIMATED PROJECT RELATED COSTS:

Construction \$100,000
 Construction Engineering \$5,000
 Project Administration \$10,000
 Total \$115,000

ANTICIPATED PROJECT SCHEDULE:

Receive City Council Project Authorization January 2013
 Advertise Project for Construction January 2013
 Complete Construction August 2013

CITY COUNCIL GOALS

The following City Council Goals will be furthered with this action:

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

ATTACHMENTS

Attachment 1 – Sign Renderings

Prepared By:
Eric Lewis
City Traffic Engineer

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

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

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SIGN 1



SIGN 2



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

Report to City Council

TO: Mayor and City Council

FROM: Thomas M. DeSantis, Human Resources Director

AGENDA DATE: January 8, 2013

TITLE: APPROVAL OF SETTLEMENT AGREEMENT WITH ROBERT HANSEN

RECOMMENDED ACTION

Recommendation:

1. Approve the Settlement Agreement with Robert Hansen.

BACKGROUND

On December 27, 2012 the City Council and Robert Hansen reached a General and Special Release and Settlement Agreement. Under terms of that Agreement, it has been placed on the City Council's agenda.

ATTACHMENTS

Attachment 1: Settlement Agreement with Robert Hansen

Prepared By:
Thomas M. DeSantis
Human Resources Director

Department Head Approval:
Thomas M. DeSantis
Human Resources Director

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

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GENERAL AND SPECIAL RELEASE AND SETTLEMENT AGREEMENT

This General and Special Release and Settlement Agreement (hereinafter referred to as "Agreement") is between the City of Moreno Valley, the Moreno Valley Housing Authority, and the Moreno Valley Community Services District, and all of their boards, bureaus, officers, agents and employees ("City") and Robert Hansen ("Hansen").

WHEREAS, Hansen is employed as City Attorney with the City pursuant to a contract of employment made and entered into on the 1st day of January 2010; and

WHEREAS, Hansen is an at-will employee who is currently on a paid leave of absence and may be dismissed by the City Council pursuant to the terms of the contract of employment; and

WHEREAS, Hansen asserts claims against the City but has not filed any legal or administrative action relating to his employment; and

WHEREAS, Hansen and City wish to finally settle and resolve all grievances, disputes, controversies, claims and actions between the parties and all affiliated entities or persons, as well as all direct or indirect successors, officers, officials, directors, heirs, predecessors, assigns, agents, insurers, employees, attorneys and representatives, and each of them, past and present in connection with the above-referenced matters in order to make their peace and avoid the uncertainties of further administrative or judicial review, and the expenses and costs incident thereto:

NOW, THEREFORE, the City and Hansen covenant and agree as follows:

1. Hansen herein submits his irrevocable resignation from City for purposes of retirement effective upon the expiration of six months from the date of the City Council approval in open session of this Agreement. City accepts his resignation. During the six month period prior to the effective date of Hansen's resignation, he shall be on a paid leave of absence entitled to the compensation and benefits provided for by

the employment agreement. He shall perform no work during his leave of absence nor shall he act as City Attorney for the City. He shall abide by the terms of his leave of absence.

2. He shall receive severance upon the effective date of his retirement pursuant to paragraph 4.4 of the contract of employment and elects the lump sum cash payment option. It is understood between the parties hereto that "benefits", pursuant to paragraph 4.4 of the contract of employment, means any and all benefits that Hansen would have received if he had remained a full time employee of City. City shall not impose any furlough deductions from Hansen's salary or benefits payable at that time. At that time, he would be compensated in the normal fashion for any leave benefits that he accrues after the leave payout referenced in paragraph 3, below.

3. City and Hansen agree that within thirty (30) calendar days of City Council approval in open session of this Agreement, City shall pay to Hansen leave benefits accrued as of City Council approval in open session of this Agreement in the normal manner in which leave benefits are cashed out by the City upon retirement.

4. Within thirty (30) calendar days of City Council approval in open session of this Agreement, City shall pay a lump sum payment of one hundred sixty-one thousand (\$161,000) to Hansen in exchange for the release of all of his disputed claim or claims as discussed in more detail in paragraph 9, below. Hansen understands and agrees that he bears the responsibility for payment of taxes, if any, which may become due as a result of this payment.

5. In the mutual interest of the parties to maintain the peace and purpose of this Agreement, Hansen agrees that he will not make any disparaging comments about the City, City Council or City management. He agrees to maintain any information that he has acquired in his capacity as City Attorney on a confidential basis private and confidential. Nothing herein is intended to nor shall limit Hansen's ability to provide non-privileged information to the District Attorney or other law enforcement authorities nor to

comply lawfully with any valid subpoena for non-privileged information. However, to the extent that attorney-client privileged information or documents or proprietary information are sought from him, he will notify the City Attorney to allow appropriate objections to be made. Hansen agrees at all times to maintain his professional obligations to the City.

6. In the mutual interest of the parties to maintain the peace and purpose of this Agreement, City Council members, City management, and the City Attorney agree that they will not make any disparaging comments about Hansen. Nothing herein is intended to nor shall prevent the City, its officials or managers from providing information to the District Attorney or other law enforcement authorities nor to comply lawfully with any valid subpoena or in response to any administrative or legal proceeding in which such information or documentation is placed at issue. If requested by Hansen, current Mayor Richard Stewart will provide Hansen with a letter of recommendation relating to his service as City Attorney.

7. During Hansen's administrative leave, he should refer any financial or employment inquiries regarding his employment to Thomas M. DeSantis, the City's Human Resources Director, who shall provide information that Hansen is employed with the City, along with salary information.

8. The parties understand that this Agreement may be subject to disclosure upon request pursuant to the Public Records Act, and nothing herein is intended to prohibit or limit disclosure of this Agreement as required by law.

9. City and Hansen do hereby and forever release and discharge each and every other party, and any past and/or present affiliated entities or persons, as well as all direct or indirect successors, officers, officials, directors, heirs, predecessors, assigns, agents, insurers, employees, attorneys and representatives, and each of them, past and present, from any and all causes of action, actions, judgments, liens, indebtedness, damages, losses, claims, liabilities, and demands of whatsoever kind or character, known or unknown, suspected to exist or not suspected to exist, anticipated

or not anticipated, whether or not heretofore brought before any state or federal court or before any state or federal agency or other governmental entity, from all claims arising from or related or attributable to his employment or placement on paid administrative leave. This release and discharge includes, but is not limited to, any claims or potential claims of wrongful discharge or discipline, violation of due process, discrimination, harassment, retaliation, violation of his employment contract (except to enforce this Agreement), City rules, policies or procedures, or any other allegedly wrongful conduct by either party in connection with the above-described matters and any costs or attorneys' fees relating thereto.

10. City and Hansen understand and expressly agree that this Agreement shall bind and benefit its/his spouse, children, heirs, agents, attorneys, representatives and assigns.

11. City and Hansen covenant not to sue or initiate against any other party to this Agreement or any person or entity described in this Agreement, any action or proceeding or to participate in same, individually, or as a member of a class, under any policy, contract, law or regulation, federal, state or local, pertaining in any manner whatsoever to the matters described in the paragraphs above. It is anticipated that this covenant precludes the filing of any civil or administrative action or proceeding by Hansen against the City or its agents, employees, and officials. In the event Hansen were to be called as a witness in any criminal, civil or administrative action or proceeding against the City, City may utilize any information in its possession in defense of Hansen's claims or statements.

12. Each party acknowledges that he, she or it has carefully read this Agreement and has been advised fully of the legal and binding effect of its terms. Each party acknowledges that the only promises made to induce him, her, or it to sign this Agreement are those stated herein. Having been fully advised and informed, each party

voluntarily enters into this Agreement and/or the waiver of rights covered by this Agreement.

13. Each party understands, acknowledges, and agrees that this is a compromise settlement of a disputed claim or disputed claims, and that nothing herein shall be deemed or construed at any time or for any purpose as an admission of the merits of any claim or defense.

14. The parties agree to bear their own costs and attorneys fees incurred in connection with all matters resolved by this Agreement, whether or not incurred as of the date of this Agreement.

15. No waiver of any party of any breach of any term or provision of this Agreement shall be construed to be, nor be, a waiver of any preceding, concurrent or succeeding breach of the same, or any other term or provision thereof. No waiver shall be binding unless in writing and signed by the party or individual to be charged or held bound.

16. Should any provision of this Agreement be declared or determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and said illegal or invalid part, term or provisions shall be deemed not to be a part of this Agreement.

17. This Agreement may be executed in one or more counterparts and each such counterpart shall be enforceable as against the signing party upon full execution of the Agreement in counterparts by all parties. A facsimile signature shall be deemed an original signature.

18. Each party and counsel for each party to this Agreement has reviewed this Agreement, and accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting parties will not be employed in any interpretation of this Agreement.

19. This Agreement may be modified upon mutual agreement of the parties in writing.

20. **Specific Acknowledgment Of Waiver Of Claims Under ADEA and OWBPA:**

The Age Discrimination in Employment Act of 1967 ("ADEA") makes it illegal for an employer to discharge any individual or otherwise discriminate with respect to the nature and privileges of an individual's employment on the basis that the individual is age forty or older. The Older Workers Benefit Protection Act ("OWBPA"), 29 USC sections 626, *et seq.*, further augments the ADEA and prohibits the waiver of any right or claim under the ADEA unless the waiver is knowing and voluntary. By entering into this Agreement, Hansen acknowledges that he is knowingly and voluntarily, for just compensation in addition to anything of value of which Hansen was already entitled, waiving and releasing any rights he may have under the ADEA and/or OWBPA.

Hansen further acknowledges that he has been advised and understands, pursuant to the provisions of the ADEA and OWBPA, that:

- a. This waiver/release is written in a manner understood by Hansen.
- b. Hansen is aware of and has been advised by legal counsel of his own choosing of his rights under the ADEA and OWBPA, and of the legal significance of his waiver of any possible claims he currently may have under the ADEA, OWBPA, or similar age discrimination laws. Hansen is hereby advised that he should consult with an attorney prior to executing this Agreement.
- c. Hansen is entitled to a reasonable time of at least 21 days within which to review and consider this Agreement, and the waiver and release of any rights he may have under the ADEA, the OWBPA, or similar age discrimination laws, but he

may, in the exercise of his own discretion, sign or reject this Agreement at any time before the expiration of the 21 day period.

d. The waivers and releases set forth in this Agreement shall not apply to any rights or claims that may arise under the ADEA and/or OWBPA after the effective date of this Agreement.

e. If Hansen signs this Agreement, he shall have seven calendar days thereafter to revoke this Agreement. If Hansen desires to revoke the Agreement, he must give actual notice of revocation to counsel for the City, Debra L. Bray of Liebert Cassidy Whitmore, before the seven-day revocation period expires. Said notice shall be effective only if and when received in writing by Debra L. Bray at 6033 W. Century Boulevard, Suite 500, Los Angeles, California 90045, before the close of business on the seventh calendar day after the Agreement was signed by Hansen.

f. This Agreement shall not be effective nor enforceable until after it is executed by all the parties and after the expiration of the seven day revocation period set forth in the preceding subparagraph.

HANSEN ACKNOWLEDGES BY HIS SIGNATURE THAT HE FULLY UNDERSTANDS HIS RIGHT TO DISCUSS THIS WAIVER WITH LEGAL COUNSEL, THAT HE HAS CAREFULLY READ AND FULLY UNDERSTANDS THE WAIVER, AND THAT HE IS VOLUNTARILY AGREEING TO WAIVE ANY CLAIMS HE HAS OR MAY HAVE UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT AND OLDER WORKERS' BENEFITS PROTECTION ACT.

21. Assuming that Hansen does sign this Agreement and returns it by facsimile or other delivery sufficiently in advance before December 31, 2012 to allow for a special meeting of the City Council, City agrees to submit the Agreement for approval prior to that date.

22. City agrees that its obligations pursuant to this Agreement shall continue in full force and effect even if Hansen is offered and accepts other employment while on paid leave of absence pursuant to paragraph 1 herein.

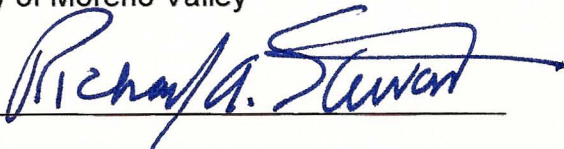
DATED: 27 DEC 2012



Robert Hansen

DATED: 27 DEC 2012

City of Moreno Valley

By 

Mayor

**MINUTES - REGULAR MEETING OF DECEMBER 11, 2012
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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**MINUTES - REGULAR MEETING OF DECEMBER 11, 2012
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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**MINUTES - REGULAR MEETING OF DECEMBER 11, 2012
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: January 8, 2013 (Continued from December 11, 2012)

TITLE: PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3)

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Conduct a Public Hearing to allow the public an opportunity to comment on the proposed Substantial Amendment #1 to FY 2012-13 CDBG Annual Action, Substantial Amendment #2, to the NSP3 Program.
2. Approve the proposed amendments to the NSP3 Program that redefine the Target Areas, clarify the eligible activities within each Target Area, and reallocate funds between HUD-approved NSP3 eligible activities.
3. Approve the re-appropriations and authorize the Financial & Administrative Services Director to process the adjustments.
4. Authorize the City Manager to reallocate NSP3 funds between HUD-approved grant activities.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

In 2008, the federal government approved legislation that provided Community Development Block Grant (CDBG) funding to local governments to address the foreclosure crisis experienced across the nation. The program was known as the Neighborhood Stabilization Program (NSP) and Moreno Valley received an allocation of \$11,390,116 to stabilize neighborhoods with a high percent of foreclosures, homes in default, and homes financed by sub-prime or high-risk mortgages.

On July 21, 2010, the Wall Street Reform and Consumer Protection Act of 2010 (the Dodd-Frank Act) allocated additional NSP assistance. This additional allocation represented the third round of NSP funding and is referred to as NSP3. Moreno Valley was allocated \$3,687,789 in NSP3 funds. Though almost identical in use to the original NSP grant, the City's NSP3 program must conform to specific rules and regulations provided in the Federal Notice issued by the U.S. Department of Housing and Urban Development (HUD) on October 19, 2010. To officially secure the NSP3 grant allocation, the City adopted a Substantial Amendment #1 to the FY 2010-11 Annual Action Plan and submitted the amendment detailing the City's proposed program to HUD; the amendment was approved by HUD in March 2011.

The City commenced the implementation of the NSP3 Program in June 2012. However, significant shifts in the local real estate market have served as impediments to the City's ability to effectively meet the objectives of the NSP Program. Under NSP3, grantees have 2 years from the date HUD signs the grant agreements to expend 50% of the grant funds and 3 years to expend an amount equal to the total grant allocation. Facing the expenditure deadlines, changes in strategy and program implementation are necessary to address the real estate inventory challenges and increase the opportunities to effectively expend the NSP funds within the established timelines.

DISCUSSION

Amendments to Target Areas

When initially devising the NSP3 Program, city staff identified activities to best address the needs of the community while meeting the requirements of HUD to create a "deep targeting" plan. Unlike NSP 1, where most of the City was eligible for identification in a Target Area, HUD required grantees to create target areas that were more succinctly defined and driven by impact scores which is the number of properties to be assisted/affected to make an impact to the area. Per guidance provided by HUD, the impact score must be reasonable and have a direct correlation with the total grant allocation, essentially, the expected outcome or impact, must be achievable with the initial grant funds allocated to the grantee.

The City identified areas that met HUD's "deep-targeting" and Impact Score criteria. To adjust to the ever-changing local real estate market, City Council approved

amendments to the Target Areas in March 2012. Due to the continued changes in inventory resulting in not enough opportunities, staff is proposing to further modify two of the seven existing target areas. Below is a summary of the target areas (modifications are noted within the descriptions). Please see the revised map (Attachment 2) and the Target Area Chart (Attachment 3) for more details:

- Target Area 1: Bounded by Sunnymead Blvd., Frederick St., Dracaea Ave., and Graham St. **THIS TARGET AREA IS NOT BEING AMENDED.**
- Target Area 2: Bounded by Kitching St., Eucalyptus Ave., Cottonwood Ave., and Lasselle St. **THIS TARGET AREA IS NOT BEING AMENDED**
- Target Area 3: Bounded by Sunnymead Blvd., Lasselle St., Kitching St, and Eucalyptus Ave. **THIS TARGET AREA IS BEING ELIMINATED.**
- Target Area 4: Bounded by Cottonwood Ave., Morrison St., Bay Ave., and Lasselle St. **THIS TARGET AREA IS NOT BEING AMENDED.**
- Target Area 5: Bounded by Perris Ave., Filaree Ave., Gentian Ave., and Sheila Ave. **THIS TARGET AREA IS NOT BEING AMENDED.**
- Target Area 6: Bounded by Alessandro Blvd., Courage St., Frederick St., Bay Ave. (includes the Edgemont Area). **THIS TARGET AREA IS BEING AMENDED AND WILL BE IRREGULARLY BOUNDED BY FREDERICK STREET, ALESSANDRO BOULEVARD, COTTONWOOD AVENUE, DAY STREET, EUCALYPTUS AVENUE AND OLD-215 FRONTAGE ROAD.**
- Target Area 7: Bounded by Heacock St. 60FWY, Postal Ave, east of Indian Ave. **THIS TARGET AREA IS NOT BEING AMENDED**

While Target Area #3 will be eliminated (as indicated above), for the sake of consistency, the numeric identification of the other Target Areas will not be revised. Since Target Area #3 has not produced any eligible units for acquisition through the program, a focused effort in this area are no longer required.

To compensate for the elimination of Target Area 3, the City is proposing to expand boundaries of the current Target Area #6. This newly expanded area has been strategically selected and falls under a larger, more comprehensive development plan area defined by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). The modified NSP-designated Target Area will be irregularly bounded by Frederick Street, Alessandro Boulevard, Cottonwood Avenue, Day Street, Eucalyptus Avenue and Old-215 Frontage Road and will encompass the Edgemont area.

In addition to expanding the target area, the City will focus much of the NSP activities toward establishing and operating a land bank. Via the land bank, the City will acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period.

The City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Revitalization Plan". The Edgemont Revitalization Plan will be an initiative that is an aimed coordination of public and private

efforts and resources with the primary objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure that currently serves as an impediment to the development and economic growth of the area. The NSP and bank established for the Edgemont Area will work in concert with the overall development/revitalization plan being developed for the area.

Amendments to Activity Budgets

To assist with the focused-approach being taken in the Edgemont area due to its lack of infrastructure, underdevelopment in some areas, and inability to be developed in other areas, the City will be leveraging NSP funds and other funding sources to address some of the short and long-term economic and housing development opportunities that currently exist. Staff is proposing, however, to modify the current NSP activity allocations to assist with these efforts.

Staff is proposing to reduce the NSP3-Activity 1- Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) by \$850,000 and the NSP3-Activity 2- Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR) by \$250,000; the \$1 million will be reallocated to support other NSP-eligible activities. The NSP3-Activity 4-Demolition will be increased by \$150,000 to \$200,000; \$850,000 will be reallocated to increase the budget for the NSP3-Activity 5-Land banking to \$950,000; and \$100,000 will be reallocated to increase the budget for the NSP3-Activity 6-Redevelopment to \$300,000. Since the current condition of the Edgemont area is not conducive to development, the ability to acquire properties now via an established land bank using NSP funds and redevelop the properties at a later date is imperative to the future vitality, growth, and stabilization of the area.

Amendments to Scope of Activities in Eligible Target Areas

In the City's original NSP3 Substantial Amendment application and Amendment #1, it was indicated that Target Areas #1 through 4 would be focused areas for acquisition of single-family residential properties and Target Areas #5 through 7 would be focused areas for acquisition of multifamily residential properties. This Amendment #2 clarifies the scope of the activities to be undertaken in the designated Target Areas. All Target Areas will be eligible for acquisition/rehabilitation for both single and multi-family housing types, as well as all of the other HUD-approved eligible activities (acquisition/rehabilitation, demolition, land banking, financing mechanism, and redevelopment) identified in the initial NSP3 Substantial Amendment.

The chart below summarizes the amendments to the activity for each target area:

Target Area	Current Program Activity	Amended Program Activity
1	SFR-ARR	All eligible activities
2	SFR-ARR	All eligible activities
3	TARGET AREA ELIMINATED	
4	SFR-ARR	All eligible activities
5	MFR-ARR	All eligible activities
6	MFR-ARR	All eligible activities
7	MFR-ARR	All eligible activities

In addition, staff is proposing to modify some of the program's current parameters as it relates to the acquisition of properties through the single family residential acquisition, rehabilitation, and resale activity. With this amendment, the City of Moreno Valley is proposing to remove the current subsidy limit of \$36,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, especially the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recently as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program must be modified to allow more flexibility as acquisition opportunities become available. These changes will allow the City to maximize its acquisition and rehabilitation efforts, thereby increasing its output and performance.

ALTERNATIVES

1. Approve Substantial Amendment #1 to the FY 2012-13 Annual Action Plan, Amendment #2 to the Neighborhood Stabilization Program 3 (NSP3); approve the Budget Appropriation Adjustment and authorize the Financial & Administrative Services Director to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. **Staff recommends this action because it complies with housing goals as established by the Dodd-Frank Act and adheres to the guidelines provided in the HUD Federal Register Notice, dated October 19, 2010 (Docket No. FR-5447-N-01).**
2. Do not approve Substantial Amendment #1 to the FY 2012-13 Annual Action Plan, Amendment #1 to the Neighborhood Stabilization Program 3 (NSP3); decline to approve the Budget Appropriation Adjustment and decline to authorize the Financial & Administrative Services Director to process the adjustments; and decline to authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. **Staff does not recommend this action because it would result**

in a failure to meet the housing goals established by the Dodd-Frank Act and HUD requirements for NSP3.

FISCAL IMPACT

The NSP3 funds are a HUD grant and do not require any matching funds; NSP3 funds are restricted and exclusively for the use of providing homeownership and rental housing opportunities for households earning up to 120% Area Median Income. THERE IS NO IMPACT ON THE GENERAL FUND.

This amendment will not impact other City funding sources. The Federal Housing and Economic Recovery Act (HERA) does allow for the leveraging of NSP funds with existing HOME or CDBG monies which will be explored during the administration of the NSP3 Program. It is anticipated that the NSP activities could generate revenue or Program Income. Should this occur, the HERA requires that the monies be reapplied to the NSP Program and treated as additional funding, subject to the same expenditure criteria.

However, to effectively modify the activity budgets established during the previous budget cycle, a Budget Appropriation Adjustment must be processed by Finance. Consequently, staff recommends City Council approves the following adjustments, as summarized in the chart below and authorize the Financial & Administrative Services Director to process the adjustments:

Proposed Re-appropriations:

Type	NSP Activity	G/L Account	Project Account	Current Available Budget	Proposed Adjustments	Proposed Activity Budgets
Expense	Activity 1, Single-Family Residential Acq./Rehabilitation/Rental (SFR-ARR)	2507-20-32-72703-733203	New project account to be created	\$1,747,063	-\$850,000	\$897,063
Expense	Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)	2507-20-32-72703-733203	New project account to be created	\$1,121,947	-\$250,000	\$871,947
Expense	Activity 3, Neighborhood Stabilization Homeownership Program (NSHP)	2507-20-32-72703-733203	New project account to be created	\$100,000	\$0	\$100,000
Expense	Activity 4, Demolition	2507-20-32-72703-733203	New project account to be created	\$50,000	\$150,000	\$200,000
Expense	Activity 5, Land banking	2507-20-32-72703-733203	New project account to be created	\$100,000	\$850,000	\$950,000
Expense	Activity 6, Redevelopment	2507-20-32-72703-733203	New project account to be created	\$200,000	\$100,000	\$300,000
Expense	Administration Cap (10%)	2507-20-32-72703-733203	New project account to be created	\$349,653	\$0	\$349,653
	Total Grant Allocations*			\$3,668,663	\$0	\$3,668,663

During the migration from the One World Financial System to the LOGOS System the G/L accounts for each of the NSP activities were consolidated into one account: account number 2507-20-32-72703-733203. Since each activity is treated separately and distinct by HUD, each will need its own sub-account for tracking and reporting purposes, similar to its previous setup in the One World system. The separation of the activity accounts has not been completed; however, since a Budget Appropriation Adjustment will be required to fund the accounts as identified above, staff is requesting the approval of the Budget Appropriation Adjustment by Council now for processing at a later date (upon completion of account setup for each activity).

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

NSP3 funds will enhance the City's ability to stabilize housing and preserve City neighborhoods.

2. PUBLIC SAFETY

The NSP3 activities will directly or indirectly help to provide a secure environment by reducing the number of vacant and abandoned properties in the community.

3. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

The NSP3 activities will help to preserve, rehabilitate and improve the City's existing neighborhoods.

SUMMARY

In accordance with the Wall Street Reform and Consumer Protection Act of 2010, HUD is allocating additional emergency grants to states, cities, and counties to address the foreclosure crisis. The City of Moreno Valley has been allocated \$3,687,789 to implement a third round of Neighborhood Stabilization Program activities (NSP3) within a 36-month timeline. To meet expenditure deadlines, staff is proposing to make modifications to the program.

The modifications include:

- Eliminating the previously established Target Area #3
- Expanding the boundaries of the previously established Target Area #6 to include the entire Edgemont Area. A land bank will later be established to assist with future development planned for the area;
- Clarifying the scope of activities for all program Target Areas; and,
- Adjusting current activity funding allocations.

City Manager is granted the authority to move NSP funds – within a 20% threshold as established by the approved Citizen Participation Plan – between HUD-approved activities if it is found necessary. Should the shifting of funds exceed the 20% threshold, a substantial amendment will be required at that time.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on November 14, 2012. A copy of the draft NSP3 amendment was also available on the City website for public review and comment. The official 15-day public review period occurred from November 26, 2012 through December 10, 2012. Respondents were given the opportunity to provide comments via email, telephone, and fax.

ATTACHMENTS/EXHIBITS

ATTACHMENT 1 Amended Neighborhood Stabilization Program 3 Application
ATTACHMENT 2 Amended NSP3 Target Areas Map
ATTACHMENT 3 NSP3 Target Area Chart

Prepared By:
 Shaniqua Freeman
 Housing Program Coordinator

Department Head Approval:
 Barry Foster
 Community & Economic Development Director

Concurred By:
 Dante Hall
 Business Support & Neighborhood Programs Administrator

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

AMENDMENT #2 TO THE NSP3 SUBSTANTIAL AMENDMENT

DECEMBER 11, 2012

<p>Jurisdiction(s): City of Moreno Valley</p> <p>Jurisdiction Web Address: http://www.moval.org/resident_services/housing/index_housing.shtml</p> <p>Mailing Address: 14177 Frederick St. Moreno Valley, CA 92553</p>	<p>NSP Contacts: Dante G. Hall Redevelopment & Neighborhood Programs Administrator</p> <p>Shanikqua Freeman Housing Program Coordinator</p> <p>Telephone: (951) 413-3450</p> <p>Fax: (951) 413-3459</p> <p>Email: danteh@moval.org shanikquaf@moval.org</p>
<p>Grant Number: B-11-MN-06-0513</p>	

I. Amendment to Area(s) of Greatest Need

In Amendment #1 of the NSP3 Substantial Amendment, the City of Moreno Valley redefined the target areas and identified seven NSP3 areas of greatest need located within the following areas:

- **Target Area 1:** Bounded by Sunnymead Blvd., Frederick St., Dracaea Ave., and Graham St. **NO CHANGE TO THIS TARGET AREA.**
- **Target Area 2:** Bounded by Kitching St., Eucalyptus Ave., Cottonwood Ave., and Lasselle St. **NO CHANGE TO THIS TARGET AREA.**
- **Target Area 3:** Bounded by Sunnymead Blvd., Lasselle St., Kitching St, and Eucalyptus Ave. **THIS AREA WILL BE ELIMINATED WITH THIS AMENDMENT.**
- **Target Area 4:** Bounded by Cottonwood Ave., Morrison St., Bay Ave., and Lasselle St. **NO CHANGE TO THIS TARGET AREA.**
- **Target Area 5:** Bounded by Perris Ave., Filaree Ave., Gentian Ave., and Sheila Ave. This area is more commonly known as “The Shelia” neighborhood. **NO CHANGE TO THIS TARGET AREA.**
- **Target Area 6:** Irregularly bounded by Alessandro Blvd., Courage St., Frederick St., Bay Ave. This area is more commonly known as “The Shoe” neighborhood because of the neighborhood’s distinctive resemblance to a horseshoe. **THIS AREA WILL BE EXPANDED WITH THIS AMENDMENT; SEE DESCRIPTION BELOW.**
- **Target Area 7:** Bounded by Heacock St. 60FWY, Postal Ave, east of Indian Ave. **NO CHANGE TO THIS TARGET AREA.**

With this amendment, the City is proposing to eliminate Target Area #3. As with many markets across the nation, the Moreno Valley real estate market has experienced a drastic shift affecting the availability of inventory eligible for acquisition through the NSP Program. Consequently, Target Area # 3 has not produced as many units as initially anticipated. As a result, the City has determined that focused efforts in this area are no longer required.

To compensate for the elimination of Target Area 3, the City is proposing to expand boundaries of the current Target Area #6, known as “The Shoe” neighborhood. This newly expanded area has been strategically selected and falls under a larger, more comprehensive development plan area defined by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). The modified NSP-designated Target Area will be irregularly bounded by Frederick Street, Alessandro Boulevard, Cottonwood Avenue, Day Street, Eucalyptus Avenue and Old-215 Frontage Road. This target area will continue to include “The Shoe” neighborhood and will encompass the City’s foremost area of greatest need, known as the Edgemont Area.

The Edgemont area is located at the westerly entrance of the City of Moreno Valley. Due to its locale, Edgemont is commonly referred to as a gateway into the city. While the NSRA exists, the City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as “The Edgemont Revitalization Plan”. The Edgemont Revitalization Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure that currently serves as an impediment to the development and economic growth of the area.

Some of the revitalization activities to be implemented through the Edgemont Revitalization Plan as concerted efforts performed by of various departments within the City:

- Organized Neighborhood Clean-ups
- Blight removal through Code Compliance/ Building & Safety Enforcement
- Maximization of land use and development opportunities through rezoning
- Acquisition/rehabilitation of foreclosed single and multi- family residential units for land banking, rental, or resale opportunities

The City’s NSP Programs (both NSP1 and NSP3) will be one of the components of the Edgemont Revitalization Plan used to: 1) remove blight, 2) stimulate neighborhood redevelopment, and 3) create affordable and decent housing opportunities for earning up to 120% Area Median Income. The City will establish and operate a land bank to acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period. **Please note: properties to be held in the land bank will not be exclusive to the Edgemont area. Eligible acquisitions in approved NSP Target Areas will also continued to be pursued and held in the City’s land bank.**

The City will identify properties for the purposes of land banking based upon the following criteria, foreclosed and:

- Undeveloped/vacant parcels, and/or;
- Irregularly shaped, small, undevelopable parcels requiring assembly for development, and/or;

- Parcels with blighted and uninhabitable structures requiring demolish.

During the holding period the properties will be secured, maintained, and insured by city. The costs of the management of the properties will be absorbed by NSP grant funds until the expiration of the grant. Upon expiration, Program Income generated through the other NSP eligible activities, will be used to ensure the continued and effective management of the land banked inventory.

II. Amendment to Activity Budgets

NSP BUDGET	Current Activity Allocations	Proposed Activity Adjustments
NSP3 Total Grant	\$3,687,789	\$3,687,789
NSP3-Activity 1, Single-Family Residential Acq./Rehabilitation/Resale (SFR-ARR)	\$1,747,063	\$897,063
NSP3-Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)	\$1,121,947	\$871,947
NSP3-Activity 3, Neighborhood Stabilization Homeownership Program (NSHP)	\$100,000	\$100,000
NSP3-Activity 4, Demolition	\$50,000	\$200,000
NSP3-Activity 5, Land banking	\$100,000	\$950,000
NSP3-Activity 6, Redevelopment	\$200,000	\$300,000
NSP3 Administration Cap (10%)	\$368,779	\$368,779
Total Proposed Grant Allocations*	\$3,687,789	\$3,687,789
* allocations by activity are subject to change, if adjustments exceed 20% a Substantial Amendment will be processed		

The City is proposing to modify the activity allocation amounts, as indicated above. To assist with the focused-approach being taken in the Edgemont area due to its lack of infrastructure, underdevelopment in some areas, and inability to be developed in other areas, the City will be leveraging NSP funds and other funding sources to address some of the short and long-term economic and housing development opportunities that currently exist.

Staff is proposing to reduce the NSP3-Activity 1- Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) by \$850,000 and the NSP3-Activity 2- Multi-Family Residential Acquisition./Rehabilitation/Rental (MFR-ARR) by \$250,000; the \$1 million will be reallocated to support other NSP-eligible activities. The NSP3-Activity 4-Demolition will be increased by \$150,000 to \$200,000; \$850,000 will be reallocated to increase the budget for the NSP3-Activity 5-Land banking to \$950,000; and \$100,000 will be reallocated to increase the budget for the NSP3-Activity 6- Redevelopment to \$300,000. Since the current condition of the Edgemont area is not conducive to development, the ability to acquire properties now via an established land bank using NSP funds and redevelop the properties at a later date is imperative to the future vitality, growth, and stabilization of the area.

II. Amendment to Activity Descriptions for Activity Number 1- Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) and Activity Number 2 - Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR)

On April 9, 2010, HUD issued Bridge Notice 5321-N-03 which changed the definitions of "foreclosed" and "abandoned". As a result, the new definitions allowed the potential use of short-

sale procedures for the grantee to acquire property directly from the owner. In its original NSP3 Substantial Amendment, and as part of its implementation/administration the City of Moreno Valley indicated that as it had with NSP1, it will continue to acquire NSP-eligible, bank-owned properties only. Given the recent experience with the City's current real estate market and inventory, the City will begin to pursue short-sale options, in conjunction with bank-owned acquisitions.

IV. Amendment to Activity Descriptions for Target Areas for Activity Number 1 Single-Family Residential Acquisition/Rehabilitation/Resale (SFR-ARR) and Activity Number 2- Multi-Family Residential Acquisition/Rehabilitation/Rental (MFR-ARR)

In the City's original NSP3 Substantial Amendment application, it was indicated that Target Areas#1 -4 would be focused areas for acquisition of single-family residential properties and Target Areas #5-7 would be focused areas for acquisition of multifamily residential properties. With this Amendment #2, all Target Areas will be eligible for acquisition/rehabilitation for both single and multi-family housing types, as well as all of the eligible activities (acquisition/rehabilitation, demolition, land banking, financing mechanism, and redevelopment) identified in the initial NSP3 Substantial Amendment.

The chart below summarizes the amendments to the activity for each target area:

Target Area	Current Program Activity	Amended Program Activity
1	SFR-ARR	All eligible activities
2	SFR-ARR	All eligible activities
3	TARGET AREA ELIMINATED	
4	SFR-ARR	All eligible activities
5	MFR-ARR	All eligible activities
6	MFR-ARR	All eligible activities
7	MFR-ARR	All eligible activities

In addition, staff is proposing to modify some of the program's current parameters as it relates to the acquisition of properties through the single family residential acquisition, rehabilitation, and resale activity. With this amendment, the City of Moreno Valley is proposing to remove the current subsidy limit of \$36,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recent as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program must be modified to allow more flexibility if acquisition opportunities become available. These changes will allow the City to maximize its acquisition and rehabilitation efforts, thereby increasing its output and performance.

V. Public Comment

To meet the public noticing requirement, a copy of the draft substantial amendment will be posted on the City of Moreno Valley's website www.moval.org for 15 days from November 26 through December 10, 2012. A Public Notice was advertised in the Press-Enterprise newspaper on November 14, 2012. Public comments will be accepted until 4 p.m. on December 10, 2012. All comments may be submitted via email at NP@moval.org, phone at (951) 413-3450, or fax at (951) 413-3459.

VI. Summary to Public Comments Received

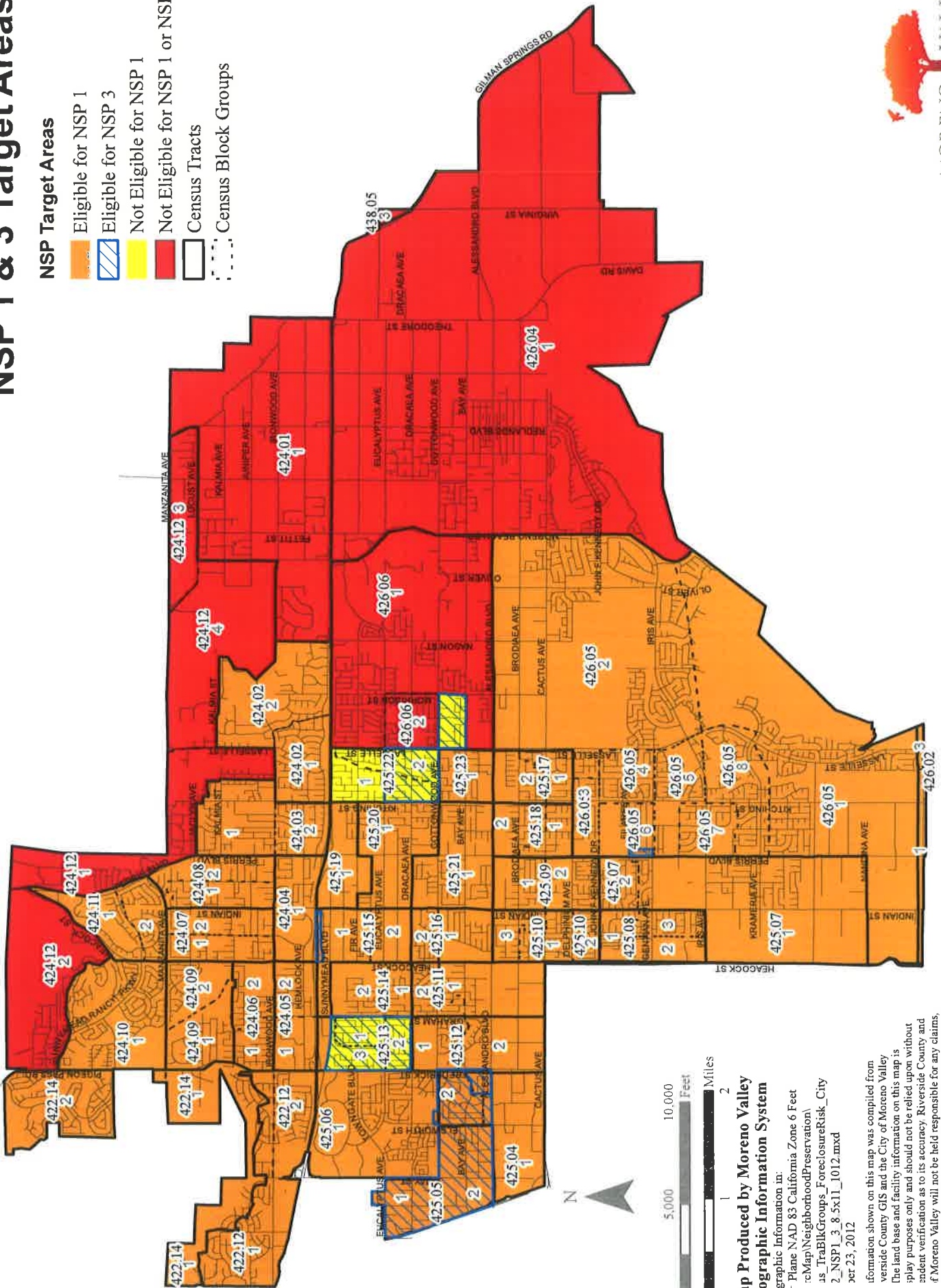
The summary of public comments will be included as an attachment.

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ATTACHMENT 2

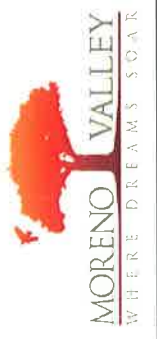
City of Moreno Valley NSP 1 & 3 Target Areas

- NSP Target Areas**
- Eligible for NSP 1
 - Eligible for NSP 3
 - Not Eligible for NSP 1
 - Not Eligible for NSP 1 or NSP 3
 - Census Tracts
 - Census Block Groups









Map Produced by Moreno Valley Geographic Information System
 Geographic Information in:
 c:\Map\NeighborhoodPreservation\as_TraBikGroups_ForeclosureRisk_City_2_NSP1_3_8.5x11_1012.mxd
 per 23, 2012

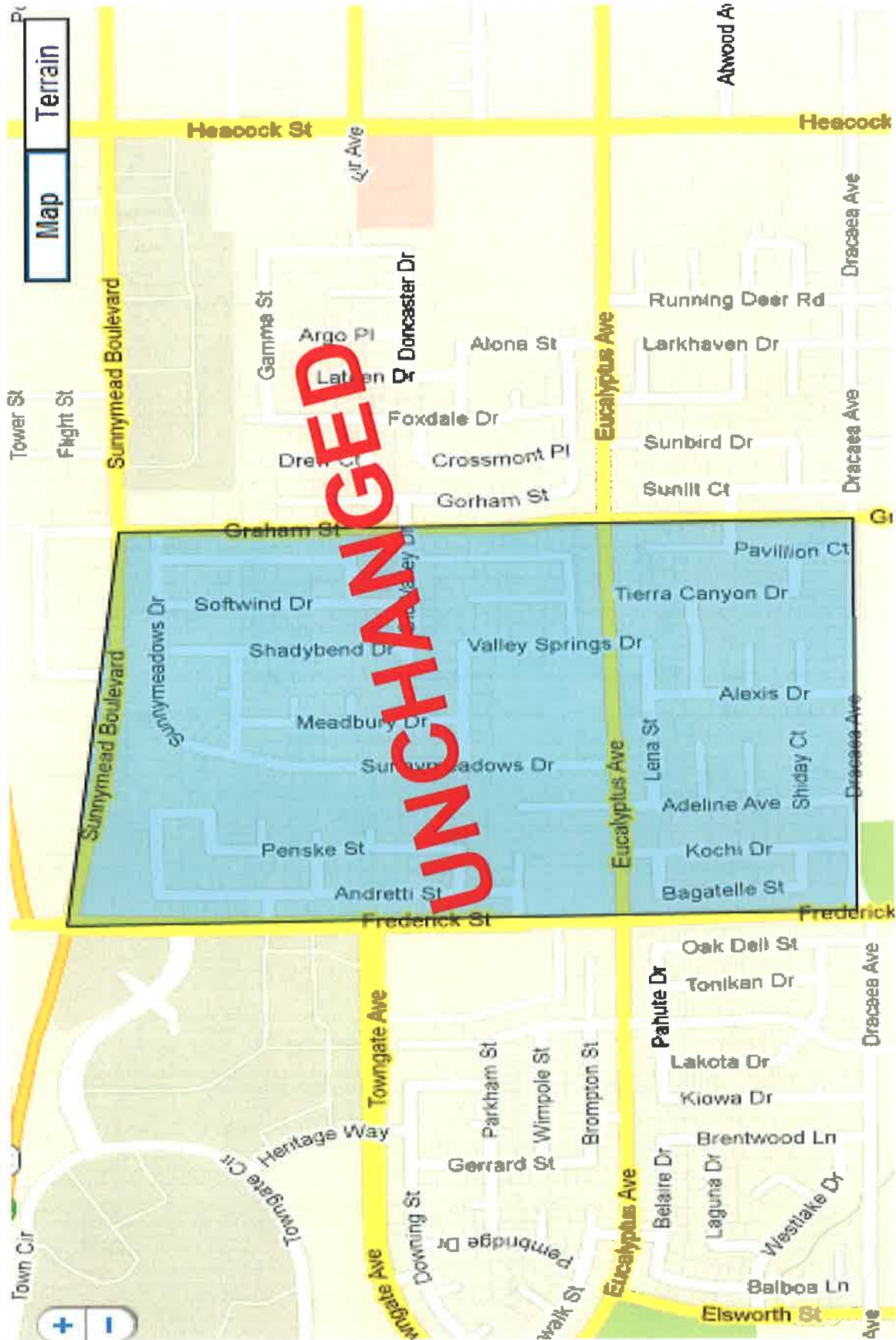
Information shown on this map was compiled from Riverside County GIS and the City of Moreno Valley. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and Moreno Valley will not be held responsible for any claims, or damages resulting from the use of this map. Data reflected on this map was provided by the U.S. Dept. of Housing and Urban Development. The City of Moreno Valley does not accept responsibility for the data.



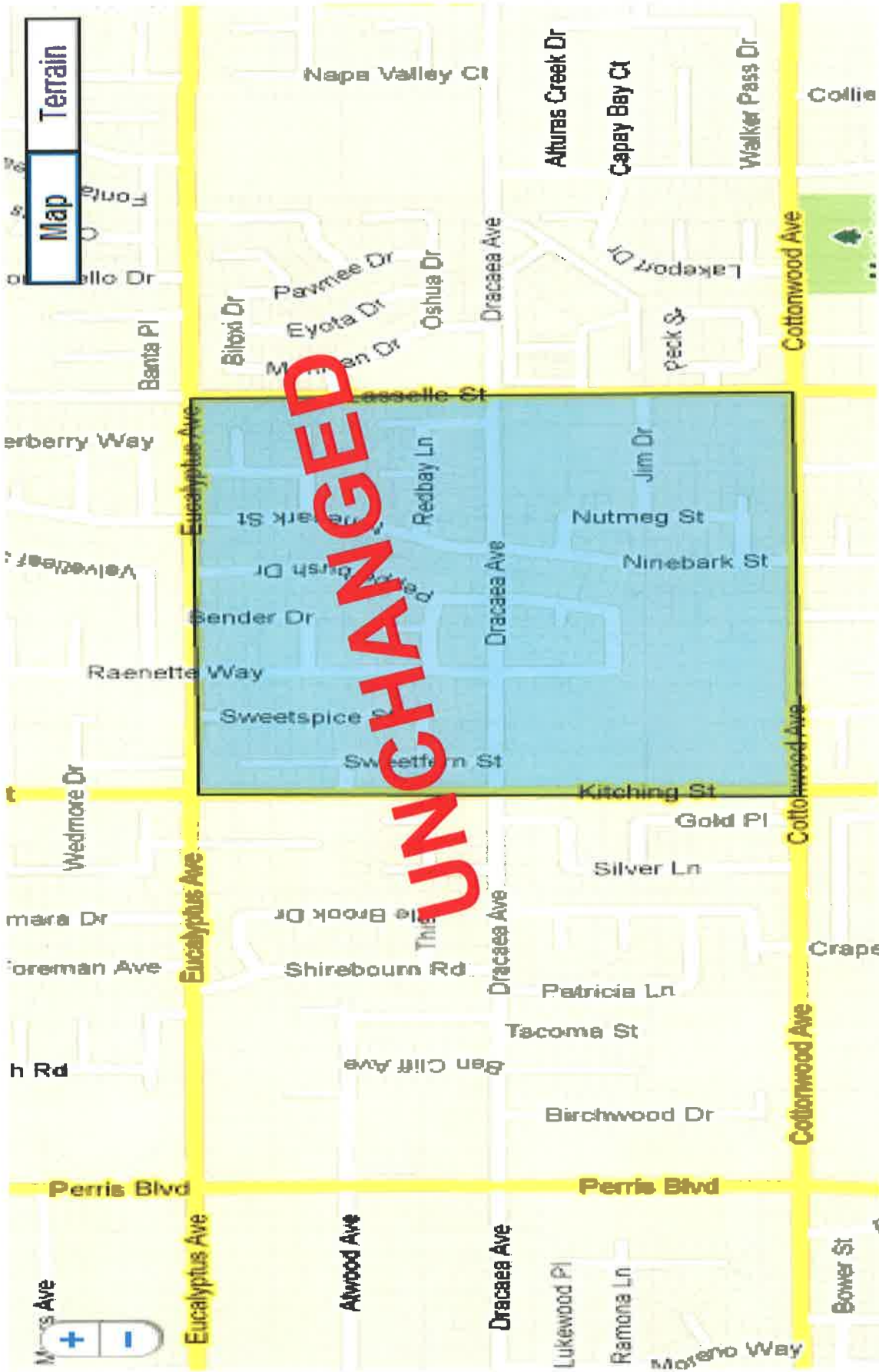
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NSP 3- TARGET AREAS CENSUS TRACTS/BLOCK GROUPS					
Target Area	Program Activities	Boundaries	Census Tract(s)	Block Group(s)	Map of Target Area
#1	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Sunnymead Blvd, Frederick Street, Dracaea Ave., and Graham St.	425.13	1-3	
#2	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Kitching St., Eucalyptus Ave., Cottonwood Ave., and Lasselle St.	425.22	1-2	
#3	THIS TARGET AREA HAS BEEN ELIMINATED				
#4	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Cottonwood Ave., Morrison St., Bay Ave., and Lasselle St.	426.06 425.22	1 1-2	
#5	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Perris Blvd., Filaree Ave., Sheila Ave., and Gentian Ave.	426.05	6	
#6	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Frederick St., Alessandro Blvd., Cottonwood Ave., Day St., Eucalyptus Ave., and Old 215-Frontage	425.04	1	
#7	SFR-ARR, MFR-ARR, Demolition, Redevelopment, Land Banking, Homebuyer Assistance	Postal Ave., east of Heacock St., west of Indian, south of the 60 FWY	425.15	1	

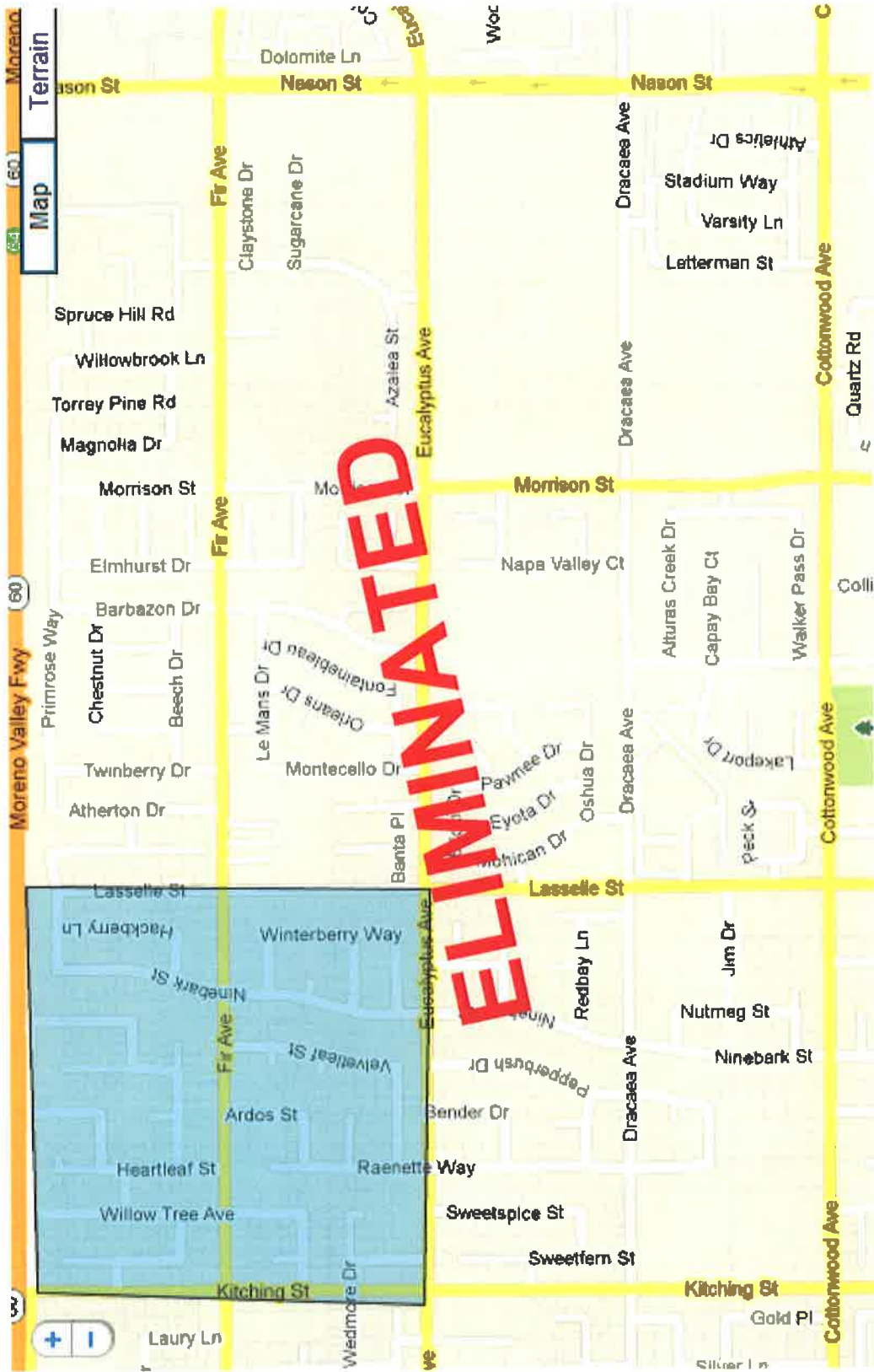
Target Area 1- SFR
Sunnymead Blvd., Frederick St., Dracaea Ave., Graham St.



Target Area 2- SFR
Kitching St., Eucalyptus Ave., Cottonwood Ave., Lasselle St.



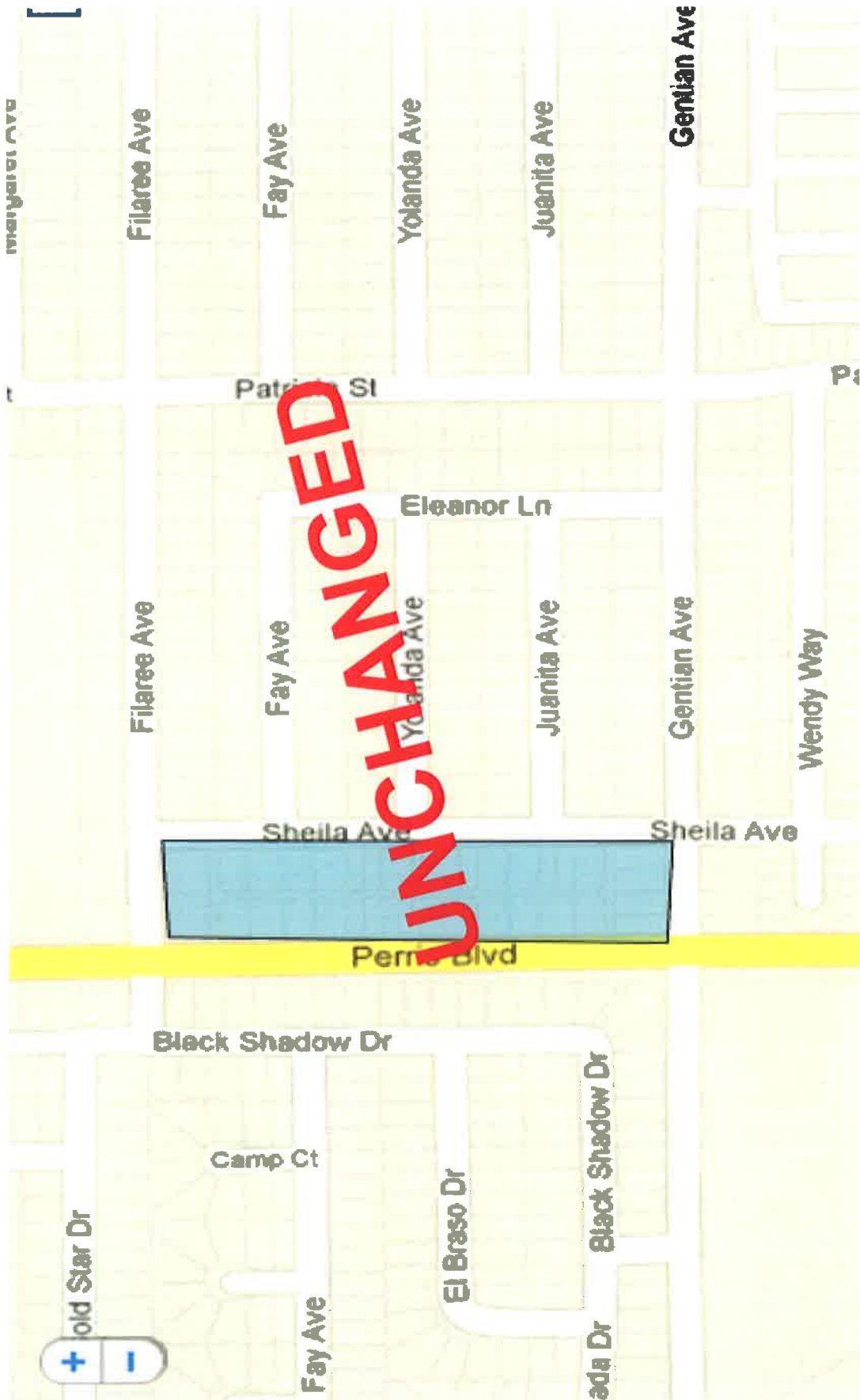
**Target Area 3- SFR
Sunnymead Blvd., Lasselle St., Kitching St., Eucalyptus Ave.
ELIMINATED WITH AMENDMENT #2**



**Target Area 4- SFR
Cottonwood Ave., Morrison St., Bay Ave., Lasselle St.**



**Target Area 5- MFR
Perris Blvd., Filaree Ave., Sheila Ave., Gentian Ave.**

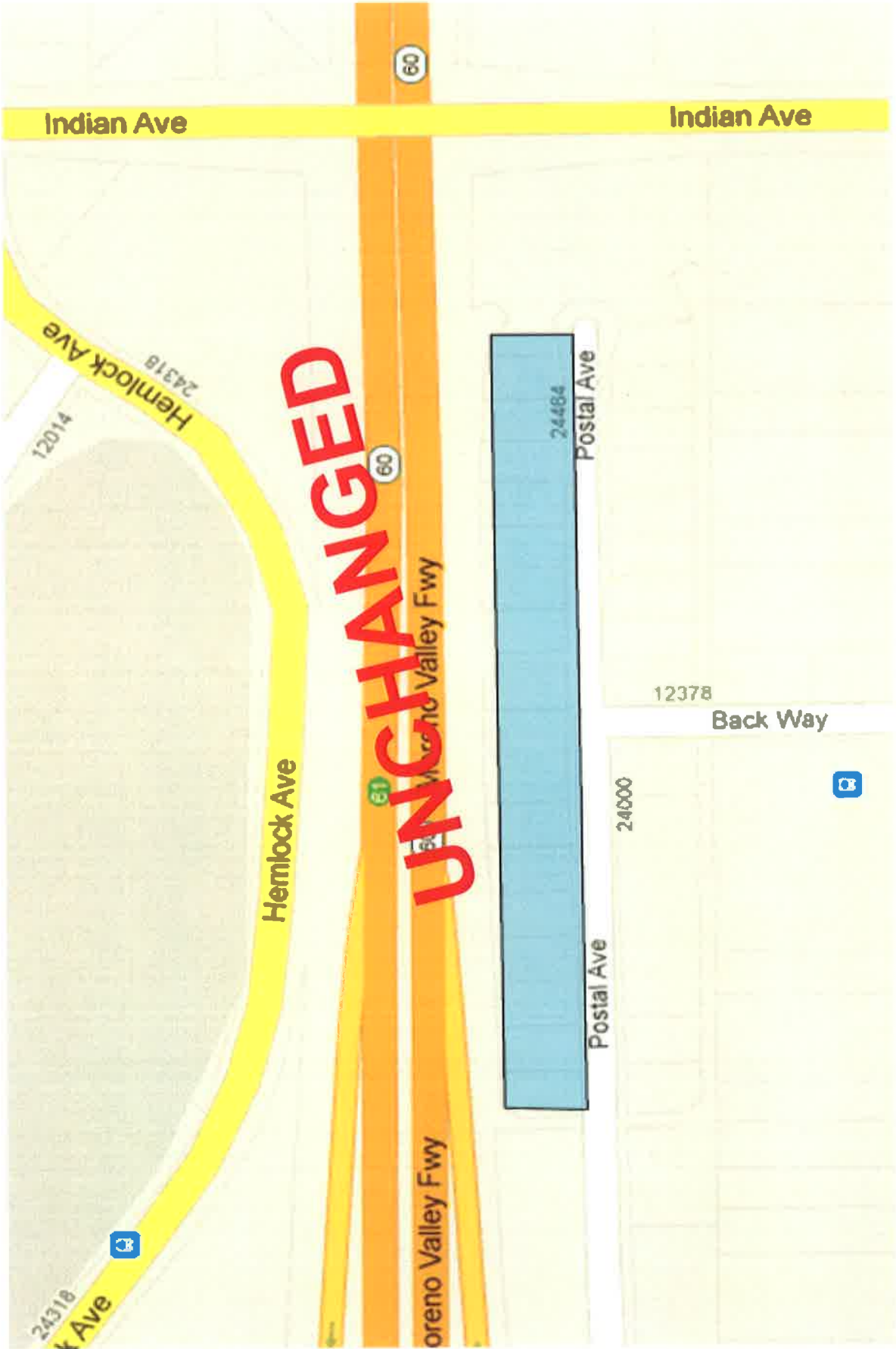


Target Area 6- AMENDED
Frederick St., Alessandro Blvd., Cottonwood Ave., Day St.,
Eucalyptus Ave.- - "EDGEMONT AREA"



amended with Amendment #2

**Target Area 7- MFR
Postal Ave. (e/o Heacock, w/o Indian)**





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

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: January 8, 2013 (Continued from December 11, 2012)

TITLE: PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #2 TO THE FY 2012-2013 CDBG ANNUAL ACTION PLAN, AMENDMENT #2 TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1)

RECOMMENDED ACTION

Recommendations: That the City Council:

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

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On July 20, 2008, the federal government approved legislation that provides Community Development Block Grant (CDBG) funding to local governments to address the foreclosure crisis experienced across the nation. Under the Federal Housing and Economic Recovery Act (HERA) of 2008, \$3.92 billion was being made available to states, counties, and cities in order to stabilize neighborhoods with a high percent of foreclosures, homes in default, and homes financed by sub-prime or adjustable rate loans.

HERA provided the City of Moreno Valley with a CDBG allocation of \$11,390,116 to establish a Neighborhood Stabilization Program (NSP). The program required adherence to specific rules and regulations provided in the HERA statute and stated in a Federal Notice issued by the U.S. Department of Housing and Urban Development (HUD) on September 29, 2008. To officially secure the allocation, in November 2008 the City completed the NSP application, along with conducting a Public Hearing, and adopting the Substantial Amendment to the FY 2008-2009 Action Plan creating the NSP1 Program.

HUD required the City's Neighborhood Stabilization Program to meet certain criteria:

- (1) It must be an 18-month program aimed at assisting low- to moderate-income households (those earning up to 120% of the area's median income).
- (2) It must target the areas of the City most affected by foreclosures, vacant, and abandoned homes.
- (3) 25% percentage of the grant must be used to address the needs of households earning no more than 50% of the area's median income (AMI).
- (4) Program administration costs may not exceed 10% of the NSP allocation.
- (5) NSP funds may only be used for a specific set of activities outlined in the table below:

The Housing, Economic, and Recovery Act of 2008 - Eligible Uses\Activities	
(a)	Establishment of financing mechanisms for the purchase and redevelopment of foreclosed homes and residential properties, including down payment assistance programs such as soft-seconds, loan loss reserves, and shared-equity loans for low and moderate income homebuyers. (INCLUDED IN THE NSP1 PROGRAM)
(b)	Purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop, such homes and properties. (INCLUDED IN THE NSP1 PROGRAM)
(c)	Establishment of land banks for homes that have been foreclosed upon. (NOT INCLUDED IN THE NSP1 PROGRAM)
(d)	Demolishment of blighted structures. (NOT INCLUDED IN THE NSP1 PROGRAM)
(e)	Redevelopment of demolished or vacant properties. (NOT INCLUDED IN THE NSP1 PROGRAM)

At the time of program design, the City defined its NSP1 Program to include only three of the five Eligible Activities. The three primary activities of the program were determined to be Single-Family Residential Acquisition, Rehabilitation and Resale (SFR-ARR), Multi-Family Residential Acquisition, Rehabilitation and Rental (MFR-ARR), and Homebuyer Assistance Program (HAP). Each activity is detailed below:

Activity 1 – Single-Family Residential Acquisition, Rehabilitation and Resale of Single Family Homes (SFR-ARR)

Acquire foreclosed single-family residences and then rehabilitate and resell them to income eligible households earning up to 120% AMI. The City partnered with five residential developers. The five Development Partners acquired 43 single family properties. To date, 38 single-family properties have been resold to income-eligible households; the resales of the properties have generated approximately \$3.5 million of Program Income, which is to be reapplied to the program.

Activity 2 – Multi-Family Residential Acquisition, Rehabilitation, and Rental (MFR-ARR)

Partner with a Community Housing Development Organization (CHDO), non- profit or other residential developer to acquire foreclosed multi-family properties, to undertake rehabilitation, and to rent all of the units to income eligible households. In collaboration with Mary Erickson Community Housing, the City was able to acquire two multi-family apartment buildings totaling 27 units. The units are currently under rehabilitation and will provide rental opportunities for households earning up to 50% Area Median Income.

Activity 3 – Homebuyer Assistance Program (HAP)

Modified the existing Homebuyer Assistance Program to meet NSP requirements. The program provides for down-payment assistance of up to 20% of the purchase price via a deferred, silent-second, 20-year, zero interest mortgage loan. The program was later modified (July 2011) to offer the benefit of loan forgiveness upon loan maturation. Because Moreno Valley already had a first time homebuyer down payment assistance program in place, it was immediately implemented upon receipt of the grant. The down payment assistance program is administered through local mortgage lenders. Since the inception of the NSP Program, the City has provided 7 households with HAP assistance.

Administrative/Planning Costs

The remaining 10% of the grant has been utilized for administration and planning purposes.

DISCUSSION

The City has successfully obligated 100% of the total NSP1 grant and has expended approximate \$9.7 million (84%) of the grant. The 100% expenditure deadline of March 2013 is approaching. It is important to note that during the past 12 months, the real estate market has experienced significant changes in inventory with much fewer

foreclosed or bank-owned homes. As a result, the acquisition opportunities for NSP have diminished greatly. Comparatively speaking, the opportunities are not comparable to those at the commencement of the program. Nevertheless, the City retains the responsibility to continue the stabilization efforts as set forth by the NSP Program by expending the \$3,515,740 million in Program Income (revenue generated from the resale of NSP properties); this amount includes \$3,115,740 million of Program Income already received and approximately \$400,000 estimated to be received through the resale of five units currently in escrow. Should the actual amount of revenues received fall short of the estimated \$400,000, staff will adjust the revenues account accordingly. All Program Income that is generated will be used to administer the current program and newly created program activities. As the Program Income is generated, it will increase the overall grant amount.

To assist with the NSP efforts, staff is proposing to amend the program by modifying some of the program's acquisition criteria and augment the scope of Eligible Uses/Activities for the second phase of NSP1 through the expending of the generated Program Income. With Substantial Amendment #2 (Attachment 1), the City of Moreno Valley will remove the current subsidy limit of \$56,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, especially the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recently as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program must be modified to allow more flexibility as acquisition opportunities become available.

In addition to modifying acquisition criteria, staff is proposing the addition of Eligible Uses/Activities that were not originally included in the program initially. The expansion requires a Substantial Amendment to the NSP1 application that must be approved by HUD. Staff would like to expand the program to include the following HUD-approved Eligible Uses/Activities. These activities will be funded with the Program Income that has and will continue to be generated through the program:

Activity 4- Demolition

Acquire and demolish blighted, unsafe and uninhabitable structures. The vacant parcels will be held in the land bank for redevelopment at a later date.

Activity 5- Land Banking

Establish land bank(s) to hold homes and vacant parcels that have been foreclosed upon. The land bank will also hold parcels that were rendered vacant due to demolition activities achieved through Activity 4 listed above. All properties held in the land bank will be redeveloped at a later date.

Activity 6- Redevelopment

Used to accomplish the eventual redevelopment of properties held in the land bank and/or rendered vacant as a result of demolition. This activity is similar to what the City's former RDA accomplished.

The City is currently processing a Substantial Amendment to the NSP3 Application redefining some of its NSP3 Target Areas by eliminating one of the most underperforming areas that has not been conducive to the program's productivity. In addition, it is expanding the target areas that have the highest propensity for continued success.

This newly expanded area has been strategically selected and will fall under a larger, more comprehensive development plan area defined later by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). This target area will encompass one of the City's foremost area of greatest need, the Edgemont Area. The Edgemont area is located at the westerly entrance of the City of Moreno Valley. While the NSRA exists, the City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Plan". The Edgemont Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure that currently serves as an impediment to the development and economic growth of the area.

Some of the revitalization activities to be implemented through the Edgemont Plan as concerted efforts performed by of various departments within the City:

- Organized Neighborhood Clean-ups
- Blight removal through Code Compliance/ Building & Safety Enforcement
- Maximization of land use and development opportunities through rezoning
- Acquisition/rehabilitation of foreclosed single and multi- family residential units for land banking, rental, or resale opportunities

The City's NSP Programs will be one of the components of the Edgemont Revitalization plan used to: 1) remove blight, 2) stimulate neighborhood redevelopment, and 3) create affordable and decent housing opportunities. The City will establish and operate a land bank to acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period.

The expansion of Eligible Uses C-E (Demolition, Land Banking, and Redevelopment) in the NSP1 Program will allow the City to leverage NSP1 activities/funds along with NSP 3 funds to fully implement the long-term revitalization of the Edgemont Area, while meeting expenditure deadlines and performance measures as established by HUD for NSP.

ALTERNATIVES

1. **Alternative 1.** Adopt Substantial Amendment #2 to the FY 2012-13 Annual Action Plan, Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1); approve the Revenue and Expense Appropriations and authorize the Financial & Administrative Services Director to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. **Staff recommends this action because it complies with housing goals as established by the 2008 Housing, Economic, and Recovery (HERA) Act and allows greater flexibility with administration of the NSP1 Program.**

2. **Alternative 2:** Decline to adopt Substantial Amendment #2 to the FY 2012-13 Annual Action Plan, Amendment #2 to the Neighborhood Stabilization Program 1 (NSP1); decline to approve the Revenue and Expense Appropriations and decline to authorize the Financial & Administrative Services Director to process the adjustments; and decline to authorize the City Manager to reallocate grant funds between HUD-approved NSP3 grant activities. **Staff does not recommend this action because it would result in a failure to meet the housing goals established by 2008 Housing, Economic, and Recovery (HERA) Act requirements for the NSP1 Program and inhibit the flexibility needed to effectively administer the program.**

FISCAL IMPACT

The NSP funds are a HUD grant and do not require matching funds. Therefore, **THERE IS NO IMPACT TO THE GENERAL FUND.** The Federal Housing and Economic Recovery Act does allow for the leveraging of NSP funds with existing HOME or CDBG monies. The funds proposing to be utilized to fund the stated activities were generated as Program Income through the administration of the NSP1 Program. HERA requires Program Income to be reapplied to the NSP program and treated as additional funding, subject to the same expenditure criteria. Below is a summary of the NSP Program Income allocations, per activity.

Proposed Appropriations:

Type	NSP Activity	G/L Account	Project Account	Amount
Revenue	Program Income	2507-20-32-72701-485010	New project account to be created	\$3,515,740
Expense	Activity 1, Single-Family Residential Acq./Rehabilitation/Resale (SFR-ARR)	2507-20-32-72703-733201	New project account to be created	\$1,535,231
Expense	Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)	2507-20-32-72703-733201	New project account to be created	\$778,935
Expense	Activity 3, Homebuyer Assistance Program (HAP)	2507-20-32-72703-733201	New project account to be created	\$150,000
Expense	Activity 4, Demolition	2507-20-32-72703-733201	New project account to be created	\$100,000
Expense	Activity 5, Land banking	2507-20-32-72703-733201	New project account to be created	\$500,000
Expense	Activity 6, Redevelopment	2507-20-32-72703-733201	New project account to be created	\$100,000
Expense	Administration Cap (10%)	2507-20-32-72703-733201	New project account to be created	\$351,574

The funds added to Activities 1-3 are in addition to the initial grant fund allocations that have already been obligated and/or expended. The allocations for Activities 4-6, are being funded through the use of Program Income. Program Income generated during the administration of the program is added to the original grant amount, thereby increasing the overall grant budget.

Pursuant to NSP guidelines, 25% of the Program Income generated as a result of NSP activities is to be allocated to continue providing housing opportunities to the LH-25 population (households at or below 50% Area Median Income). The City's current NSP Program, services this population by providing affordable rental opportunities in multi-family residential settings. The City will continue to focus its efforts to serve the LH-25 population with rental opportunities and utilize Program Income to accomplish this.

Since budgets for the newly created activities do not exist, they will have to be created. During the migration from the One World Financial System to the LOGOS System the G/L accounts for each of the NSP activities were consolidated into one account; account number 2507-20-32-72701-733201. Since each activity is treated separately and distinct by HUD, each will need its own sub-account for tracking and reporting purposes, similar to the previous setup in One World. The separation of the accounts has not been completed; however, since a Revenue and Expense Appropriations will be required to fund the accounts as identified above, staff is requesting the approval of the Revenue and Expense Appropriations by Council now for processing at a later date (upon completion of account setup for each activity).

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

NSP funds will enhance the City's ability to stabilize housing and preserve City neighborhoods.

2. PUBLIC SAFETY

NSP activity will directly or indirectly help to provide a secure environment for by reducing the number of vacant and abandoned properties in the community.

3. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

The NSP program will help to preserve, rehabilitate and improve the City's existing neighborhoods. Improving the street will also increase the attractiveness of the City to existing /potential residents, and retailers.

SUMMARY

Through the Housing and Economic Recovery Act of 2008, HUD provided emergency CDBG grants to states, cities, and counties to address the foreclosure crisis. The City of Moreno Valley had been allocated \$11,390,116 to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low- to moderate-income households, while targeting the City's areas most affected by foreclosures. Since 2009, the City of Moreno Valley has been implementing NSP Program and has made substantial progress meeting obligation and expenditure deadlines. To date the City has obligated 100% of the initial grant funds and has expended approximately 84% of the total grant funds. With Development Partners, the City has acquired 43 single family residential units and resold 38 of them to income-eligible households. From the proceeds of the sales, approximately \$3.5 million dollars of Program Income has been generated. Pursuant to NSP guidelines, Program Income must be reapplied to the implementation of the program. Since the commencement of the program, the Moreno Valley real estate market has experienced changes that have affected available scope of the eligible activities by amending the program design to include the following activities:

- **Demolition**
- **Land Banking**
- **Redevelopment**

The funding of the new activities will be from Program Income that has been generated through program implementation. The expansion of the program, will allow for continued successful program administration.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on October 29, 2012. A copy of the draft NSP3 amendment was also available on the City website for public review and comment. The official 15 day public review period occurred from October 29 to November 12, 2012. Respondents were given the opportunity to provide comments via email, telephone, and fax.

ATTACHMENTS/EXHIBITS

ATTACHMENT 1 Substantial Amendment #2 to NSP1 Application

Prepared By:
Shaniqua Freeman
Housing Program Coordinator

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
Dante G. Hall
Business Support & Neighborhood
Programs Administrator

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

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AMENDMENT #2 TO THE NSP1 SUBSTANTIAL AMENDMENT

DECEMBER 11, 2012

<p><u>Jurisdiction(s):</u> City of Moreno Valley</p> <p><u>Jurisdiction Web Address:</u></p> <p>http://www.moval.org/resident_services/housing/index_housing.shtml</p> <p><u>Mailing Address:</u> 14177 Frederick St. Moreno Valley, CA 92553</p>	<p><u>NSP Contacts:</u> Dante G. Hall Redevelopment & Neighborhood Programs Administrator</p> <p>Shaniqua Freeman Housing Program Coordinator</p> <p><u>Telephone:</u> (951) 413-3450</p> <p><u>Fax:</u> (951) 413-3459</p> <p><u>Email:</u> danteh@moval.org shaniquaf@moval.org</p>
<p>Grant Number: B-08-MN-06-0513</p>	

I. Amendment to Approved Eligible Uses/Activities

Pursuant to the Housing, Economic, and Recovery Act of 2008, Eligible Uses/Activities of NSP funds are as follows:

The Housing, Economic, and Recovery Act of 2008 - Eligible Uses/Activities	
(a)	Financing Mechanisms - Establishment of financing mechanisms for the purchase and redevelopment of foreclosed homes and residential properties, including down payment assistance programs such as soft-second, loan loss reserves, and shared-equity loans for low and moderate income homebuyers.
(b)	Acquisition/Rehabilitation - Purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop, such homes and properties.
(c)	Land banking - Establishment of land banks for homes that have been foreclosed upon.
(d)	Demolition - Demolishment of blighted structures.
(e)	Redevelopment - Redevelopment of demolished or vacant properties.

In the original NSP1 Substantial Amendment, the City of Moreno Valley indicated that the scope of its NSP Program activities would be limited to Eligible Uses A (Financing Mechanisms) and B (Acquisition/Rehabilitation), as defined above. Since the commencement of the NSP1 Program, the City has successfully committed 100% of its \$11,390,116 grant allocation and has expenditure approximately \$9.7 million (84%). To

date, the City is on schedule to expend the totality of the initial grant funds by the March 2013 expenditure deadline.

During the course of program administration, the City has generated approximately \$3.1 million in Program Income and is anticipating an additional \$400,000 in Program Income with the five single family properties currently in escrow. Pursuant to NSP guidelines, the Program Income will be reapplied into the program to continue neighborhood stabilization efforts. Given recent changes in the local Moreno Valley real estate market which has drastically affected inventory availability, staff is proposing to refine the program in the efforts to continue its success, while being able to respond to the changes and challenges present in the currently market.

Staff is proposing to modify some of the program's parameters and augment the scope of Eligible Uses/Activities for the second phase of NSP1 through the expending of the generated Program Income. With this amendment, the City of Moreno Valley is proposing to remove the current subsidy limit of \$56,000 and the minimum rehabilitation requirement of \$15,000. Initially, the City's approach to property acquisition was to exclusively acquire properties that required substantial rehabilitation, while meeting the minimum 1% discount requirement and staying within the established subsidy limit. Given the changes in the real estate market, especially the limited availability of inventory, and virtually non-existent discounts provided by the banks, this approach has not been as successful recently as it had been in the past. The City and its Development Partners have found it extremely challenging to identify properties that meet all of the City's requirements will complying with the discount requirements as imposed by HUD. As a result, the program will be modified to allow more flexibility as acquisition opportunities become available.

The City of Moreno Valley is also proposing the inclusion of Eligible Uses C through E (as defined above) into its NSP 1 Program. The City is currently redefining some of its NSP3 Target Areas by eliminating one of the most underperforming areas that has not been conducive to the program's productivity. In addition, it is expanding the target areas that have the highest propensity for continued success. This newly expanded area has been strategically selected and falls under a larger, more comprehensive development plan area defined by the city in a HUD-approved Neighborhood Revitalization Strategy Area (NRSA). This target area will encompass the City's foremost area of greatest need, known as the Edgemont Area. The Edgemont area is located at the westerly entrance of the City of Moreno Valley. Due to its locale, Edgemont is commonly referred to as a gateway into the city.

While the NSRA exists, the City is currently developing a strategy specifically for the Edgemont Area, hereinafter referred to as "The Edgemont Revitalization Plan". The Edgemont Revitalization Plan will be an initiative that is an aimed coordination of public and private efforts and resources with the primary of objective of creating private development opportunities while creating new housing opportunities and stabilizing the current housing market in the area. The plan will be devised to be an interdepartmental and interagency collaboration focused on the remediation of the dilapidated and substandard infrastructure

that currently serves as an impediment to the development and economic growth of the area.

Revitalization activities to be implemented through the Edgemont Revitalization Plan as concerted efforts performed by of various departments within the City:

- Organized Neighborhood Clean-ups
- Blight removal through Code/ Building & Safety Enforcement
- Maximization of land use and development opportunities through rezoning
- Acquisition/rehabilitation of foreclosed single and multi- family residential units for land banking, rental or resale opportunities

The City's NSP Programs (both NSP1 and NSP3) will be one of the components of the Edgemont Revitalization Plan used to: 1) remove blight, 2) stimulate neighborhood redevelopment, and 3) create affordable and decent housing opportunities for earning up to 120% Area Median Income. The City will establish and operate a land bank to acquire, demolish, manage, assemble, and redevelop residential vacant land and/or properties that have been foreclosed upon; the properties held in the land bank will be held future redevelopment to occur before the expiration of the 10-year holding period. **Please note: properties to be held in the land bank will not be exclusive to the Edgemont area. Eligible acquisitions in approved NSP Target Areas will also continued to be pursued and held in the City's land bank.**

The City will identify properties for the purposes of land banking based upon the following criteria, foreclosed and:

- Undeveloped/vacant parcels, and/or;
- Irregularly shaped, small, undevelopable parcels requiring assembly for development, and/or;
- Parcels with blighted and uninhabitable structures requiring demolish.

During the holding period the properties will be secured, maintained, and insured by city. The costs of the management of the properties will be absorbed by NSP grant funds until the expiration of the grant. Upon expiration, Program Income generated through the other NSP eligible activities, will be used to ensure the continued and effective management of the land banked inventory.

The inclusion of Eligible Uses C-E in the NSP1 Program will allow the City to leverage NSP1 activities/funds with NSP 3 activities/funds – as well as other available funding sources – to implement the long-term revitalization development plan for the Edgemont Area, while meeting expenditure deadlines and performance measures as established by HUD.

II. Eligible Uses/Activities Allocations

Pursuant to NSP guidelines, 25% of the Program Income generated as a result of NSP activities is to be allocated to continue providing housing opportunities to the LH25

population, which are households at or below 50% Area Median Income. The City's current NSP Program, services this population by providing affordable rental opportunities in multi-family residential settings. The City will continue to focus its efforts to serve LH25 with rental opportunities. The City would like to fund the existing Eligible Activities (SFR-ARR, MFR-ARR, and HAP) and newly added Eligible Activities (Demolition, Land banking, and Redevelopment).

Since the current condition of the Edgemont area is not conducive to development, the ability to acquire properties now via an established land bank using NSP funds- and other available resources- and redevelop the properties at a later date is imperative to the future vitality, growth, and stabilization of the area.

The chart below summarizes how the funds generated from Program Income that will be used for each activity:

<u>NSP BUDGET</u>	Program Income Allocations
<u>NSP1 PROCEEDS FROM SALES *</u>	<u>\$3,515,740</u>
NSP3-Activity 1, Single-Family Residential Acq./Rehabilitation/Resale (SFR-ARR)	\$1,535,231
NSP3-Activity 2, Multi-Family Residential Acq./Rehabilitation/Rental (MFR-ARR)**	\$778,935
NSP3-Activity 3, Homebuyer Assistance Program (HAP)	\$150,000
NSP3-Activity 4, Demolition	\$100,000
NSP3-Activity 5, Land banking	\$500,000
NSP3-Activity 6, Redevelopment	\$100,000
NSP3 Administration Cap (10%)	\$351,574
Total Proposed Allocations***	\$3,515,740
<small>*Amount of Proceeds from Sales includes \$400,000 of estimated revenue projected to be generated by the remaining 5 SFR units currently in escrow. **Activity 2, MFR-ARR will, by default, receive no less than 25% of PI generated ***Allocations by activity are subject to change, if adjustments exceed 20% a Substantial Amendment will be processed</small>	

The funding allocations above represent Program Income increases to the initial activity budgets funded through by the original grant funds.

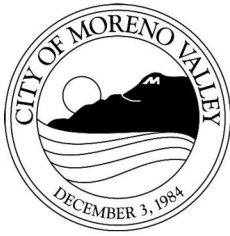
III. Public Comment

To meet the public noticing requirement, a copy of the draft substantial amendment will be posted on the City of Moreno Valley's website www.moval.org for 15 days from November 26, 2012 through December 10, 2012. A Public Notice was advertised in the Press-Enterprise newspaper on November 14, 2012. Public comments will be accepted until 4 p.m. on December 10, 2012. All comments may be submitted via email at NP@moval.org, phone at (951) 413-3450, or fax at (951) 413-3459.

IV. Summary to Public Comments Received

The summary of public comments will be included as an attachment.

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

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community Economic Development Director

AGENDA DATE: January 8, 2013

TITLE: SR 60-EAST OVERLAY AREA FOR HIGHEST & BEST LAND USES

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Discuss the idea of retaining a planning consultant to prepare a study to establish an Overlay Area along the SR 60-East area to help determine the highest & best land uses along the largely undeveloped freeway corridor.
2. Approve the budget appropriation of \$50,000 from General Fund fund balance for the purpose of retaining a planning consultant for the SR 60-East Overlay corridor.

BACKGROUND

The City of Moreno Valley has made economic development a top priority. Part of the City's Economic Development Action Plan is a goal of 'capitalizing on the opening of Skechers USA and begin to re-evaluate land uses in eastern Moreno Valley in conjunction with the termination of the Moreno Highlands Specific Plan and supporting Development Agreement'. The 1.82 million sq. ft. Skechers USA facility was developed on the southerly side of SR 60 as part of the Highland Fairview Corporate Park-situated between Redlands and Theodore. Recently, the 943,000 S.F. WestRidge Commerce Center was approved for this area and several other projects have been proposed for this largely undeveloped area, including the 41 million sq. ft. World Logistics Center (WLC). The development of a Specific Plan and environmental review is currently underway for the proposed World Logistics Center (WLC).

In addition to considering the WLC project, the City of Moreno Valley should examine future development opportunities for along the SR 60 East corridor—generally on the north side of SR 60- from Moreno Beach easterly to Theodore and from Nason to City limits at Theodore on the north side of SR 60. The use of an overlay zone is a common planning technique that has been used in Moreno Valley before with the adopted medical overlay zone on Nason and Iris.

DISCUSSION

At an April 2012 joint City Council/Planning Commission Study Session, the idea of examining the highest & best land uses along SR 60-East was first introduced. The concept of creating an Overlay Zone along SR 60 East was discussed at the Study Session as a way to help determine the most suitable land uses for this largely undeveloped freeway corridor. At the August 23, 2012 Planning Commission meeting, it was a unanimous request by the Planning Commission members to suggest that the City pursue an overlay plan to help establish the most effective land uses for the SR 60 East corridor. On September 18, 2012 the City Council discussed the overlay idea, but chose to delay the idea of pursuing an Overlay Study until 2013 and after the upcoming election.

The following represents a proposed methodology from City staff (Community & Economic Development Director and Planning Official) to help with a planning effort to look at the highest and best land uses along SR 60 East corridor.

- Pursue a budget appropriation of \$50,000 for the purpose of retaining a planning consultant for an Overlay Study for the SR 60-East corridor
- Undertake a Request for Proposal (RFP) process to retain the services of a qualified planning consultant
- Prepare an Overlay Study to determine the highest and best land uses along the SR 60 East corridor—from Nason to the easterly City limits.
- Conduct public outreach to thoroughly discuss the Overlay Study including a public workshop, along with Planning Commission and City Council meetings.

Attached is an aerial that outlines the area recommended to be included in the Overlay Study area.

City staff believes it can do an RFP process to retain a consultant and then complete a draft Overlay Study within a 120 day time period. A draft Overlay Study with suggested land uses would then be presented in a joint City Council/Planning Commission Study Session.

To allow for ample time to complete the Overlay Study on highest and best land uses for the SR 60-East corridor, the City Council may wish to delay any new planning or entitlement considerations for new projects in the SR 60 East corridor. If so, the City Council could approve an emergency 45-day period - to be followed by a longer period

of delaying the consideration of new projects to allow for the completion and consideration of the Overlay Study.

ALTERNATIVES

1. Approve the budget appropriation of \$50,000.00 and hiring of a consultant for the preparation of an Overlay Study for the SR 60 East Corridor. Staff recommends the alternatives.
2. Do not approve the use of an Overlay Study for the SR 60 Corridor or hiring of a consultant for the preparation of an Overlay Study.

FISCAL IMPACT

The cost for the Overlay Study is estimated at \$50,000. Staff recommends pursuing a budget appropriation of \$50,000 to retain a consultant for the Overlay Study project.

Approval of additional Budget Appropriation/Adjustment(s): Increase/(Decrease):

<u>Dept</u>	<u>Account</u>	<u>Description</u>	<u>2012-13 Budget</u>	<u>Proposed Appropriation</u>	<u>2012-13 Revised Budget</u>
CEDD - Admin	1010-20-25-20010-625099	Contractual Svcs - Other	\$15,000	\$50,000	\$65,000

ATTACHMENTS

Attachment 1_2012_Aerial Map of recommended overlay area.

Prepared By:
John Terell
Planning Official

Department Head Approval:
Barry Foster
Community & Economic Development Director

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

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ATTACHMENT 1



Item No. G.1

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

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: January 8, 2013

TITLE: 2013 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS

RECOMMENDED ACTION

Recommendations:

1. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
2. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
3. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Commission (MJPC).
4. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).
5. Appoint Council Member Richard A. Stewart to serve as the City of Moreno Valley's alternate representative on the Riverside County Habitat Conservation Agency (RCHCA).
6. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC).
7. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).

8. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA).
9. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA).
10. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG).
11. Appoint Mayor Pro Tem Marcelo Co to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).
12. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Western Riverside County Regional Conservation Authority (RCA).
13. Appoint Council Member Richard A. Stewart serve as the City of Moreno Valley's alternate representative on the Western Riverside County Regional Conservation Authority (RCA).
14. Approve the appointments to the remaining various committees and regional bodies, as noted on the 2013 Council Committee Participation – Mayor's Recommendations list.

BACKGROUND

Mayor Owings compiled the 2013 Council Committee Participation list following a review of the council members' committee participation over the past several years, council members' preference, council members' availability, and council members' remaining time to serve.

It was also determined it would be appropriate for the City Council to make a separate motion for each agency that pays a stipend.

NOTIFICATION

Publication of the Agenda

ATTACHMENTS

1. 2013 Council Committee Participation – Mayor's Recommendations List
2. 2013 Meeting Schedule

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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**CITY COUNCIL
2012 COUNCIL COMMITTEE PARTICIPATION
Mayor's Recommendations**

CITY COUNCIL ADVISORY COMMISSIONS/ BOARDS:

	<i>Primary</i>	<i>Alternate</i>
Arts Commission	BACA	STEWART
Environmental and Historical Preservation Board	BACA	STEWART
Library Commission	BACA	STEWART
Parks & Recreation Commission	BACA	STEWART
Recreational Trails Board	MOLINA	BACA
Senior Citizens' Board	MOLINA	STEWART
Traffic Safety Commission	STEWART	MOLINA

CITY COUNCIL SUBCOMMITTEES:

Economic Development Subcommittee	OWINGS/CO	BACA
Finance Subcommittee	OWINGS/CO	STEWART
Public Safety Subcommittee	OWINGS/MOLINA	CO

INTER-AGENCY:

March Joint Powers Commission (JPC)	OWINGS/CO	MOLINA
School Districts/City Joint Task Force	MOLINA/STEWART	BACA
*Riverside County Habitat Conservation Agency (RCHCA)	MOLINA	STEWART
*Riverside County Transportation Commission (RCTC)	OWINGS	CO
*Riverside Transit Agency (RTA)	MOLINA	CO
*Western Riverside Council of Governments (WRCOG)	OWINGS	CO
*Western Riverside County Regional Conservation Authority (RCA)	MOLINA	STEWART

* Mayor participation or designee

Approved:

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2013 MEETING SCHEDULE

Appointing Authority	Committee	Meeting Time	Meeting Schedule	Meeting Location	Meeting Address	Stipend
CITY ADVISORY BOARDS/COMMISSIONS						
Mayor	Arts Commission	6:00 p.m.	4th Thursday of each month	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Environmental and Historical Preservation Board	7:00 p.m.	2nd Monday of each odd numbered month	Council Chamber	14177 Frederick Street Moreno Valley	N/A
Mayor	Recreational Trails Board	5:00 p.m.	4th Wednesday of each odd numbered month	Senior Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Library Commission	7:00 p.m.	3rd Thursday of each month	Library	25048 Alessandro Blvd. Moreno Valley	N/A
Mayor	Parks and Recreation Commission	6:00 p.m.	2nd Thursday of each odd numbered month	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Senior Citizens' Board	3:00 p.m.	3rd Monday of each month	Senior Community Center	25075 Fir Avenue Moreno Valley	N/A
Mayor	Traffic Safety Commission	6:00 p.m.	1st Wednesday of each month	Council Chamber	14177 Frederick Street Moreno Valley	N/A
COUNCIL SUBCOMMITTEES						
Mayor	Economic Development Subcommittee		Generally 2nd Thurs. of ea	Training Room	14177 Frederick Street	N/A
Mayor	Finance Subcommittee		No established time/day	Training Room	14177 Frederick Street	N/A
Mayor	Public Safety Subcommittee	10:00 a.m.	Generally on a Monday of each month	Training Room	14177 Frederick Street	N/A
INTER-AGENCIES						
Mayor	League of California Cities (LCC)	6:00 p.m.	2nd Monday of odd numbered month	Varies	Varies	N/A
Mayor	Riverside County Division	10:00 a.m.	Quarterly, 3rd Thursday Feb., May, Sept., Nov.	County Admin Center	Board Chamber, Riverside	\$100 per meeting
Mayor	Conservation Agency (RCHCA)	12:30 p.m.	1st Monday of each month	County Admin Center	4080 Lemon St., 1st Floor Board Chamber, Riverside	\$100 per meeting Mileage @ IRS rate
Mayor	Western Riverside County Regional Conservation Authority (RCA)	12:00 p.m. - 1:00 p.m.	About every six weeks,	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	School Districts/City Joint Task Force	8:30 a.m.	3rd Wed. of each month	JPA Conference Center	23533 Meyer Drive, Riverside	\$100 per meeting
Mayor	March Joint Powers Commission (MJPC)	8:30 a.m.	1st Wed. of each month	JPA Conference Center	23533 Meyer Drive, Riverside	\$100 per meeting
MJPA	Operations Assurance Task Force		Will meet as needed			\$100 per meeting
Mayor	Riverside Transit Agency (RTA)	2:00 p.m.	4th Thursday of each month	RTA Office	1825 3rd Street, Riverside	\$150 per day \$600 cap per month
RTA	RTA Operations Committee	1:00 p.m.	1st Wednesday of each month	RTA Office	1825 3rd Street, Riverside	\$150 per day \$600 cap per month
RTA	RTA Transportation NOW (T-NOW)	11:30 a.m.	3rd Thursday of each month	Council Chamber	14177 Frederick Street Moreno Valley	\$150 per day \$600 cap per month

2013 MEETING SCHEDULE

Appointing Authority	Committee	Meeting Time	Meeting Schedule	Meeting Location	Meeting Address	Stipend
INTER-AGENCIES (cont.)						
Mayor	Riverside County Transportation Commission (RCTC)	9:30 a.m.	2nd Wednesday of each month	County Admin Center	4080 Lemon St., 1st Floor Board Chambers, Riverside	\$100 per day, 4 days a month max
RCTC	Mobile Source Air Pollution Reduction Review Committee (MSRC)	2:00 p.m.	3rd Thursday of each month	SCAQMD Headquarters	21885 E. Copley Dr., Conf. Room CC8, Diamond Bar	\$100 per day, 4 days a month max
RCTC	RCTC Metrolink Briefings	9:30 a.m.	Wed. prior to SCRRA meeting, 4th Fri. of month	County Admin Center	4080 Lemon St, 3rd Floor, Riverside (Or Teleconference)	\$100 per day, 4 days a month max
RCTC	RCTC Programs and Projects	1:30 p.m.	4th Monday of each month	County Admin Center	4080 Lemon St., 1st Floor, Board Chambers, Riverside	\$100 per day, 4 days a month max
RCTC	Southern California Regional Rail Authority (SCRRA) Board	10:00 a.m.	4th Friday of each month	SCAG Offices	818 W. 7th St., 12th Floor Los Angeles	\$100 per day, 4 days a month max
RCTC	Southern California Regional Rail Authority (SCRRA) Committee	10:00 a.m.	2nd Friday of each month	SCRRA Offices	700 S. Flower, Suite 2600 Los Angeles	\$100 per day, 4 days a month max
Mayor	Western Riverside Council of Governments Executive Committee (WRCOG)	2:00 p.m.	1st Monday of each month	County Admin Center	4080 Lemon Street, 1st Floor Board Chambers, Riverside	\$150 per meeting
WRCOG	Administrative & Finance Subcommittee	12:00 p.m.	2nd Wednesday of each month	County Admin Center	4080 Lemon St., 4th Floor, Conf. Room A, Riverside	\$150 per meeting
WRCOG	Southern California Association of Governments (SCAG) Membership and Communication Subcommittee	8:30 a.m. - 10:30 a.m.	3rd Tuesday of each month prior to Regional Council	SCAG Offices	818 West 7th Street, Riverside B Room, Los Angeles	\$120 per day, cap of 8 meetings per month
WRCOG	Southern California Association of Governments (SCAG) Community, Economic, and Human Dev. (CEHD)	10:00 a.m. - 12:00 p.m.	1st Thursday of each month	SCAG Offices	818 West 7th Street, Los Angeles	\$120 per day, cap of 8 meetings per month
WRCOG	Southern California Association of Governments (SCAG) Regional Council	12:15 p.m. - 2:00 p.m.	1st Thursday of each month	SCAG Offices	818 West 7th Street, San Bernardino Room, Los Angeles	\$120 per day, cap of 8 meetings per month
WRCOG	Southern California Association of Governments (SCAG) Transportation Committee (TC)	10:00 a.m. - 12:00 p.m.	1st Thursday of each month	SCAG Offices	818 West 7th Street, San Bernardino Room, Los Angeles	\$120 per day, cap of 8 meetings per month
County of Riverside	Airport Land Use Commission (ALUC)	9:00 a.m. - 11:00 a.m.	2nd Thursday of each month	County Admin Center	County Administration Center 4080 Lemon Street Board Room - 1st Floor	\$150 per day
SUBCOMMITTEES						
	Moreno Valley Chamber of Commerce Legislative Action Committee	7:30 a.m.	2nd Friday of each month	Brandon's Diner	24626 Sunnymead Blvd. Moreno Valley	N/A
	Riverside Housing Development Corporation (RHDC) Board	No Regular Meeting	Meet approximately three times a year		4250 Brockton Avenue Riverside	TBA



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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: January 8, 2013

TITLE: ORDINANCE NO. 858 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

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Receive and file this report.
2. Introduce Ordinance No. 858, 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, December 5th, 2012. The TSC reviewed and approved the recommended prima facie speed limits. The TSC discussion and recommendation 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.

Based upon the result of the Engineering and Traffic Surveys, reductions in speed limit are recommended for the following street segments:

- Hidden Springs Road, from Pigeon Pass Road to Old Lake Drive. The existing speed limit is 40 MPH and the recommended new speed limit is 35 MPH.
- Indian Street, from Iris Avenue to John F. Kennedy Drive. The existing speed limit is 45 MPH and the recommended new speed limit is 40 MPH.
- Indian Street, from John F. Kennedy Drive to Alessandro Boulevard. The existing speed limit is 45 MPH and the recommended new speed limit is 40 MPH.
- John F. Kennedy Drive, from Oliver Street to Moreno Beach Drive. The existing speed limit is 45 MPH and the recommended new speed limit is 35 MPH.
- Locust Avenue, from Moreno Beach Drive to Redlands Boulevard. The existing speed limit is 45 MPH and the recommended new speed limit is 40 MPH.
- Moreno Beach Drive, from Cactus Avenue to Cottonwood Avenue. The existing speed limit is 55 MPH and the recommended new speed limit is 50 MPH.
- Moreno Beach Drive, from Cottonwood Avenue to Ironwood Avenue. The existing speed limit is 55 MPH and the recommended new speed limit is 45 MPH.
- Moreno Beach Drive, from Ironwood Avenue to Locust Street. The existing speed limit is 55 MPH and the recommended new speed limit is 50 MPH.

Based upon the result of the Engineering and Traffic Surveys, new speed limits are recommended for the following street segments that currently do not have established speed zones:

- Lasselle Street, from Ironwood Avenue to Boulder Ridge Drive. The recommended speed limit is 35 MPH.
- Via Del Lago, from Iris Avenue to the southerly City Limit. The recommended speed limit is 35 MPH.

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 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.

ALTERNATIVES

1. Introduce proposed Ordinance, 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) and directing the City Traffic Engineer to take action respect thereto. *This action will certify the speed zones providing for enforcement through the use of radar or other electronic devices.*
2. Do not introduce proposed Ordinance, 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). *This action will allow the existing speed zones to expire and become unenforceable by use of radar or other electronic devices.*

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. 70-76-45122).

CITY COUNCIL GOALS

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

POSITIVE ENVIRONMENT: 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 1 - Proposed Ordinance
- Attachment 2 - Summary of Certified Speed Zones
- Attachment 3 - Map entitled "Citywide Speed Limits"

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

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

ORDINANCE NO. 858

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)
Bay Avenue	Elsworth Street to Heacock Street	30
Camino Flores	Iris Avenue to Avenida De Portugal	35
Cottonwood Avenue	Lasselle Street to Nason Street	45
Cottonwood Avenue	Moreno Beach Drive to Redlands Boulevard	45
Day Street	Cottonwood Avenue to Eucalyptus Avenue	35
Day Street	Eucalyptus Avenue to Ironwood Avenue	40
Dracaea Avenue	Morrison Street to Nason Street	30
Elder Avenue	Terminus west of Perris Boulevard to Morrison Street	35
Elder Avenue	Morrison Street to Nason Street	40
Elsworth Street	Cactus Avenue to Alessandro Boulevard	40
Elsworth Street	Alessandro Boulevard to Cottonwood Avenue	35
Fir Avenue	Heacock Street to Perris Boulevard	30
Fir Avenue	Perris Boulevard to Lasselle Street	30

Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Fir Avenue	Lasselle Street to Nason Street	30
Hidden Springs Road	Pigeon Pass Road to Old Lake Drive	35
Indian Street	Superior Avenue to Iris Avenue	50
Indian Street	Iris Avenue to John F. Kennedy Drive	40
Indian Street	John F. Kennedy Drive to Alessandro Boulevard	40
Indian Street	Alessandro Boulevard to Cottonwood Avenue	40
Indian Street	Cottonwood Avenue to Sunnymead Boulevard	35
Indian Street	Sunnymead Boulevard to Ironwood Avenue	35
Iris Avenue	Heacock Street to Perris Boulevard	45
Ironwood Avenue	Heacock Street to Perris Boulevard	40
John F. Kennedy Drive	Heacock Street to Perris Boulevard	45
John F. Kennedy Drive	Perris Boulevard to terminus east of Lasselle Street	45
John F. Kennedy Drive	Oliver Street to Moreno Beach Drive	35
John F. Kennedy Drive	Moreno Beach Drive to Cactus Avenue	45
Kitching Street	Iris Avenue to Plumeria Lane	45
Kitching Street	Iris Avenue to John F. Kennedy Drive	45
Kitching Street	Alessandro Boulevard to Cottonwood Avenue	40
Lasselle Street	Ironwood Avenue to Boulder Ridge Drive	35
Locust Avenue	Moreno Beach Drive to Redlands Boulevard	40
Moreno Beach Drive	Via Del Lago to Cactus Avenue	50
Moreno Beach Drive	Cactus Avenue to Cottonwood Avenue	50
Moreno Beach Drive	Cottonwood Avenue to Ironwood Avenue	45
Moreno Beach Drive	Ironwood Avenue to Locust Street	50

Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Old 215 Frontage Road	Cactus Avenue to Eucalyptus Avenue	50
Oliver Street	Cactus Avenue to Iris Avenue	35
Veterans Way	Cactus Avenue to Alessandro Boulevard	45
Via Del Lago	Iris Avenue to southerly City limit	35

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.

APPROVED AND ADOPTED this 22th day of January, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

CITY OF MORENO VALLEY

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 858 had its first reading on January 8, 2012 and had its second reading on January 22, 2012, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 22nd day of January, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

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Attachment 2 Summary of Certified Speed Zones

January 2013

	Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Total Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	State Avg Coll Rate For Similar Facilities	Remarks
1	Bay Ave	Elsworth St to Heacock St	30	30	34	30	26-35	5	1.60	2.7	1.59	2.80	CVC 21400(b) No further reduction
2	Camino Flores	Iris Ave to Avenida De Portugal	35	35	36	34	30-39	1	0.50	1.0	2.74	2.80	
3	Cottonwood Ave	Lasselle St to Nason St	45	45	47	43	38-47	3	1.00	5.0	0.82	1.25	
4	Cottonwood Ave	Moreno Beach Dr to Redlands Blvd	45	45	46	41	36-45	2	1.00	1.4	1.96	1.25	Cause of both collisions is DUI
5	Day St	Cottonwood Ave to Eucalyptus Ave	35	35	39	35	31-40	4	0.50	8.6	1.27	2.80	City of Riverside will be notified
6	Day St	Eucalyptus Ave to Ironwood Ave	40	40	41	37	32-41	15	1.00	8.6	2.39	2.45	City of Riverside will be notified
7	Dracaea Ave	Morrison St to Nason St	30	30	32	31	26-35	2	0.50	2.9	1.89	2.80	
8	Elder Ave	Terminus west of Perris Blvd to Morrison St	35	35	37	35	28-37	8	1.50	5.0	1.46	2.80	
9	Elder Ave	Morrison St to Nason St	40	40	41	39	35-44	3	0.50	5.0	1.64	2.80	
10	Elsworth St	Cactus Ave to Alessandro Blvd	40	40	42	40	36-45	6	0.50	7.7	2.13	3.80	
11	Elsworth St	Alessandro Blvd to Cottonwood Ave	35	35	36	34	29-38	3	0.50	5.8	1.42	2.80	
12	Fir Ave	Heacock St to Perris Blvd	30	30	33	31	27-36	6	1.00	4.4	1.87	2.80	CVC 21400(b) No further reduction
13	Fir Ave	Perris Blvd to Lasselle St	30	30	33	31	27-36	8	1.00	4.4	2.49	2.80	CVC 21400(b) No further reduction
14	Fir Ave	Lasselle St to Nason St	30	30	34	31	26-35	6	1.00	4.4	1.87	2.80	CVC 21400(b) No further reduction
15	Hidden Springs Rd	Pigeon Pass Rd to Old Lake Dr	40	35	39	35	30-39	7	1.45	6.3	1.05	2.80	CVC 21400(b) No further reduction
16	Indian St	Superior Ave to Iris Ave	50	50	52	48	45-54	4	1.00	3.8	1.44	2.80	
17	Indian St	Iris Ave to John F. Kennedy Dr	45	40	46	41	36-45	11	1.00	7.3	2.06	2.35	School Pedestrians/Bicyclist Safety
18	Indian St	John F. Kennedy Dr to Alessandro Blvd	45	40	46	43	38-47	17	1.00	9.9	2.35	2.35	School Pedestrians/Bicyclist Safety
19	Indian St	Alessandro Blvd to Cottonwood Ave	40	40	41	39	36-45	4	0.50	11.7	0.94	2.35	
20	Indian St	Cottonwood Ave to Sunnymead Blvd	35	35	37	34	28-37	5	1.00	10.0	0.68	2.80	
21	Indian St	Sunnymead Blvd to Ironwood Ave	35	35	37	34	29-38	3	0.50	8.2	1.00	2.80	
22	Iris Ave	Heacock St to Perris Blvd	45	45	48	44	40-49	15	1.00	10.3	1.99	2.80	CVC 21400(b) No further reduction
23	Ironwood Ave	Heacock St to Perris Blvd	40	40	44	40	37-46	8	1.00	14.1	0.78	3.80	Road widening from 2 lanes to 4 lanes recently
24	John F. Kennedy Dr	Heacock St to Perris Blvd	45	45	47	44	40-49	6	1.00	11.5	0.71	2.35	

-209-

Item No. H.1.1

Attachment 2 Summary of Certified Speed Zones

January 2013

	Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Total Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	State Avg Coll Rate For Similar Facilities	Remarks
25	John F. Kennedy Dr	Perris Blvd to terminus east of Lasselle St	45	45	47	44	40-49	10	1.00	11.6	1.18	2.35	
26	John F. Kennedy Dr	Oliver St to Moreno Beach Dr	45	35	38	35	31-40	2	0.50	5.7	0.96	2.80	Lane reduction from 4 lanes to 2 lanes recently
27	John F. Kennedy Dr	Moreno Beach Dr to Cactus Ave	45	45	47	45	42-51	10	1.23	5.7	1.95	2.35	
28	Kitching St	Iris Ave to Plumeria Ln	45	45	46	43	38-47	9	1.00	7.0	1.76	3.80	
29	Kitching St	Iris Ave to John F. Kennedy Dr	45	45	46	43	38-47	9	1.00	5.1	2.42	3.80	
30	Kitching St	Alessandro Blvd to Cottonwood Ave	40	40	41	38	33-42	7	0.50	5.1	3.76	3.80	
31	Lasselle St	Ironwood Ave to Boulder Ridge Dr	New	35	39	36	30-39	0	0.75	0.6	0.00	0.95	CVC 21400(b) No further reduction
32	Locust Ave	Moreno Beach Dr to Redlands Blvd	45	40	44	40	36-45	1	1.30	1.0	1.05	1.50	
33	Moreno Beach Dr	Via Del Lago to Cactus Ave	50	50	51	47	42-51	7	1.34	13.2	0.54	1.85	
34	Moreno Beach Dr	Cactus Ave to Cottonwood Ave	55	50	52	47	45-54	12	1.00	14.0	1.17	1.50	
35	Moreno Beach Dr	Cottonwood Ave to Ironwood Ave	55	45	46	42	37-46	23	1.64	15.4	1.25	1.85	
36	Moreno Beach Dr	Ironwood Ave to Locust St	55	50	51	45	39-48	1	0.75	5.9	0.31	1.85	
37	Old 215 Frontage Road	Cactus Ave to Eucalyptus Ave	50	50	51	47	42-51	3	1.75	5.0	0.47	1.50	City of Riverside will be notified
38	Oliver St	Cactus Ave to Iris Ave	35	35	37	32	26-35	7	1.00	6.0	1.60	3.80	
39	Veterans Wy	Cactus Ave to Alessandro Blvd	45	45	47	44	38-47	0	0.50	3.0	0.00	1.50	
40	Via Del Lago	Iris Ave to southerly City limit	New	35	37	34	28-37	0	0.25	1.0	0.00	2.80	Future Class II bike lane and shared bike lane

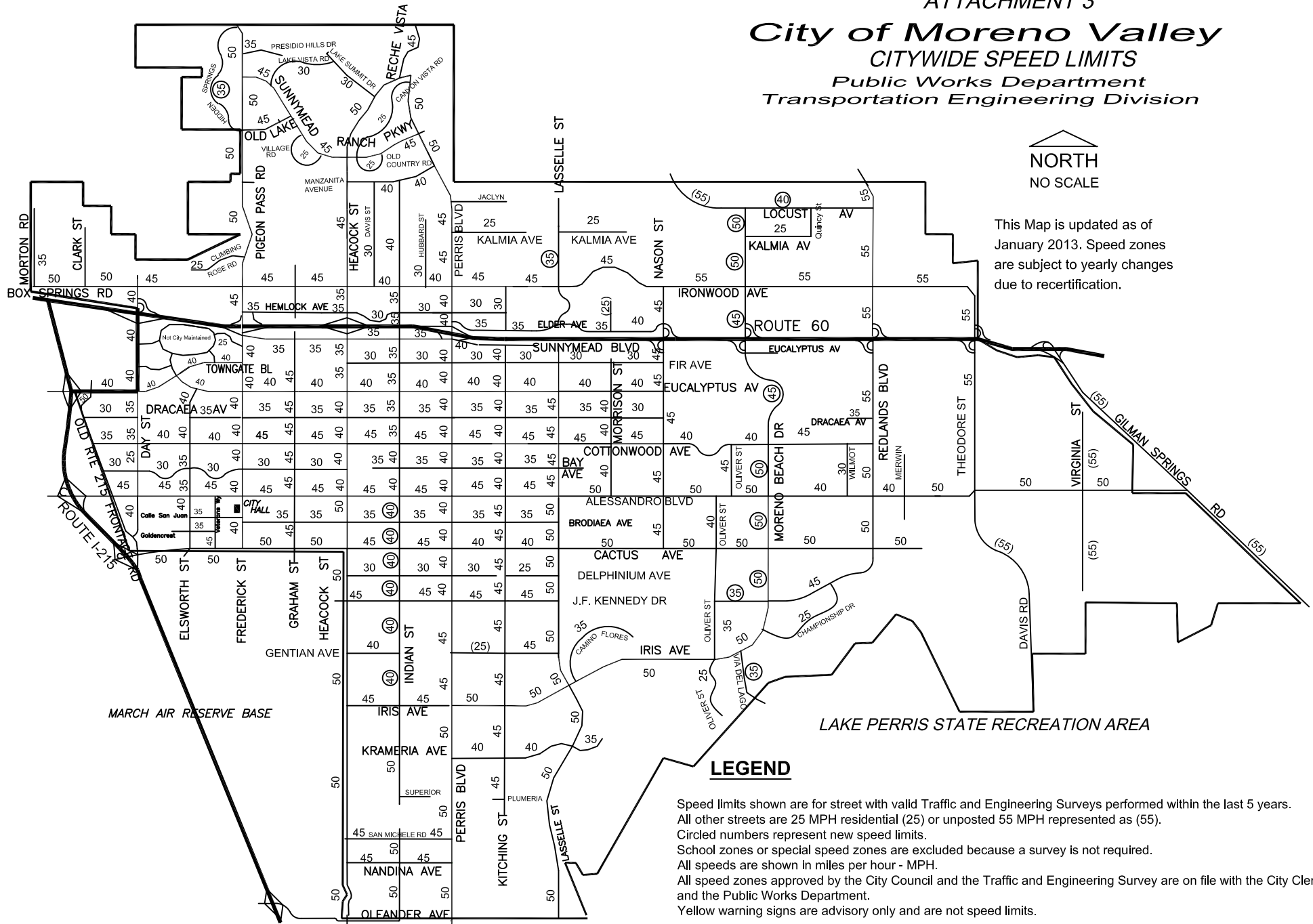
* Shading indicates a change in the existing speed limit or a new speed zone.

* The Collision Rates of Similar Facilities - State Average are obtained from the Caltrans 2009 Collision Data on California State Highway.

ATTACHMENT 3
City of Moreno Valley
CITYWIDE SPEED LIMITS
 Public Works Department
 Transportation Engineering Division



This Map is updated as of January 2013. Speed zones are subject to yearly changes due to recertification.



LEGEND

Speed limits shown are for street with valid Traffic and Engineering Surveys performed within the last 5 years. All other streets are 25 MPH residential (25) or unposted 55 MPH represented as (55). Circled numbers represent new speed limits. School zones or special speed zones are excluded because a survey is not required. All speeds are shown in miles per hour - MPH. All speed zones approved by the City Council and the Traffic and Engineering Survey are on file with the City Clerk and the Public Works Department. Yellow warning signs are advisory only and are not speed limits.

-211-

Item No. H.1.1

Information on this map is provided as a courtesy and deemed reliable based on Traffic & Engineering Surveys on file. The City makes no guarantee or warranty regarding the accuracy of this map.

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ORDINANCE NO. 856

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE OF THE CITY OF MORENO VALLEY AND ORDERING THE RECORDATION OF AN AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN RELATED TO SUCH DISTRICT AND REPEALING ORDINANCE NO. 821

WHEREAS, in 2005 the City Council of the City of Moreno Valley (the "City"), acting pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code Section 53311 and following) (the "Mello-Roos Act"), formed community facilities district designated as Community Facilities District No. 4-Infrastructure ("CFD No. 4-I"); and

WHEREAS, CFD No. 4-I was formed and designated for the purpose of financing certain facilities to be owned by the City from the proceeds of the sale of bonds of CFD No. 4-I; and

WHEREAS, CFD No. 4-I was, by the adoption of Resolution No. 2005-94 (the "Resolution of Formation"), formed on October 25, 2005, special taxes were, subject to the approval of the authorized electors, authorized to be levied within CFD No. 4-I; and

WHEREAS, CFD No. 4-I was, by the adoption of Resolution No. 2005-95, authorized, subject to the approval of the qualified electors, to issue bonds to be secured by the levy of special taxes; and

WHEREAS, at a special election held on October 25, 2005, the qualified electors approved the levy of special taxes and the issuance of bonds by CFD No. 4-I; and

WHEREAS, the qualified electors approved the levy of special taxes by CFD No. 4-I pursuant to the rate and method of apportionment thereof (the "Rate and Method") and the issuance of bonds by CFD No. 4-I of not to exceed \$16,000,000 (the "Bonds"); and

WHEREAS, on November 8, 2005 the City Council adopted Ordinance No. 696 authorizing the levy of special taxes pursuant to the Rate and Method; and

WHEREAS, on November 8, 2005 a Notice of Special Tax Lien was recorded in the Official Records of the County of Riverside as Document No. 2005-0925946 (the "Notice of Special Tax Lien") creating a special tax lien on all taxable property within; and

WHEREAS, CFD No. 4-I, was, by the adoption of Resolution No. 2008-03 (the "Annexation No. 1 Resolution"), annexed certain territory to CFD No. 4-I on January 8,

2008, special taxes were, subject to the approval of the authorized electors, authorized to be levied within CFD No. 4-I; and

WHEREAS, on January 22, 2008 the City Council adopted Ordinance No. 765 authorizing the levy of special taxes within the annexed territory pursuant to the Rate and Method; and

WHEREAS, on January 17, 2008 an Amendment to Notice of Special Tax Lien was recorded in the Official Records of the County of Riverside as Document No. 2008-0027496 (the "Annexation Notice of Special Tax Lien") creating a special tax lien on all taxable property within; and

WHEREAS, On December 14, 2010, an amended to the Rate and Method was adopted by Resolution No. 2010-106 (the "Amended and Restated Rate and Method"); and

WHEREAS, on December 14, 2010 the City Council adopted Ordinance No. 821 repealing Ordinance Nos. 696 and 765 and authorizing the levy of special taxes within CFD No. 4-I pursuant to the Amended and Restated Rate and Method; and

WHEREAS, on December 15, 2010 a Second Amendment to Notice of Special Tax Lien was recorded in the Official Records of the County of Riverside as Document No. 2010-0602591 (the "Amended Notice of Special Tax Lien"); and

WHEREAS, no Bonds have been issued and CFD No. 4-I does not levy a special tax pursuant Ordinance No. 821; and

WHEREAS, Ridge Property Trust, a Maryland real estate investment trust (the "Trust"), Ridge Moreno Valley, LLC, a Delaware limited liability company ("Ridge Moreno Valley"), Ridge MV Lot 3, and the IIT Inland Empire Logistics Center (collectively the "Owner"), the duly authorized representatives of the current owners of all of the property within CFD No. 4-I, has on behalf of itself and the Owners' members, successors and/or assigns, requested that the City Council undertake proceedings pursuant to the Mello-Roos Act to dissolve CFD No. 4-I.

NOW, THEREFORE, the City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. The City Council hereby finds and determines that:

- a. CFD No. 4-I is not obligated to pay any outstanding debt; and
- b. CFD No. 4-I does not currently levy any special tax.

SECTION 2. The City Council, acting pursuant to Government Code Section 53338.5, hereby dissolves CFD No. 4-I.

2
Ordinance No. 856
Date Adopted: January 8, 2013

SECTION 3. The City Council hereby orders the City Clerk to file or cause the filing of an amendment to the Notice of Special Tax Lien which addendum shall state that CFD No. 4-I and all associated liens have been dissolved.

SECTION 4. Ordinance No. 821 is hereby repealed along with any authority of CFD No. 4-I to levy special taxes.

SECTION 5. This ordinance shall take effect thirty days after the date of its adoption.

SECTION 6. Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

APPROVED AND ADOPTED this 8th day of January, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

3
Ordinance No. 856
Date Adopted: January 8, 2013

ORDINANCE JURAT

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

I, Jane Halstead City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 856 had its first reading on December 11, 2012, and had its second reading on January 8, 2013 and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

(SEAL)

4
Ordinance No. 856
Date Adopted: January 8, 2013

ORDINANCE NO. 857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA12-0022 TO CHANGE THE ZONE FROM BUSINESS PARK MIXED-USE TO LIGHT INDUSTRIAL FOR A 7.6 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF FREDERICK STREET AND CACTUS AVENUE (ASSESSOR'S PARCEL NUMBER 297-170-027).

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

SECTION 1 GENERAL:

1.1 The applicant, Ridge Moreno Valley, LLC, has filed application PA12-0022, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on December 11, 2012, for deliberations and decision.

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

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on December 11, 2012, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project proposes a change to the Zoning Atlas for 7.6 acres located within Assessor's Parcel Numbers 297-170-027 from Business Park Mixed-Use (BPX) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the

1
Ordinance No. 857
Date Adopted: January 8, 2013

goals, objective, policies or programs of the General Plan. Buildings able to accommodate support commercial services are provided within close proximity to the site at the intersection of Frederick Street and Alessandro Boulevard.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BPX to LI for the 7.6 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

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

SECTION 5 NOTICE OF ADOPTION:

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

SECTION 6 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this 8th day of January, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

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

I, Jane Halsted, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 857 had its first reading on December 11, 2012 and had its second reading on January 8, 2013, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

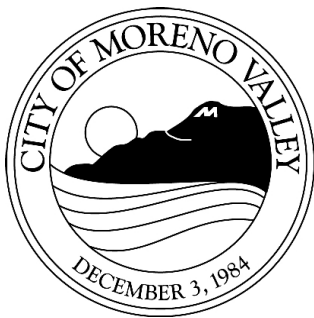
ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

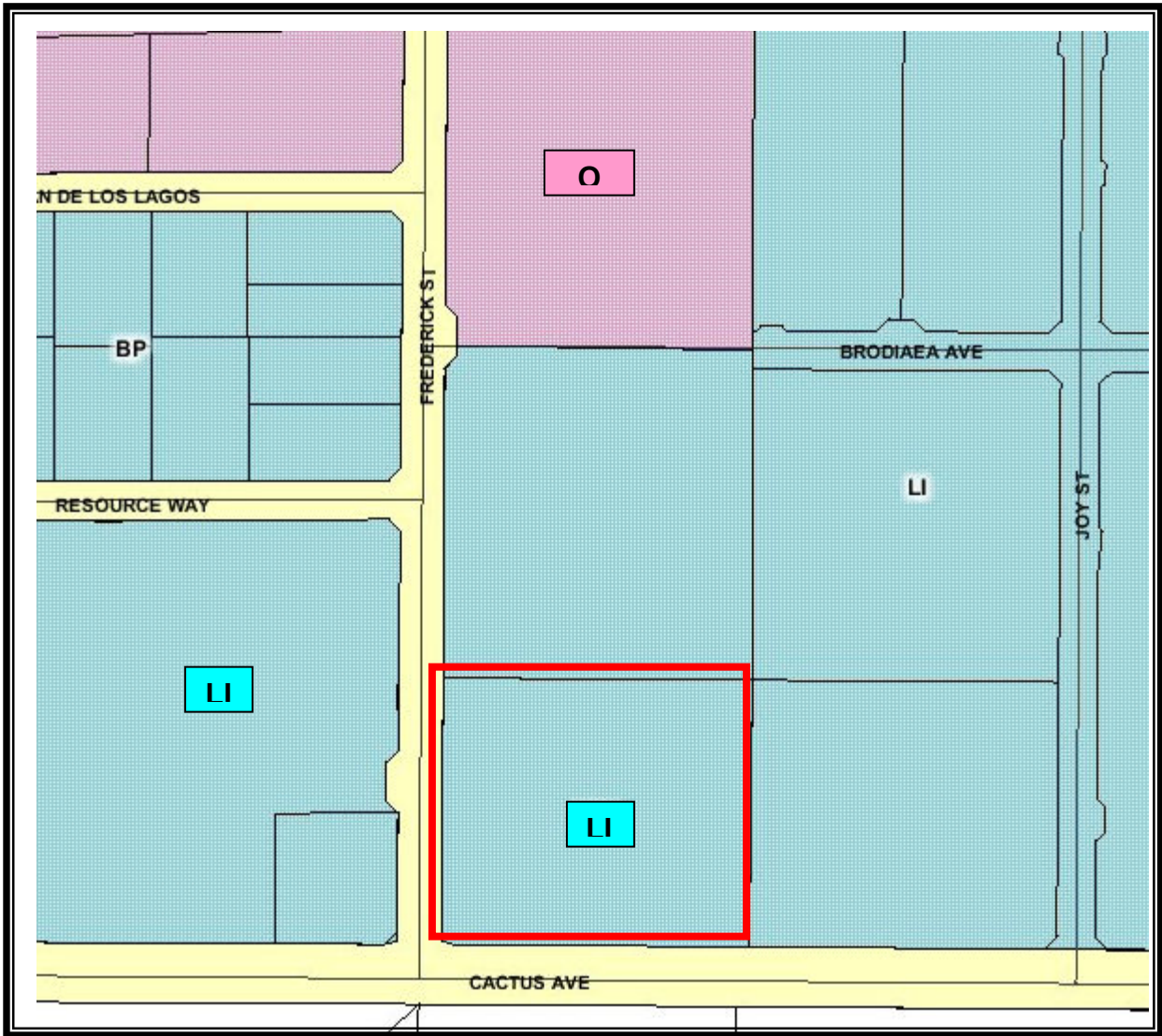
CITY CLERK

(SEAL)

4
Ordinance No. 857
Date Adopted: January 8, 2013



ZONE CHANGE
Application No. PA12-0022
Ordinance No. 857



N

ADOPTED: January 8, 2013

EFFECTIVE: February 8, 2013

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