

**MINUTES**  
**CITY COUNCIL JOINT MEETING OF THE CITY OF MORENO VALLEY**  
**January 28, 2014**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

- 1) Officer of the 2nd Quarter - Officer Jason Santistevan
- 2) Officer of the 3rd Quarter and Top Cop Memorial Award - Officer Richard Dixon

**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  
MORENO VALLEY HOUSING AUTHORITY  
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)  
MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)  
MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)  
REGULAR MEETING – 6:00 PM  
January 28, 2014**

**INVOCATION**

Pastor Eddie Ogwo - Heartbeat of God Assembly

**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 6:07 p.m. by Mayor Tom Owings in the Council Chamber located at 14177 Frederick Street

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Pete Bleckert.

**ROLL CALL**

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

Scott Heveran - Recall signs; addressed resident groups

Marcia Amino - Municipal Law Book and General Law City

Craig Givens - Recall

Curtis Gardner - Recall

Louise Palomarez - Comments from other residents

Elmina Callendar - Ongoing noise complaints since November 2013

Chris Baca - Comments from other residents; recall efforts; public speaker

Pete Bleckert - Continuing negativity towards past Council; red light cameras

Tom Owings commented on the discourse in the City that is not productive, it is moving City apart; words do matter on both sides; negative inuendos not called for; not fair to our children who listen; called for those that support him, to curtail their discourse; apologized to Council Member Stewart for a personal attack on him; residents for 4 to 5 years, has no motive and is an honest man; was on Council 4 months when his home was raided; asked for professional opinion from Council Member Stewart on what a kangaroo court was

Council Member Stewart replied that a kangaroo court is not really a court, not factual; people get together and they do not present facts; also commented on Council Member attending the California League of Cities conference

Tom Owings commented that the Council has had to endure nine months of \_\_\_\_\_. Asked how will Council's good reputation's be restored. He called for no further discourse in the City.

Council Member Gutierrez asked for civility at meeting; children should be able to attend a Council Meeting

**JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF**

3

MINUTES  
January 28, 2014

**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**

Tom Owings opened public comments on matters of the Joint Consent Calendar, which were received from Scott Heveran, Debra Craig, Deanna Reeder, Susan Gilmore Owings, Daryl Terrell, Chris Baca, and Louis Palomarez (all on A.12)

**A. CONSENT CALENDAR-CITY COUNCIL**

A.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF JANUARY 7, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JANUARY 14, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

A.4 APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH RICK ENGINEERING COMPANY FOR THE MORENO MASTER DRAINAGE PLAN LINE "F", STAGE 2 CHANNEL IMPROVEMENTS, PROJECT NO. 804 0005 70 77 (Report of: Public Works Department)

**Recommendations**

1. Approve the Second Amendment to the Agreement for Professional Consultant Services for Surveying Services with Rick Engineering Company, for the Moreno Master Drainage Plan Line "F", Stage 2 Channel Improvements.
2. Authorize the City Manager to execute the Second Amendment to the Agreement for Professional Consultant Services with Rick Engineering Company.
3. Authorize a Change Order to increase Purchase Order Number 2014-00000384 with Rick Engineering Company for the amount of

\$27,390 when the contract has been signed by all parties.

A.5 AUTHORIZATION TO AWARD THE PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES TO OVERLAND, PACIFIC & CUTLER, INC. FOR VARIOUS PROJECTS  
(Report of: Public Works Department)

**Recommendations**

1. Approve the "Project Specific Agreement for On-Call Professional Consultant Services" (Agreement) with Overland, Pacific & Cutler, Inc. (OPC) to provide Professional Consultant Real Property Services for various projects.
2. Authorize the Chief Financial Officer to execute the Agreement with OPC.
3. Authorize the issuance of a Purchase Order to OPC for the amount of \$50,000 when the Agreement has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement with OPC within the purchase order amount, subject to the approval of the City Attorney.

A.6 RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN THE EMPLOYMENT RISK MANAGEMENT AUTHORITY  
(Report of: Administrative Services Department)

**Recommendation:**

Adopt Resolution No. 2014-02, a Resolution of the City Council of the City of Moreno Valley, California, authorizing participation in the Employment Risk Management Authority (ERMA), and authorize the City Manager to execute all required documents.

A.7 APPROVE THE FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH PARSONS FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENTS (PHASE 1) – PROJECT NO. 801 0038 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Parsons to provide additional construction support services during construction of the SR-60/Moreno Beach Drive Interchange Phase 1 Improvements for \$20,000.
2. Authorize the City Manager to execute the First Amendment to

Agreement for Professional Consultant Services with Parsons.

3. Authorize a Change Order to increase the Purchase Order with Parsons for the amount of \$20,000 when the First Amendment has been signed by all parties.

A.8 APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH FALCON ENGINEERING SERVICES, INC. FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENTS (PHASE 1) – PROJECT NO. 801 0038 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Approve the “Second Amendment to Agreement for Professional Consultant Services” with Falcon Engineering Services, Inc. (Falcon) to provide additional construction management and inspection services for the SR-60/Moreno Beach Drive Interchange Phase 1 Improvements project for \$99,131.63.
2. Authorize the City Manager to execute the Second Amendment to Agreement for Professional Consultant Services with Falcon.
3. Authorize a Change Order to increase the Purchase Order with Falcon for the amount of \$99,131.63 when the Second Amendment has been signed by all parties.

A.9 ADOPT A RESOLUTION ACCEPTING CALTRANS’ RELINQUISHMENT OF DAY STREET FROM THE SR-60 WESTBOUND RAMP INTERSECTION TO CANYON SPRINGS PLAZA ENTRANCE  
PROJECT NO. 801 0036 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Adopt Resolution No. 2014-03, a resolution of the City Council of the City of Moreno Valley, California, accepting relinquishment of a portion of Day Street constructed by Caltrans and approving the agreements with Caltrans for the relinquishment of a portion of Day Street – Project No. 801 0036 70 77.
2. Authorize the City Manager to execute Agreements, Amendments, Memoranda of Understanding (MOU), and/or documents in connection with the Relinquishment, subject to the approval of the City Attorney.
3. Direct the City Clerk to forward the Resolution to the Mayor for execution, and to the County Recorder’s office for recordation.

A.10 DEBT MANAGEMENT POLICY  
(Report of: Financial & Management Services Department)

**Recommendation:**

Adopt the revised Debt Management Policy, as reviewed and recommended by the Finance Sub Committee.

A.11 RATIFY COMMITMENT OF MATCHING FUNDS AND ACCEPTANCE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S MEASURE A REGIONAL ARTERIAL GRANT, AUTHORIZE EXECUTION OF A MEMORANDUM OF UNDERSTANDING, AND AUTHORIZE AN APPROPRIATION OF FUNDS FOR THE CACTUS AVENUE WIDENING PROJECT FROM VETERANS WAY TO HEACOCK STREET, PROJECT NO. 801 0031 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Ratify the City's pledge of matching funds for the Western Riverside County Measure A Regional Arterial (MARA) grant funds from the Riverside County Transportation Commission for the Cactus Avenue Widening Project from Veterans Way to Heacock Street.
2. Accept the grant award amount of up to \$1,527,500 total for the construction of the Cactus Avenue Widening Project from Veterans Way to Heacock Street.
3. Authorize the City Manager to execute a Memorandum of Understanding (MOU) with Riverside County Transportation Commission (RCTC) when it is received for the Cactus Avenue Widening Project from Veterans Way to Heacock Street, subject to approval of the City Attorney.
4. Authorize the Chief Financial Officer to appropriate \$1,527,500 as revenue and \$2,350,000 as expense in the Capital Projects Reimbursements fund (Fund 3008) for the construction of the Cactus Avenue Widening Project from Veterans Way to Heacock Street upon fund allocation from RCTC.

A.12 CERTIFICATION OF SUFFICIENCY PETITION FOR RECALL OF COUNCIL MEMBER TOM OWINGS, DISTRICT 3  
(Report of: City Clerk Department)

**Recommendations**

Accept the City Clerk's Certificate of Sufficiency for the recall petition of Council Member Tom Owings, District 3.

A.13 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of January 8 – 21, 2014.

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

B.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF JANUARY 7, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JANUARY 14, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

**C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

C.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF JANUARY 7, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JANUARY 14, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

D.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.



D.2 MINUTES - SPECIAL MEETING OF JANUARY 7, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

D.3 MINUTES - REGULAR MEETING OF JANUARY 14, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

**Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Victoria Baca, s/Jesse L. Molina**

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

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

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

**CALL TO ORDER**

at 7:20 p.m.

**ROLL CALL**

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

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.

Chairperson Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

**SPECIAL ORDER OF BUSINESS**

1

There are no reports or issues before the Corporation.

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

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

**CALL TO ORDER**

at 7:21 p.m.

**ROLL CALL**

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

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

Chairperson Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

**SPECIAL ORDER OF BUSINESS**

- 1 MINUTES - MVPFA SPECIAL MEETING OF DECEMBER 10, 2013 (Report of: City Clerk's Office)

**Recommendation:**  
Approve as submitted.

**Approve as submitted. by m/Jesse L. Molina, s/Victoria Baca**

**Approved by a vote of 4-0-0-0.**

**ADJOURNMENT OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA) TO ANNUAL/REGULAR MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)**

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

**CALL TO ORDER**

at 7:23 p.m.

**ROLL CALL**

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

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

Chairperson Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

**SPECIAL ORDER OF BUSINESS**

- 1 There are no reports or issues before the Authority.

**ADJOURNMENT OF THE ANNUAL/REGULAR MORENO VALLEY INDUSTRIAL  
DEVELOPMENT AUTHORITY (IDA) TO 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 AND THE HOUSING AUTHORITY**

**RECONVENE 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 AND THE HOUSING AUTHORITY**

**E. PUBLIC HEARINGS - NONE**

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

None.

## G. REPORTS

### G.1 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

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

1. Appoint one (1) member for a term expiring March 31, 2015.
2. If the appointment is not made, authorize the City Clerk to re-notice the position asvacant.

Mayor Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

**Appoint one (1) member for a term expiring March 31, 2015.  
If the appointment is not made, authorize the City Clerk to re-notice  
the position asvacant. by m/Yxstian Gutierrez, s/Victoria Baca**

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

**Appoint one (1) member Jeffrey Barnes for a term expiring March 31,  
2015.  
by m/Victoria Baca, s/Yxstian Gutierrez**

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

### G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk Department)

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

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate.
2. Appoint those applicants who received majority vote by the City Council.
3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Mayor Tom Owings opened the agenda item for public comments; there

being none, public comments were closed.

**Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate.**

**Appoint those applicants who received majority vote by the City Council.**

**If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date. by m/Victoria Baca, s/Jesse L. Molina**

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

G.3 MONTHLY REPORT: MORENO VALLEY ANIMAL SHELTER ADOPTION RATE

(Report of: Administrative Services Department)

**Recommendations That the City Council:**

Receive and file the Monthly Report: Moreno Valley Animal Adoption Rate for the periods of November 1, 2013 to November 30, 2013 and December 1, 2013 to December 31, 2013.

G.4 2014 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS

(Report of: City Clerk Department)

**Recommendations That the City Council:**

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 Victoria Baca 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 Richard A. Stewart to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).
5. Appoint Council Member Jesse L. Molina 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 Council Member Jesse L. Molina 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 Victoria Baca 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 Victoria Baca 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 2014 Council Committee Participation – Mayor's Recommendations list.

Mayor opened the item for public comments, which was received from Tom Jerele, Sr.

**1. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).  
by m/Victoria Baca, s/Jesse L. Molina**

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

**2. Appoint Mayor Pro Tem Victoria Baca to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).**

**by m/Jesse L. Molina, s/Victoria Baca**

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

**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).**

**by m/Victoria Baca, s/Jesse L. Molina**

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

**4. Appoint Council Member Richard A. Stewart to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).**

**by m/Jesse L. Molina, s/Yxstian Gutierrez**

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

**5. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Riverside County Habitat Conservation Agency (RCHCA).**

**by m/Jesse L. Molina, s/Victoria Baca**

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

**6. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC).**

**by m/Jesse L. Molina, s/Victoria Baca**

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

**7. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).**

by m/Victoria Baca, s/Jesse L. Molina

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

8. Appoint Council Member Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA).  
by m/Victoria Baca, s/Yxstian Gutierrez

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

9. Appoint Mayor Pro Tem Victoria Baca to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA).  
by m/Jesse L. Molina, s/Victoria Baca

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

10. Appoint Mayor Tom Owings to serve as the City of Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG).  
by m/Jesse L. Molina, s/Victoria Baca

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

11. Appoint Mayor Pro Tem Victoria Baca to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).  
by m/Jesse L. Molina, s/Yxstian Gutierrez

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

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).  
by m/Victoria Baca, s/Yxstian Gutierrez

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

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).  
by m/Jesse L. Molina, s/Yxstian Gutierrez**

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

**14. Approve the appointments to the remaining various committees  
and regional  
bodies, as noted on the 2014 Council Committee Participation.  
by m/Jesse L. Molina, s/Victoria Baca**

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

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

City Manager Michelle Dawson reported a few announcements: Our Technology Service Divisions GIS is offering two courses on the City's GIS Maps Online this Saturday, February 1; at 8:30 a.m. and 10:30 a.m. at the Emergency Operations Center. Thank you to the TS experts for putting this on. If anyone from the public is interested, please contact 413.3410. Also, our Business License Renewals are due by January 31. No late fees if received by the due date.

The City's award winning Technology Services Division is offering free GIS training to our residents and businesses this Saturday, February 1. GIS is Geographic Information Systems which is mapping software that has layers of data integrated within it. The Moreno Valley map viewer is available to anyone to access on our website and can be used for any number of tasks such as printing maps, viewing street sweeping schedules, or creating mailing lists. Moreno Valley's GIS includes over 50 layers of data. Free training on map viewer will be held at our EOC this Saturday, offering 2 classes, one at 8:30 and one at 10:30 a.m. Please RSVP to Technology Services at 413.3410.

Business license renewal time for Moreno Valley business owners have the option of renewing on-line, and on the City's website for further information. The deadline for renewals is January 31, 2014.

Your Moreno Valley Library is creating new programming and hosting important events to benefit all of our residents. A new Family Night is now offered on Thursday nights at 6:00 p.m. and a new Teen Night is now offered on Wednesdays at 5:00 p.m.

Lastly, I want to welcome our Police Chief, Joel Ontiveros back into our fold. Chief Ontiveros took personal time to make his annual trip to Mexico on a missionary outreach. The Chief does this every year as part of POWER Ministeries, which is an acronym for purposeful outreach with eternal results. I thank Joel for his annual commitment to serving others, we are fortunate to have a Police Chief with a servant's heart.

G.6 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

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

Tom Owings read a script from Dr. Martin Luther King who read this to a group of middle school children right before his death.

*"Now each of you is in the process of building the structure of your lives, and the question is whether you have a proper, a solid and a sound blueprint.*

*I want to suggest some of the things that should begin your life's blueprint. Number one in your life's blueprint, should be a deep belief in your own dignity, your worth and your own somebodiness. Don't allow anybody to make you feel that you're nobody. Always feel that you count. Always feel that you have worth, and always feel that your life has ultimate significance.*

*Secondly, in your life's blueprint you must have as the basic principle the determination to achieve excellence in your various fields of endeavor.*

*You're going to be deciding as the days, as the years unfold what you will do in life — what your life's work will be. Set out to do it well.*

*And when you discover what you will be in your life, set out to do it as if God Almighty called you at this particular moment in history to do it. don't just set out to do a good job. Set out to do such a good job that the living, the dead or the unborn couldn't do it any better."*

*If it falls your lot to be a street sweeper, sweep streets like Michelangelo painted pictures, sweep streets like Beethoven composed music, sweep streets like Price sings before the Metropolitan Opera. Sweep streets like Shakespeare wrote poetry. Sweep streets so well that all the hosts of heaven and earth will have to pause and say: Here lived a great street sweeper who swept his job well. If you can't be a pine at the top of the hill, be a shrub in the valley. Be the best little shrub on the side of the hill.*

Tom Owings stated, we would all do well to listen to Martin Luther King, Jr.

Encouraged City management to find a way to honor Martin Luther King, Jr. in the month of February in an appropriate fashion.

Jesse Molina - Read the last few lyrics to the Black National Anthem,

*"Lest our feet stray from the places, our God, where we met Thee. Lest our hearts, drunk with the wine of the world, we forget Thee. Shadowed beneath Thy hand, may we forever stand, True to our God, true to our native land.*

Kudos to Steve Fries with the Animal Shelter, as the City is striving for a no-kill Moreno Valley.

Glad to hear about the social events being offered at the Library, as we need more social events.

Encourage those in attendance to let their needs be known. Thanked City staff and those in attendance.

Commended City Manager, Michelle Dawson for a job well done.

Yxstian Gutierrez - Congratulations to Police Officers

Commended Steve Fries, animal services and adoption rates;

Supports the performing arts programs to help the children;

Will be rolling out financial literacy workshops for his constituents in his district

Committed to transparency and building the public's trust; encourages Council meeting decorum;

Attended California League of California Cities - New Mayors and Council Members training with the City Manager, Michelle Dawson;

Kudos to Rick Teichert for balancing the budget; commended City staff;

Accessibility and openness to issues; good intentions to do his best as a public servant; has a good heart and wants to serve as a public servant; committed to transparency;

Working towards establishing Youth Commission; has long term goals; imagines the community as a model community; a community with residents have jobs which he will strive for; imagines the community with children having access to music and arts; and imagines the community in supporting public safety.

Read a quote from Mohad Ghandi - "Do not worry about yourself."

Council Member Richard Stewart - Reported he attended along with staff the Chamber of Commerce event honoring the Citizen of the Year, Dr. Judy White.

Mayor Pro Tem Victoria Baca - Thanked Council Member Stewart for representing the City at the Chamber event; invited to visit Victoriano Middle School by Superintendent, Dr. Lopez along with the Mayor on the STEM Education program and Technology program; amazing program; great steps the school has taken to improve the education for these students at the middle school level. children made presentation utilizing iPad; children were articulate and engaged with their teacher and visitor; also visited Rancho Verde High School v the Performing Arts Program, Sisco Networking; ceramics lab, Airforce Junior ROTC, and the construction program they have on site; encouraged other to visit the schools; not all kids want to go to college; those that opt to take a different course can; also visited Val Verde continuation school; they print P.E. clothes and Letterman jackets; encouraged parents to not let their children drop out, there is something for all the children; very impressed with the program

Council has open door policy agreed with Dr. Gutierrez wholeheartedly and

that all Council Members have an open door policy; fully accessible;

Reported she has never been contacted by the Recall group or asked to meet with her; there has never been any discussion, questioning or explanations; lots of accusations going on; ever since her house had been raided in April, she nor her attorney had heard one word; does not know what she has been accused of.

## **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:

City Attorney, Suzanne Bryant reported: Pursuant to Government Code section 54956.9(d)(1) as listed on the Closed Session Agenda as item number 1(A), we will be discussing Silver Creek Industries v. City of Moreno Valley filed in Riverside Superior Court as case number RIC 1306308.

We will also be discussing the initiation of litigation against STI Trucking and Materials, and SureTec Insurance Company pursuant to Government Code section 54956.9(d)(4) as listed on the Closed Session agenda as item 3.

I do anticipate having reportable action.

1 SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a) Silver Creek Industries, Inc. V. City of Moreno Valley

2 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

3 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

City of Moreno Valley V. STI Inc. Trucking and Materials, SureTec Insurance Company.

Number of Cases: 1

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

City Attorney, Suzanne Bryant reported: Tonight, in Closed Session, the Council ratified initiation of litigation against STI Trucking and Materials, and SureTec Insurance Company. Owings, Baca, Stewart, Molina and Gutierrez all voted in favor.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 9:05 p.m. by unanimous informal consent.

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

Submitted by:

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

Approved by:

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

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

**SPECIAL CERMONIAL MEETING – 6:00 PM  
January 7, 2014**

**INVOCATION** - Minister Sherman Jones, New Direction Community Church

**CALL TO ORDER** - City Clerk Jane Halstead, City Clerk, Presiding

The Special Meeting of the Moreno Valley City Council, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority will be held on January 7, 2014, commencing at 6:15 PM, in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

**PLEDGE OF ALLEGIANCE** - Marshall Scott

**NATIONAL ANTHEM** - Moreno Valley Master Chorale

**ROLL CALL** - Jane Halstead, City Clerk

Council:

Tom Owings	Mayor
Victoria Baca	Mayor Pro Tem
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member
Yxstian Gutierrez	Council Member

Staff:

Michelle Dawson	City Manager
Tom DeSantis	Assistant City Manager
Jane Halstead	City Clerk
Kathy Gross	Executive Assistant
Richard Teichert	Chief Financial Officer/City Treasurer
Suzanne Bryant	City Attorney
Michele Patterson	Assistant to the City Manager
Ahmad Ansari	Public Works Director
Chris Paxton	Administrative Services Director
Mike McCarty	Parks & Community Services Director

**INTRODUCTIONS** – Mayor Tom Owings introduced dignitaries in attendance.

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

Mayor Tom Owings opened the agenda item for public comments, which were received from Thomas Hines, Edgar Montes, Julie Ann Stewart-Cleaveland, Christopher Baca, Pete Bleckert, and Thomas Jerele Sr.

**SPECIAL ORDER OF BUSINESS**

- 1 Ceremonial Swearing-In and Seating of the Mayor and Mayor Pro Tem -  
City Clerk Jane Halstead, City Clerk
  
- 2 Presentation of Certificates:
  - a. Recognition of Outgoing Mayor Pro Tem  
Mayor Tom Owings
  - b. Recognition of Mayor  
Council Member Jesse L. Molina
  
- 3 Remarks  
Council Member Yxstian A. Gutierrez  
Council Member Council Member Jesse L. Molina  
Council Member Richard A. Stewart

**ADJOURN TO RECEPTION**

There being no further business to conduct, the meeting was adjourned at 7:25 p.m. by unanimous informal consent.

Submitted by:

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

Approved by:

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

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**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**January 14, 2014**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

1. Moreno Valley "M" Landmark Improvement Project
  
2. Proclamation Recognizing January 2014 as National Mentoring Month
  
3. Business Spotlight
  - a) AP Computers
  
  - b) Polly's Pies

**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 – 6:00 PM  
January 14, 2014**

**INVOCATION**

The invocation was given by Council Member Stewart

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

**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 6:25 p.m. by Mayor Tom Owings in the Council Chamber located at 14177 Frederick Street

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Pat Cavanaugh

**ROLL CALL**

Council:

Tom Owings	Mayor
Victoria Baca	Mayor Pro Tem
Jesse L. Molina	Council Member
Yxstian Gutierrez	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Kathy Gross	Executive Assistant

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Richard Teichert  
Suzanne Bryant  
Michelle Dawson  
Tom DeSantis  
Michele Patterson  
Ahmad Ansari  
Chris Paxton  
Bill Tyler  
John Terell  
Mike McCarty

Chief Financial Officer/City Treasurer  
City Attorney  
City Manager  
Assistant City Manager  
Assistant to the City Manager  
Public Works Director  
Administrative Services Director  
Lieutenant  
Community and Economic Development Director  
Parks & Community Services Director

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

Tom Jerele Sr - Commended Council for acknowledging volunteers who worked on the "M" landmark; thanked Mayor for history on the landmark; projects do a lot of good; commented on Polly's Pies; commended and thanked Council Member Molina for his assistance on Sunnymead Boulevard during the flood.

Scott Heveran - Thank you to Press Enterprise for coverage on corruption probe; encouraged continuation of recall.

Tom Thornsley - Thank you for opportunity to interview for Planning Commission seat; looking for nomination

Deanna Reeder - Swearing In Ceremony was not able to attend; balanced budget

Debra Craig - Swearing In Ceremony; General Law City only ceremonial Mayor

Louise Palomarez – Comments from residents at the meeting

Chris Baca - Perpetual recall mode destructive to the City; Special Elections are costly

Robert Palomarez – Bill Batey holding up petition signatures

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

Mayor Tom Owings opened the agenda items for the Consent Calendars for public comments; public comments were received from Scott Heveran.

**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 10, 2013 (Report of: City Clerk's Department)**

**Recommendation:**

Approve as submitted.

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

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of December 4, 2013 – January 7, 2014.

**A.4 APPROVE AND EXECUTE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR PARTIAL ACQUISITION OF APN 486-270-019 FOR THE NASON STREET FROM CACTUS AVENUE TO FIR AVENUE STREET IMPROVEMENT PROJECT – PROJECT NO. 801 0001 70 77 (Report of: Public Works Department)**

**Recommendations**

1. Approve the Agreement for Conveyance of Property for the partial acquisition of APN 486-270-019 for the Nason Street Improvement Project.
2. Authorize the City Manager to execute the Agreement for Conveyance of Property and authorize the Public Works Director/City Engineer to approve any changes subject to the approval of the City Attorney.
3. Authorize the issuance of a Purchase Order for \$146,000 (\$136,000

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for the acquisition purchase price plus \$10,000 for escrow closing fees) when the Agreement has been signed by all parties.

A.5 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF)  
EXPENDITURE PLAN FOR FY 2013-14  
(Report of: Financial & Management Services Department)

**Recommendations**

1. Approval of the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2013-14.
2. Approve an increase of \$325,323 to the SLESF Grant Fund FY 2013-14 revenue budget (account 2410-60-69-76012-486000) to reflect the total FY 2013-14 allocation of \$325,323.
3. Approve an increase of \$325,323 to the SLESF Grant Fund FY 2013-14 expenditure budget (account 2410-60-69-76012-620320) to reflect the FY 2013-14 planned expenditure of \$325,323.

A.6 AWARD CONSTRUCTION CONTRACT TO PRINCIPLES  
CONTRACTING, INC. FOR THE CIVIC CENTER SITE IMPROVEMENTS  
(EXTERIOR) PHASE 2 -  
PROJECT NO. 803 0001 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Award the construction contract to Principles Contracting, Inc., 1760 Marlborough Avenue, Riverside, CA 92507, the lowest responsible bidder, for the construction of the Civic Center Site Improvements (Exterior) Project.
2. Authorize the City Manager to execute the Agreement with Principles Contracting, Inc.
3. Authorize the issuance of a Purchase Order to Principles Contracting, Inc. for \$400,500 (\$356,000 bid amount plus 12.5% 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 Principles Contracting, Inc., up to, but not exceeding, the contingency amount of \$44,500, 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,

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accept the improvements into the City's maintained system, and release the retention to Principles Contracting, Inc., if no claims are filed against the project.

6. Authorize the re-appropriation of \$185,358 from the EOC Family Care Generator project, 2005 Lease Revenue Bonds Fund (Fund 3401), to the Civic Center Site Improvements (Exterior).

A.7 APPROVE AND EXECUTE AGREEMENT FOR CONVEYANCE OF PROPERTY FOR PARTIAL ACQUISITION OF APNS 487-470-015, 487-470-016, AND 487-470-017 FOR THE NASON STREET FROM CACTUS AVENUE TO FIR AVENUE STREET IMPROVEMENT PROJECT – PROJECT NO. 801 0001 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Approve the Agreement for Conveyance of Property for the partial acquisition of APNs 487-470-015, 487-470-016, and 487-470-017 for the Nason Street Improvement Project.
2. Authorize the City Manager to execute the Agreement for Conveyance of Property and authorize the Public Works Director/City Engineer to approve any changes subject to the approval of the City Attorney.
3. Authorize the issuance of a Purchase Order for \$210,000 (\$200,000 for the acquisition purchase price plus \$10,000 for escrow closing fees) when the Agreement has been signed by all parties.

A.8 PA07-0080, PM 35672 – REQUEST TO EXTEND THE FULL ROAD CLOSURE OF INDIAN STREET FROM IRIS AVENUE TO KRAMERIA AVENUE AND IRIS AVENUE BETWEEN INDIAN STREET AND CONCORD WAY FOR THE CONSTRUCTION OF STREET IMPROVEMENTS UNTIL FEBRUARY 1, 2014  
(Report of: Public Works Department)

**Recommendations**

1. Authorize the extension of a full road closure of Indian Street from Iris Avenue to Krameria Avenue and Iris Avenue between Indian Avenue and Concord Way for the construction of street improvements until February 1, 2014.
2. Authorize the City Engineer to allow for an additional 30-day extension in addition to the extension being requested to the proposed road closure window if the project is delayed due to unforeseen construction issues.

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- A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT TO HILLCREST CONTRACTING, INC. FOR THE HEMLOCK AVENUE IMPROVEMENTS AND GRAHAM STREET IMPROVEMENTS, PROJECT NO. 801 7002 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Award the construction contract to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, California 92879, the lowest responsible bidder, for the Hemlock Avenue Improvements and Graham Street Improvements.
2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.
3. Authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. for the amount of \$293,412 (\$244,510 bid amount 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 Hillcrest Contracting, Inc. up to, but not exceeding, the contingency amount of \$48,902, 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 Hillcrest Contracting, Inc., if no claims are filed against the project.

- A.10 APPROVAL OF PAYMENT REGISTER FOR NOVEMBER, 2013  
(Report of: Financial & Management Services Department)

**Recommendation:**

Adopt Resolution No. 2014-01. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of November, 2013 in the amount of \$11,821,621.94.

**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 10, 2013 (Report of: City Clerk's Department)

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**Recommendation:**  
Approve as Submitted.

- B.3 AUTHORIZE THE SUBMISSION OF APPLICATION FOR ADDITIONAL AFTER SCHOOL EDUCATION AND SAFETY GRANT FUNDS FOR FISCAL YEAR 2014/2015  
(Report of: Parks & Community Services Department)

**Recommendation:**  
Authorize the City Manager to submit an application to the California Department of Education for additional After School Education and Safety Grant funds (ASES) for FY 2014/15.

**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 10, 2013 (Report of: City Clerk's Department)

**Recommendation:**  
Approve as submitted.

- C.3 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AND CONSENT TO DEEDS OR GRANTS FOR RESIDENTIAL PROPERTIES ACQUIRED BY OR ASSIGNED TO THE MORENO VALLEY HOUSING AUTHORITY  
(Report of: Community & Economic Development Department)

**Recommendation:**  
Adopt Resolution No. HA 2014-01. A Resolution of the Moreno Valley Housing Authority of the City of Moreno Valley, California, authorizing the executive director (or his/her assignee) to accept and consent to deeds or grants for residential properties acquired by or assigned to the Housing Authority.

**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 10, 2013 (Report of: City Clerk's Department)

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**Recommendation:**  
Approve as submitted.

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

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

**E. PUBLIC HEARINGS - NONE**

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

**G. REPORTS**

G.1 APPROVE POLICY DIRECTION FOR REVIEW OF LAND USE APPLICATIONS IN THE SR-60 EAST CORRIDOR STUDY AREA (PA13-0003), AND RECOGNIZE THAT ORDINANCE 861 WILL EXPIRE ON JANUARY 23, 2014

(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Adopt the Preferred Alternative identified in the SR-60 East Corridor Study to provide policy direction for use in the review of land use change applications, recognizing that any future land use proposals in the Study area will require separate evaluation for land use consistency and potential environmental impacts.
2. Recognize that Ordinance 861 which extended a moratorium on the issuance of land use entitlements in four designated locations along the SR-60 East Corridor Area will expire on January 23, 2014.

Mayor Tom Owings opened the agenda item for public comments, which were received from Pat Cavanaugh (supports), Tom Thornsley, Deanna Reeder (opposed), Jeff Kraus (opposed), Tom Jerele, Sr., Craig Givens (opposed).

**Motion to approve the verbal motion as presented:**

**1) Receive and file the SR-60 Corridor Study prepared by Raimi & Associates as the study authorized by the City. 2) Recognize that Ordinance 861 which extended a moratorium on the issuance of land use entitlements in four designated locations along the SR-60 East**

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**Corridor Area will expire on January 23, 2014. 3) Direct staff to proceed with preparing a policy document in the future in accordance with the current law by m/Mayor Tom Owings, s/Council Member Jesse L. Molina**

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

- G.2 RECEIVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEES FOR FISCAL YEAR 2012-13  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

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.

Mayor Tom Owings opened the agenda item for public comments. Public comments were received from Tom Jerele, Sr.

**Approve and accept the Annual Report on Development Impact Fees in compliance with California Government Code Section 66006.**

**Approve the finding that staff has demonstrated a continuing need to hold unexpended Development Impact Fees by m/Mayor Pro Tem Victoria Baca, s/Council Member Richard A. Stewart**

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

- G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

City Manager Michelle Dawson reported applications for the next program year for the Community Development Block Grant and Home Investment Partnership Program are currently being accepted. Grant funding is available to local non-profits to partner with the City to assist our low to moderate income residents. Applications are due by January 22<sup>nd</sup> and the information is available on the City's website.

The city-wide camera system is now fully functional and recording video 24 hours day, 7 days a week with over 200 cameras operating in the City. The Police Department is actively recruiting training volunteers to assist in operational and maintaining the new camera system. Interested residents may contact Moreno Valley Police Department. Staff is planning open

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house for residents to get a close look of the cameras.

City Manager Dawson acknowledged and thanked Community & Economic Development Director John Terrel for his successful economic development efforts and capably managing the large, complex Community & Economic Development Department.

G.4 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

No report given.

**H. LEGISLATIVE ACTIONS**

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 ORDINANCE NO. 872. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING P11-061, THE SIXTH AMENDMENT TO THE TOWNGATE SPECIFIC PLAN (SP NO. 200) TO PERMIT SENIOR HOUSING FACILITIES AND CONDITIONALLY PERMIT HOTELS AND ASSISTED LIVING FACILITIES IN THE OFFICE COMMERCIAL LAND USE DISTRICT OF THE PLAN, INCLUDING DEVELOPMENT AND PARKING STANDARDS AND UPDATED HANDICAP ACCESSIBLE STANDARDS. (RECEIVED FIRST READING AND INTRODUCTION ON DECEMBER 10, 2013 BY A 5-0 VOTE)

**Recommendations That the City Council:**

ADOPT Ordinance No. 872. An Ordinance of the City Council of the City of Moreno Valley, California approving P11-061, the sixth amendment to the Towngate Specific Plan (SP No. 200) to permit senior housing facilities and conditionally permit hotels and assisted living facilities in the Office Commercial Land Use District of the Plan, including development and parking standards and updated handicap accessible standards.

**ADOPT Ordinance No. 872. An Ordinance of the City Council of the City of Moreno Valley, California approving P11-061, the sixth amendment to the Towngate Specific Plan (SP No. 200) to permit senior housing facilities and conditionally permit hotels and assisted living facilities in the Office Commercial Land Use District of the Plan, including development and parking standards and updated handicap accessible standards by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**

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

Mayor Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Mayor Pro Tem Victoria Baca

1. Good news for the City, the overlay expiring, will make some people happy, thanked a hard working staff
2. Exceptional gratitude to animal services; Mayor Pro Tem Baca state she had fostered two puppies for her grandchildren. Council does care for the animals and it shows how much; hopes to have a "no kill" Moreno Valley with no animals euthanized. The Animal Services staff are good people that love the animals and do their due diligence.
3. Thanked her colleagues on City Council for the work they put in.
4. Recalls are a distraction and interrupt the business process, cannot continue if we are to do a fine job.
5. Continue working in Edgemont moving forward with trying to better the water in the area; residents that have no other water service choice; consultant is working in the community, has called Code Compliance for pickups on trash and furniture.
6. Thanked the community for their support they have given the City Council.

Council Member Yxstian Gutierrez

1. Pretty excited because there are a lot of great things happening in the City.
2. For example the Arts & Music program that will be unveiling; believes all students should have access to Arts & Music; would like to offer opportunities and exposure to Arts; bringing the musical

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instruments to children in partnership with Moreno Valley Unified, Val Verde and Think Together. Council Member Gutierrez reported In March he would be unveiling the program. Plato once said: "Music is the soul to the universe, wings to the mind, flight to the imagination and life to everything."

3. Has been active in District 4; held a "Meet and Greet;" with business round table; continues walking in the neighborhood talking to constituents in District 4; starting a financial literacy workshop provide free materials.
4. Would be attending training for a new Council Members in Sacramento next week.
5. Thanked James Baker and his team for their great work on the "M" landmark.
6. Supports public safety by allocating monies through grant programs.

Council Member Richard A. Stewart - no comments

Council Member Jesse Molina

1. Thank everyone for their attendance at the Council Meeting; things are changing and moving along; if we all put our minds and ideas together we can achieve our goals.
2. Thanked the City Manager, City Manager Michelle Dawson for the good report.
3. Thanked Police Department as the city-wide cameras are working. They are bringing safety in our neighborhoods. Asked for volunteers to monitor cameras.
4. Referred to the City of Redlands Police Department and how their information on problems with loitering and vagrancy can assist the policemen out in the field.

Mayor Tom Owings

1. Reminded teenagers in the City of Moreno Valley that there are positions open on various Advisory Boards & Commissions. The City has been working diligently to fill the vacant adult members but still has teen member positions open to fill; encouraged students to participate in government.

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2. In agreement with Mayor Pro Tem Baca's comments on the "No Kill" Moval; new attitude at the Animal Shelter; a Moreno Valley is a City that looks at innovate ways to do things.
3. Chicago Pasta House Dino Migliore loss of son Dino. The Mayor extended his sympathies to his father and read a moving tribute in honor of Dino Migliore.

## **CLOSED SESSION**

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.

### **• 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 was held pursuant to Government Code:

City Attorney Suzanne Bryant, City Attorney reported, pursuant to Government Code section 54956.9(d)(2), the Council will go into Closed Session to discuss and possibly decide waiving the attorney-client privilege and authorizing disclosure of the document created pursuant to the City Council's direction to the City Attorney in Closed Session on September 7, 2010. At this time, I cannot predict if there will be any reportable action.

Mayor Tom Owings opened the public testimony which was received from Deanna Reeder.

#### **1 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9**

Number of Cases: 5

Discussion and possible decision(s) about waiving the attorney-client privilege and authorizing disclosure of the document(s) created pursuant to the City Council's direction to the City Attorney in Closed Session on September 7, 2010.

#### **2 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

Number of Cases: 5

MINUTES  
January 14, 2014

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

The Regular Meeting reconvened at 9:50 p.m. from Closed Session.

City Attorney City Attorney Suzanne Bryant reported the Council, Baca, Molina, Stewart, Gutierrez and Owings voted 5-0 to waive the attorney-client privilege and authorize disclosure of the document created pursuant to the City Council's direction to the City Attorney in Closed Session on September 7, 2010.

Mayor Tom Owings thanked the City Attorney and stated a copy to the Press would be available tonight and would be made available tomorrow to the general public upon a records request.

## **ADJOURNMENT**

There being no further business the Regular Meeting was adjourned at 10:12 p.m. in memory of Dino Migliore.

Submitted by:

---

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

Approved by:

---

Mayor Tom Owings  
President, Moreno Valley Community Services District  
Chairperson, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley  
Chairperson, Moreno Valley Housing Authority  
Chairperson, Board of Library Trustees

MINUTES  
January 14, 2014



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## **Report to City Council**

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**TO:** Mayor and City Council

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

**AGENDA DATE:** January 28, 2014

**TITLE:** APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH RICK ENGINEERING COMPANY FOR THE MORENO MASTER DRAINAGE PLAN LINE "F", STAGE 2 CHANNEL IMPROVEMENTS, PROJECT NO. 804 0005 70 77

---

### **RECOMMENDED ACTION**

Recommendations:

1. Approve the Second Amendment to the Agreement for Professional Consultant Services for Surveying Services with Rick Engineering Company, for the Moreno Master Drainage Plan Line "F", Stage 2 Channel Improvements.
2. Authorize the City Manager to execute the Second Amendment to the Agreement for Professional Consultant Services with Rick Engineering Company.
3. Authorize a Change Order to increase Purchase Order Number 2014-00000384 with Rick Engineering Company for the amount of \$27,390 when the contract has been signed by all parties.

### **SUMMARY**

This report recommends approval of the Second Amendment to Agreement for Professional Consultant Services with Rick Engineering Company for the Moreno Master Drainage Plan (MMDP) Line "F", Stage 2 Channel Improvements (Line F). The project is funded by Riverside County Flood Control and Water Conservation District (the District), who deposited monies with the City in the Public Works General Capital

Projects (Fund 3002) fund. This project was approved in the Fiscal Year 2013/2014 Capital Improvement Plan (CIP).

### **DISCUSSION**

The Line F project is approximately 4,500 feet long and starts at 800 feet west of Oliver Street to join the existing improved channel in the proximity of the Grande Vista Drive and Iris Avenue intersection. The work involved will fully improve the existing earthen trapezoidal flood control channel with a concrete lining; the construction will also provide access roads, maintenance ramps, and storm drain lateral stubs.

Rick Engineering Company was originally selected through a competitive selection process for the Cactus Avenue/Nason Street Improvement Project which included Line F work. At its March 13, 2012 meeting, the City Council approved the Agreement for Professional Consultant Services with Rick Engineering Company for the Cactus Avenue/Nason Street Improvement Project; however, due to a lack of funding at that time the additive bid item for the Line F portion of the project scope of work was not utilized.

On February 26, 2013 the City Council approved a Cooperative Agreement with the District and authorized the appropriation, of the District's Master Drainage Fees, up to \$4,000,000 to fund the construction phase of the Line F project.

On April 23, 2013 the City Council authorized the award of a construction contract to Bedon Construction, Inc. for the Line F project. On May 14, 2013 the City Council authorized the First Amendment to Agreement with Rick Engineering Company to provide surveying services for the Line F project.

Due to the extended work effort involved in coordinating the installation of the sewer laterals with the adjacent property owner, Eastern Municipal Water District's required modifications to its existing 15" and 33" sewer mains, and multiple rain events, additional surveying services are needed. Therefore, staff is requesting to increase the Purchase Order to Rick Engineering to allow payment for these additional costs. The project is currently anticipated to be completed by the end of February 2014.

### **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the timely construction of the Line F project, thus, reducing the threat of flood damage in the area.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the timely construction of the Line F project, leaving this area under the potential threat of flood damage.*

**FISCAL IMPACT**

Pursuant to the terms of the Cooperative Agreement between the District and the City, the District will contribute up to \$4,000,000 to construct the Line F project. There is no impact to the General Fund.

AVAILABLE FUNDS IN FISCAL YEAR 2013/2014:

Moreno Master Drainage Plan Line F, Stage 2 Channel Improvements (Account No. 3002-70-77-80004, Project No. 804 0005 70 77-3002).....	\$3,684,562
Total Available General Capital Projects Fund Budget.....	\$3,684,562

TOTAL PROJECT FUNDING (FY 2012/2013 – 2013/2014):

Moreno Master Drainage Plan Line F, Stage 2 Channel Improvements (Account No. 3002-70-77-80004, Project No. 804 0005 70 77-3002).....	\$4,000,000
--	-------------

TOTAL ESTIMATED CONSTRUCTION RELATED COSTS:

Contractor Construction Costs (includes Contingency).....	\$3,602,000
Construction Design Support Services.....	\$85,000
Construction Survey Services (Rick Engineering).....	\$63,000
<b>Additional Survey Services (Rick Engineering).....</b>	<b>\$27,000</b>
Construction Materials Testing and Geotechnical Services (Leighton) .....	\$62,000
Construction Management and Project Administration* .....	\$140,000
Total Estimated Project Costs .....	\$3,979,000

*\*Public Works and consultant staff will provide Construction Management and Project Administration including Inspection services.*

ANTICIPATED PROJECT SCHEDULE:

Anticipated Completion of Construction ..... February 2014

**CITY COUNCIL GOALS**

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

**ATTACHMENTS**

- Attachment 1: Location Map
- Attachment 2: Second Amendment to Agreement with Rick Engineering Company

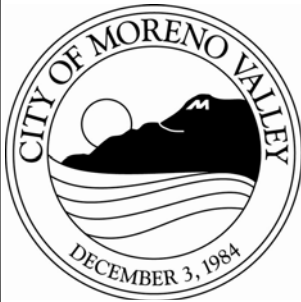
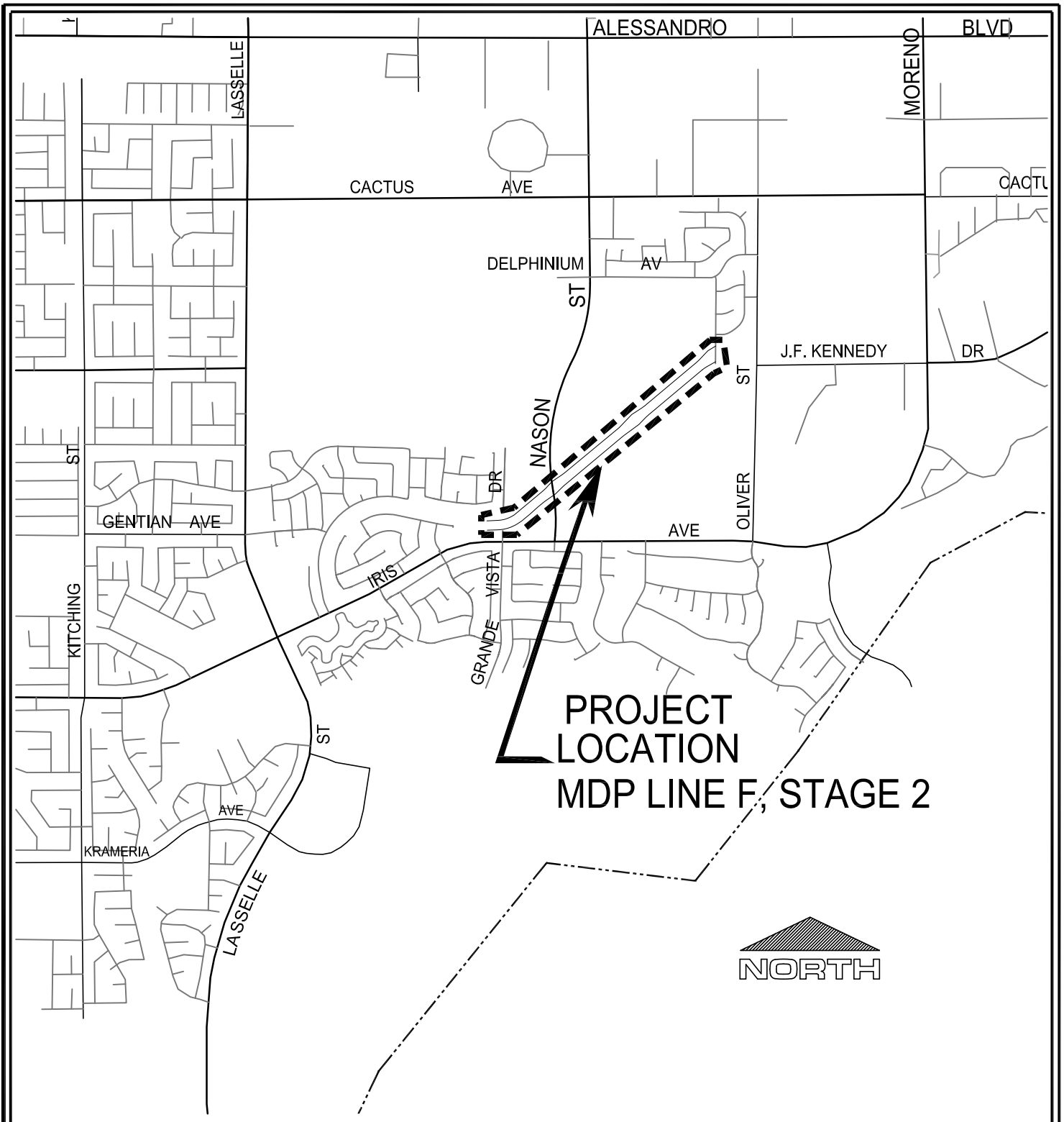
Prepared By:  
Guy Pegan, P.E.  
Senior Engineer

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

Concurred By:  
Prem Kumar, P.E.  
Deputy Public Works Director/Assistant City Engineer



Date: 04 Feb 13 - 2:43 pm  
 File: W:\CopProj\CopProj\PROJECTS\Iren - 804 0005 70 77 Line F\Design Phase\Auto CAD\Location\_Map\Location\_Map.dwg  
 User: deepoks



# LOCATION MAP

Public Works Department  
 Capital Projects Division

Scale: None

ATTACHMENT 1

MORENO MASTER DRAINAGE PLAN  
 LINE F, STAGE 2 CHANNEL IMPROVEMENTS  
 PROJECT NUMBER 804 0005 70 77

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**SECOND AMENDMENT TO AGREEMENT  
FOR PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 804 0005 70 77**

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **Rick Engineering Company**, a California corporation, hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated March 19, 2012.

Whereas, the Consultant is providing consultant construction survey services for the Cactus Avenue/Nason Street Improvement Project.

Whereas, the Agreement was amended on June 24, 2013 to extend the professional consultant services for the Moreno Master Drainage Plan Line "F", Stage 2 Channel Improvements in the First Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Second Amendment.

Whereas, the Consultant has submitted a Proposal dated December 19, 2013, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit

**FIRST AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 804 0005 70 77**

A – Second Amendment”, entitled “Scope of Work and Fees” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2014** is not extended by this Amendment, unless the termination date is further extended by an Amendment to the Agreement.

1.2 Exhibit “B” to the Agreement is hereby amended by adding to the scope of work section described in “Exhibit A – Second Amendment”, entitled “Scope of Work and Fees.”

1.3 Exhibit “D” to the Agreement is hereby further amended by adding to the cost proposal section thereof described in “Exhibit A – Second Amendment”, entitled “Scope of Work and Fees.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a “Not-to-Exceed” fee of \$27,390, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant’s performance of the work set forth in “Exhibit A – Second Amendment”, entitled “Scope of Work and Fees.”

1.5 The total “Not to Exceed” fee for this contract is \$292,140 (\$201,940 for the original Agreement, plus \$62,810 for the First Amendment to Agreement, plus \$27,390 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

**SIGNATURE PAGE TO FOLLOW**

**FIRST AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 804 0005 70 77**

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

Rick Engineering Company

BY: \_\_\_\_\_

City Manager

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

(President or Vice President)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**INTERNAL USE ONLY**

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
Date

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

(Corporate Secretary)

\_\_\_\_\_  
Date

Attachments: Exhibit A – Second Amendment

W:\CapProj\CapProj\PROJECTS\Guy - 804 0005 70 77 Moreno Valley Master Drainage Plan Line  
F\Construction\Consultant\Survey -Rick\Agreement\2nd Amendment\Second Amendment to Agreement with Rick Engineering  
Company.doc



**Additional Funds Cost Estimate**

Rick Engineering Company Job No. 15856-R  
December 19, 2013

Guy Pegan  
City of Moreno Valley  
Capital Projects Division  
14177 Frederick Street  
Moreno Valley, CA 92552

**PROJECT: CACTUS / NASON – CHANNEL LINE “F” STAGE 2  
PROJECT NO. 804-0005-70-77**

Per your request, below is Rick Engineering Company’s cost estimate for the above referenced project. We are requesting to expend an additional **\$27,390.00** in conjunction with our current contract, for staking services as specified below.

**Scope of Work & Fees:**

- |  |                 |
|--|-----------------|
| <b>1. Additional Requested Services</b>  | <b>\$15,550</b> |
| Staking services provided at the request of the Contractor due to rain washouts and miscellaneous damage to existing stakes.                   |                 |
| <b>2. EMWD Sewer Line Modifications</b>  | <b>\$3,200</b>  |
| Additional staking services provided due to the addition and modifications of sewer line. Not included in the original contract scope of work. |                 |
| <b>3. Channel CL &amp; Toe Sub-Drain</b>   | <b>\$4,540</b>  |
| Staking services provided at the request of the Contractor. Not included in the original contract scope of work.                               |                 |
| <b>4. Additional Staking Services</b>  | <b>\$4,100</b>  |
| Estimated additional services remaining to complete survey staking.  |                 |

*All other provisions of the original contract are to remain unchanged.*

Please review, approve and issue the appropriate City of Moreno Valley paperwork for this request. If you have any questions regarding this, please contact Karina Hostetler. Thank you for requesting Rick Engineering Company to provide this estimate.

Sincerely,

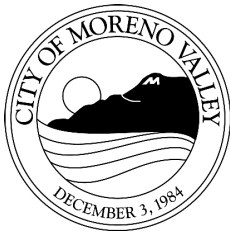
RICK ENGINEERING COMPANY

Marten L. Anderson, RCE 51313, LEED AP, CSI, QSD/QSP  
Associate

MLA:MAR:kmh

F:\15856\15856-R\Contract\20131219\_Additional Funds Request\_Cost Estimate.docx

1770 Iowa Avenue, Suite 100 • Riverside, California 92507 • (951) 782-0707 • FAX: (951) 782-0723 • rickengineering.com  
RIVERSIDE SAN DIEGO ORANGE SACRAMENTO SAN LUIS OBISPO BAKERSFIELD PHOENIX TUCSON



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** January 28, 2014

**TITLE:** AUTHORIZATION TO AWARD THE PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES TO OVERLAND, PACIFIC & CUTLER, INC. FOR VARIOUS PROJECTS

---

### **RECOMMENDED ACTION**

Recommendations:

1. Approve the "Project Specific Agreement for On-Call Professional Consultant Services" (Agreement) with Overland, Pacific & Cutler, Inc. (OPC) to provide Professional Consultant Real Property Services for various projects.
2. Authorize the Chief Financial Officer to execute the Agreement with OPC.
3. Authorize the issuance of a Purchase Order to OPC for the amount of \$50,000 when the Agreement has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement with OPC within the purchase order amount, subject to the approval of the City Attorney.

### **SUMMARY**

This report recommends approval of a contract for On-Call Professional Consultant Services to provide in-house professional consultant real property services for various projects. The purchase order for this contract will be encumbered under Nason Street Widening/ Cactus Avenue to Fir Avenue, Account 3411-70-77-80001, Project Number 801 0001 70 77-3411. As costs are incurred against this purchase order, the

expenditures will be transferred to the applicable capital projects for which services were performed.

## **DISCUSSION**

In November 2013, a Request for Proposal (RFP) to provide Professional Consultant Real Property Services for various projects was issued to all five of the Capital Project Division's on-call real property firms. The RFP was issued to fulfill the need for specialized staffing required to achieve project-related real property activities. The City no longer has an in-house full time career-level "Senior Real Property Agent" position due to the lack of sufficient continuous workload, and therefore is utilizing temporary consultant staff on an as-needed basis as a cost savings measure. The City received one proposal in response to the RFP. The sole respondent, OPC, was identified as the most responsive firm to provide the necessary real property services to the City.

OPC staff has an excellent track record of providing real property services for budgeted capital improvement projects including, but not limited to, Nason Street Improvements, SR-60 / Moreno Beach Interchange (South Side), and Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue Improvements. It is anticipated that OPC staff will work on various budgeted capital projects as needed and as assigned.

OPC's proposed hourly rate for the Senior Real Property Agent is \$105 per hour, well below OPC's typical hourly rate of \$130 per hour. The proposed \$105 rate is also below the industry standard, which typically ranges from \$120 to \$140 per hour.

Staff recommends executing the Agreement with OPC for their services. The purchase order amount for \$50,000 allows for approximately one (1) year of real property services by the in-house consultant staff on an as-needed basis.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

## **FISCAL IMPACT**

This Agreement in the amount of \$50,000 provides for approximately one year of as-needed temporary professional real property staffing services. The City may terminate the agreement at any time by giving at least ten days written notice to the consultant.

The purchase order will be encumbered under Nason Street Widening/ Cactus Avenue to Fir Avenue, Account 3411-70-77-80001, Project Number 801 0001 70 77-3411. As



costs are incurred against this purchase order, the expenditures will be transferred to the applicable capital projects, funded in the 2013/14 Capital Improvement Plan budget, for which services were performed.

**TOTAL AVAILABLE FUNDS FOR PURCHASE ORDER:**

**Fiscal Year 2013/2014:**

Nason Street Widening/ Cactus Avenue to Fir Avenue (Account No. 3411-70-77-80001, Project No. 801 0001 70 77-3411).....	\$13,893,000
Total Budget.....	\$13,893,000

**These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities.** There is no impact on the General Fund.

**CITY COUNCIL GOALS**

**PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

**POSITIVE ENVIRONMENT:**

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

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

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

**ATTACHMENTS**

Attachment 1: Agreement for On-Call Professional Consultant Services with OPC

Prepared By:  
Lorenz R. Gonzales  
Senior Engineer, P.E.

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

Concurred By:  
Prem Kumar, P.E.  
Deputy Public Works Director/Assistant City Engineer

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**PROJECT SPECIFIC AGREEMENT FOR ON-CALL  
PROFESSIONAL CONSULTANT SERVICES  
VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION**

This Agreement is made and entered into as of the date signed by the City of Moreno Valley, by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Overland, Pacific & Cutler, Inc., a California corporation, hereinafter described as "Consultant."

**RECITALS**

WHEREAS, the City has pre-qualified Consultant for On-call Consultant work in an Agreement ("On-Call Agreement") executed on April 2, 2013 for Consultant Services hereinafter described as "Project"; and

WHEREAS, the City wishes to engage the services of Consultant for the Project set forth in Exhibit "A".

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

1. The previously executed On-Call Agreement and subsequent Amendments between City and Consultant are incorporated herein by reference and made a part of this Agreement as if set forth in full and available for review in the City Engineer's office. Notwithstanding any expiration or termination of the On-Call Agreement or Amendment, all terms and provisions of the aforementioned On-Call Agreement and Amendments incorporated herein shall survive the expiration or termination of such Agreement or Amendment for the duration of this Project Specific Agreement. In the event of a conflict between this Agreement and the On-Call Agreement, the most current amendment shall prevail.

**PROJECT SPECIFIC AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES**

**Page 2**

2. The City's scope of service is for Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed) and is described in detail in Exhibit "A" attached hereto and incorporated herein by this reference.

3. The Consultant's scope of service is described in detail in Exhibit "B" attached hereto and incorporated herein by this reference.

4. The City's responsibility is described in Exhibit "C" attached hereto and incorporated herein by this reference.

5. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **\$50,000.00** in accordance with the payment terms provided in Exhibit "D", attached hereto and incorporated herein by this reference.

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. This agreement will terminate on **December 31, 2014** unless the termination date is extended by an amendment to the agreement.

8. Consultant shall provide updated insurance documentation, certificates or endorsements unless specifically waived by the City's Risk Manager.

**SIGNATURE PAGE FOLLOWS**

**PROJECT SPECIFIC AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
Page 3**

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

**Overland, Pacific & Cutler, Inc.**

BY: \_\_\_\_\_  
Chief Financial Officer

BY: \_\_\_\_\_

\_\_\_\_\_  
Date

TITLE: \_\_\_\_\_  
(President or Vice President)

\_\_\_\_\_  
Date

<p><u>INTERNAL USE ONLY</u> APPROVED AS TO LEGAL FORM:</p> <p>_____ City Attorney</p> <p>_____ Date</p> <p>RECOMMENDED FOR APPROVAL:</p> <p>_____ Public Works Director/City Engineer</p> <p>_____ Date</p>
---

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Corporate Secretary)

\_\_\_\_\_  
Date

- Enclosures: Exhibit "A" – City Scope of Services  
Exhibit "B" – Consultant Proposal  
Exhibit "C" – City's Responsibility  
Exhibit "D" – Terms of Payment

**EXHIBIT "A"**

**PROFESSIONAL CONSULTANT RIGHT-OF-WAY SERVICES  
FOR “RIGHT OF WAY CONSULTANT”**

**SCOPE OF SERVICES**

Various City of Moreno Valley Capital Improvement projects throughout the year will require Right of Way Services. The requested Proposal and Fee is for an agreement to provide Right of Way Services at City Hall offices for approximately 9 hours (one working day) per week.

The following list includes services that may be needed over the course of the contract. The list is not intended to be all-inclusive, as other services may be needed:

- Prepare reports and coordinate the preparation of site surveys relating to real property that is required for public purposes
- Prepare certificates of acceptance; record documentation at the county, negotiate for purchase, lease, or donation of real property
- Prepare contracts, agreements, leases, deeds, re-conveyances, legals, plats, and other instruments used to acquire or vacate interests in real property
- Prepare and obtain rights of entry
- Prepare and acquire temporary construction easements
- Estimate the market value of real property and prepare written reports
- Analyze title reports, contracts, judgments, court records, and other documents to evaluate the legal status and effect upon title of various liens, restrictions, and encumbrances
- Maintain records, databases, maps, deeds, and other documents
- Coordinate the hiring of appraisers, including preparation of Request for Proposals, review and rate/rank Proposals, prepare Staff Reports, review appraisals, verify property surveys, plats and legal descriptions
- Coordinate eminent domain actions' consult with the City Council and City departments regarding real property matters, and interact with public agencies
- Negotiate and acquire temporary construction “rights of way”
- Meet with property owners to discuss and educate them on real property issues pertaining to acquisition and relocation
- Assist project managers on real property issues as they relate to their respective capital improvement projects
- Perform related duties as assigned and provide quality customer service

**EXHIBIT "B"**





2280 Market Street, Suite 200  
Riverside, CA 92501  
951.683.2353 ph | 951.683.3901 fax

December 11, 2013

Ms. Stephanie Cuff  
Senior Administrative Assistant  
City of Moreno Valley  
Capital Projects Division  
14177 Frederick St.  
Moreno Valley, CA 92552

Sent Via Email: [stephaniec@moval.org](mailto:stephaniec@moval.org)

Subject: Proposal to Provide In-House Right of Way Consultant Services

Dear Ms. Cuff:

Overland, Pacific & Cutler, Inc. (OPC) is pleased to submit this proposal to provide professional consultant right of way services for the City of Moreno Valley. It is our understanding the City of Moreno Valley is requesting an in-house right of way consultant to provide right of way services for approximately 9 hours (1 work day) per week. OPC has provided in-house services to the City of Moreno Valley in the past and we are intimately knowledgeable about the needs and requirements for the requested position.

OPC proposes to provide a qualified Project Manager, Mr. Mike Green, SR/WA, who has the knowledge and experience to successfully execute the requested services and is familiar with the City of Moreno Valley and its staff. As you may know, Mr. Green provided in-house services to the City and he brings to the position his past experience, knowledge of City procedures, and established relationships with outside vendors and Caltrans staff.

We appreciate this opportunity to provide the requested services. If you have any questions or need any additional information, please do not hesitate to contact me at 562.304.2000 or you may email at [cjustesen@opcservices.com](mailto:cjustesen@opcservices.com).

Sincerely,

***Overland, Pacific & Cutler, Inc.***

A handwritten signature in black ink, appearing to read "Craig Justesen", is written over a light gray background.

Craig Justesen  
Program Manager/Principal

## Project Approach

We believe that there are great advantages to the City of Moreno Valley by having an in-house “in-lieu of staff member” to provide right of way services. Besides the immediate accountability, this position offers consistency, ease of communication, and the ability to prioritize workloads. OPC proposes to assign Mr. Mike Green, SR/WA, Project Manager, to work in your offices for approximately 9 hours (one working day) per week. Mike will work in your offices, under your direction, and will coordinate title, appraisals, escrow/closings, and other requested right of way services. He will perform or supervise the negotiation process, and coordinate with the City Attorney’s office should there be a need for litigation (either for eminent domain or otherwise). Mike has previously provided these services as an in-house staff member to the City and we are confident this makes him the best candidate for the position.

## Relative Project Experience

Mr. Green has provided in-house staff to the City of Moreno Valley, as well as to the City of Huntington Beach. He is reliable, experienced, and knowledgeable on all facets of right of way. Additional relevant experience can be found in his resume on page 4.

OPC has provided in-house right of way staff to the City of Burbank, City of Redlands, City of Huntington Beach, the City of Moreno Valley, and many other public agencies in this capacity. We are thoroughly experienced in what this type of position entails. We have included information on past experience providing in-house staff.

### City of Fullerton, CA Staff Agent for Right of Way Services

Overland, Pacific & Cutler, Inc. provided in-lieu staff services for the City of Fullerton by placing a right of way agent in their office to work under their direction in handling cellular communication agreements and road widening projects. The agent was able to maintain a flexible schedule between 20-30 hours a week, and also assisted in dedications, street vacations and other miscellaneous real property matters for the public works department and redevelopment agency.



### Los Angeles Unified School District, CA Various Projects, School Site Development Program

OPC aided the district in its school site selection process by providing multiple “in-house” consultants that helped the district with oversight and management of its programs and its relocation plan preparation, and with the implementation of the new and expansion school site program. LAUSD relied heavily on OPC’s extensive and experienced staff to meet its goals.



**City of Carson, CA  
In-Lieu Staff**

OPC provided in-lieu staff for redevelopment project management services for multiple projects for the City of Carson's Redevelopment Agency. Among the projects was a 140,000 square foot institutional grade office building in which the Agency is provided financial assistance to British Petroleum (BP). OPC's services included coordination and management of the development agreement, which included sale of land, business terms, land write-down, coordination of 33433 report, re-use appraisal and management of project entitlements.



In addition to in-house project experience, OPC has included a few of the projects we have performed on for the City of Moreno Valley:

**SR-60 /Moreno Beach Drive Interchange Project**

OPC provided acquisition services for 32 parcels. The project will construct eastbound on/off ramps, westbound on/off ramps, and road improvements on Moreno Beach Drive that will include the replacement of the existing 2-lane bridge with a 6-lane bridge crossing State Route 60. In addition, the project includes construction of approximately 1,800 feet of storm drain improvements along Ironwood Avenue in the vicinity of Moreno Beach Drive. The project will alleviate congestion, enhance freeway access, and replace the existing bridge over State Route 60.



**SR-60 @ Nason Street Interchange Project**

This Interchange improvement project at SR-60 and Nason Street in the City of Moreno Valley required the acquisition of temporary and permanent right of way from 8 commercial land parcels. Each parcel involved intense and complex negotiations that included high profile businesses such as Kohl's and Marie Callender's.



**Pigeon Pass Road**

This road project consisted of widening, extending and realigning Pigeon Pass Road from Ironwood Avenue to North City Limits in the City of Moreno Valley. Pigeon Pass Road provides an arterial road connection to a large residential area. The 5.8 mile project widened Pigeon Pass Road from a varying width road to a four-lane road with turn pockets, providing an alternative north-south route from SR-60. OPC performed 10 of the total 22 acquisitions.



**Proposed Staff and Hourly Fee**

OPC proposes Mr. Mike Green, Project Manager, as the City's in-house Right of Way consultant. OPC's hourly fee for a Project Manager is normally \$130/per hour. Our past in-house service fee charged to the City has been an hourly rate of \$105/per hour; we propose to continue to honor the \$105 per hour rate.

Mr. Green's resume is begins on the following page. We have tailored the resume to 1 page to keep our submittal within the page limitations requested.



## Micheal Green, SR/WA, Project Manager

Overland, Pacific & Cutler, Inc.

- Education:**
- Associate in Arts, Fullerton College, Fullerton California
  - Continuing Education – 90 Units, California State University, Fullerton
- License(s):**
- Real Estate Broker, California, No. 01120801
  - Notary Public, California
- Professional Affiliations:**
- Senior Member, International Right of Way Association (SR/WA)
  - Member, California Association for Local Economic Development (CALED)
- Years of Experience:**      **Initial Year in Industry:** 1976  
**Initial Year with OPC:** 2003

### Overview

Mr. Green has over 30 years of experience providing business relocation, acquisition, appraisal, and project management services to public agencies. He has directed large scale projects including relocation planning, relocation case implementation, project development, budgeting, property management, staff and client training, and quality control. These project activities were undertaken while employed with public agencies and while consulting to over 75 other public agencies, including transportation agencies, housing authorities, school districts, redevelopment and economic development agencies, and other special districts throughout California.

### Project Examples

- **City of Moreno Valley, *In-House Right of Way Staff*.** Providing in-house right of way assistance to assist City staff with various right of way needs. ***Pigeon Pass Widening Project***. While working as the acquisition project manager, completed property acquisitions including part-takes on multi-residential, commercial, and public owned lands. Provided additional project management, appraisal coordination and review, negotiations, and oversight of right of way consultants. ***Perris Boulevard Project***. Acted as right of way Project Manager providing acquisition for this major street widening project. A total of 25 residential and commercial part-take acquisitions along with 8 mobile home relocations.
- **City of Huntington Beach, *In-House Staffing Assignment*.** Acted as the city's in-house right of way staff member, providing extensive research, project problem-solving, and general right of way services support.
- **City of Riverside, *Jurupa Grade Separation Project*.** Project manager for this state and federally funded railroad crossing project that consisted of and 26 relocations (16 business & 10 residential) and 20 acquisitions (11 full-takes and 9 part-takes). ***Maxi Food Store Center Redevelopment Project***. Provided Relocation Assistance Services. Successfully relocated 13 Retail businesses.

### Past Relevant Experience & Coursework

**Project Manager/Acquisition Agent**  
City of Riverside

**Project Manager**  
City of Santa Ana

**Additional Coursework:**

All IRWA classes in relation to earning the SR/WA designation have been completed.

CITY - SERVICES TO BE PROVIDED  
TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

**EXHIBIT "C"**

## TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **\$50,000.00**.
2. The Consultant will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: [http://www.moval.org/do\\_biz/biz-license.shtml](http://www.moval.org/do_biz/biz-license.shtml)
3. The Consultant will electronically submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at [AccountsPayable@moval.org](mailto:AccountsPayable@moval.org). Accounts Payable questions can be directed to (951) 413-3073. Copies of invoices may be submitted to the Capital Projects Division, calls directed to (951) 413-3155.
4. The Consultant agrees that City payments will be received via Automated Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at: [http://www.moval.org/city\\_hall/forms.shtml#bf](http://www.moval.org/city_hall/forms.shtml#bf)

**EXHIBIT "D"**

5. The minimum information required on all invoices is:
  - A. Vendor Name, Mailing Address, and Phone Number
  - B. Invoice Date
  - C. Vendor Invoice Number
  - D. City-provided Reference Number (e.g. Project, Activity)
  - E. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
  
6. The City shall pay the Consultant for all invoiced, authorized professional services within forty-five (45) days of receipt of the invoice for same.

W:\CapProj\CapProj\hirestaffconsultant\Right of Way - 2014\Agreement\121813\_OPC\_On Call Project Agreement.doc

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Chris Paxton, Administrative Services Director

**AGENDA DATE:** January 28, 2014

**TITLE:** RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN THE EMPLOYMENT RISK MANAGEMENT AUTHORITY

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### **RECOMMENDED ACTION**

Recommendation:

1. Adopt Resolution No. 2014-02, a Resolution of the City Council of the City of Moreno Valley, California, authorizing participation in the Employment Risk Management Authority (ERMA), and authorize the City Manager to execute all required documents.

### **SUMMARY**

This report recommends Council adopt a resolution which will signify the City's intent to apply for employment practices liability (EPL) insurance through the Employment Risk Management Authority (ERMA). This is a required step in the process of obtaining this important coverage.

### **DISCUSSION**

The City of Moreno Valley has participated for a number of years in the Public Entity Risk Management Authority (PERMA) for the purposes of funding and managing liability claims, for obtaining property insurance and for providing a number of other risk management services. PERMA is a joint powers authority structured to allow cities and other agencies to pool funds in order to finance risk through insurance and other means. By combining resources with other agencies through PERMA, the City mitigates the costs of risk management and can avoid the often wide swings in costs associated with commercial insurance. PERMA provides coverage for most of the

liability claims encountered by public entities with some exceptions. One exception is any claim for employment practices.

During an evaluation of the City's risk management portfolio, staff determined that the lack of employment practices coverage is a weakness in our program. Currently, any claims arising from personnel actions are not covered by PERMA and must be funded entirely by the City. These include claims for unfair labor practices, wrongful termination, sexual harassment, etc. Defense of claims of this sort is usually extremely labor intensive and complicated. Costs can often be quite high and in many cases result in payment of attorney's fees to the other side.

An additional program available through PERMA is membership in the Employment Risk Management Authority (ERMA) which is another pool providing coverage specifically for employment practices. In addition to providing coverage for these claims ERMA also provides consulting services and training to avoid claims in the first place. Once a claim is made they help manage the defense of the claims to keep costs down. As a PERMA member the City is eligible to participate in the ERMA program at a discounted rate.

In order to join ERMA, the City must adopt a resolution authorizing the City's participation in the pool and submit an application which includes a claim history and additional information about our organization. The ERMA underwriting committee then meets to discuss the application and make a recommendation to their board of directors. At this time, staff has submitted the application for membership. The underwriting committee will be meeting in early February. If our application is approved and this resolution adopted, we anticipate coverage to be effective March 1, 2014. Any claims for acts occurring prior to this date will not be covered by ERMA.

### **ALTERNATIVES**

1. Adopt the proposed resolution authorizing the City's participation in ERMA. **Staff recommends this alternative.**
2. Do not adopt the proposed resolution in which case the City would continue to function without coverage for employment practices claims. **Staff does not recommend this alternative.**

### **FISCAL IMPACT**

An initial quote for the annual ERMA premium is \$73,000. This is with a deductible of \$250,000. There are sufficient funds within the adopted FY 2012-14 budget to add the ERMA coverage.

**CITY COUNCIL GOALS**

Diversify and Preserve the City's Revenue Base. 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.

**ATTACHMENT**

Attachment 1: Proposed Resolution

Prepared and Approved by:  
Chris Paxton  
Administrative Services Director

Concurred by:  
Richard Teichert  
Chief Financial Officer

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RESOLUTION NO. 2014-02

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MORENO VALLEY, CALIFORNIA,  
AUTHORIZING PARTICIPATION IN THE  
EMPLOYMENT RISK MANAGEMENT AUTHORITY  
(ERMA)

WHEREAS, the City of Moreno Valley wishes to obtain Employment Practices Liability coverage for the three year period commencing March 1, 2014; and

WHEREAS, the Employment Risk Management Authority (ERMA) is a self-insured joint powers authority created for the sole purpose of Employment Practices Liability Coverage. ERMA is comprised of various public entities who risk share up to \$1 million against potentially unlawful employment practices and discrimination claims; and

WHEREAS, ERMA formed primarily due to the fact that government entities have not historically been able to secure Employment Practices Liability (EPL) coverage at a competitive cost through the commercial insurance marketplace; and

WHEREAS, ERMA has met all of the high professional standards established by the California Association of Joint Powers Authorities (CAJPA) in the areas of governance, finance, claims control, safety and loss control and ERMA is fully accredited by CAJPA. CAJPA's accreditation process requires reviews by independent consultants in the areas of accounting, claims adjusting, and actuarial analysis; and

WHEREAS, ERMA provides services to both Joint Powers Insurance Authorities and individual public entities; and

WHEREAS, the City of Moreno Valley has determined that it is in the best interest to become a member of ERMA for the purpose of obtaining Employment Practices Liability coverage; and

WHEREAS, ERMA requires the City of Moreno Valley to pass a resolution expressing the desire and commitment of the City of Moreno Valley's participation in ERMA, which requires a three year minimum participation period. City of Moreno Valley also understands our entity will be bound by the provisions in the ERMA Joint Powers Agreement just as though it were fully set forth and incorporated herein whether our entity had signed it individually or through an underlying Joint Powers Insurance Authority.

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

1  
Resolution No. 2014-02  
Date Adopted: January 28, 2014

That the City of Moreno Valley approves participation in ERMA effective March 1, 2014; and

That the City Manager on behalf of the City of Moreno Valley is hereby authorized to take any and all actions necessary to implement the foregoing resolution.

APPROVED AND ADOPTED this 28th day of January, 2014.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2014-02<sup>2</sup>  
Date Adopted: January 28, 2014

**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. 2014-02 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Resolution No. 2014-02<sup>3</sup>  
Date Adopted: January 28, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** January 28, 2014

**TITLE:** APPROVE THE FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH PARSONS FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENTS (PHASE 1) – PROJECT NO. 801 0038 70 77

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### **RECOMMENDED ACTION**

Recommendations:

1. Approve the “First Amendment to Agreement for Professional Consultant Services” with Parsons to provide additional construction support services during construction of the SR-60/Moreno Beach Drive Interchange Phase 1 Improvements for \$20,000.
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with Parsons.
3. Authorize a Change Order to increase the Purchase Order with Parsons for the amount of \$20,000 when the First Amendment has been signed by all parties.

### **SUMMARY**

This report recommends approval of the First Amendment to Agreement for Professional Consultant Services with Parsons for additional design support services during construction for the SR-60/Moreno Beach Drive Interchange Phase 1 Improvements project. The project is funded with 2007 Tax Allocation Bonds (TABs) and Transportation Uniform Mitigation Fees and has been approved in the 2013/14 Capital Improvement Plan (CIP).

## **DISCUSSION**

The Moreno Beach Drive/SR-60 Phase 1 project includes reconstruction of the eastbound on- and off-ramps to SR-60, the addition of an eastbound auxiliary lane, connection of the west leg of Eucalyptus Avenue to Moreno Beach Drive, and related improvements.

Parsons was selected as a result of a competitive selection process. They were identified as the most qualified consultant to complete the planning, engineering, and construction-support tasks, to be approved in phases upon successful completion of the prior phase.

The consultant's scope of work was divided into three phases: Phase I - planning, Phase II - design and right-of-way, and Phase III - construction support. Phases I and II were successfully completed. In accordance with their successful performance, on November 13, 2012, the City Council approved a new Agreement for Phase III services, consisting of support services during construction of the SR-60/Moreno Beach Drive Phase 1 project. These services included addressing Requests for Information, reviewing proposed changes during construction, attending progress meetings to quickly resolve any issues, preparing as-built plans, and related tasks. A new Professional Consultant Services Agreement, instead of an amendment to the prior agreement, was approved due to updates to the City's standard agreement. The Agreement total was for \$144,000 for the anticipated construction support services.

Additional anticipated tasks identified late in the construction process relate to changes to Caltrans policies on ADA compliance, which the designer of record must prepare updated final plans and documentation. In addition, topographic surveys of the post-construction condition of the project, including final slopes and drainage areas, is recommended to generate an updated topographic base, in order to prepare an accurate base-condition map for 60/Moreno Beach Phase 2 improvements, which will include raising Moreno Beach Drive, replacing the bridge, and raising the eastbound off-ramp intersection. The updated base will allow more accurate earthwork quantities to be generated for Phase 2. Parsons has submitted a proposal for \$20,000 for this additional work.

The contract total is \$164,000 (\$144,000 for the original Agreement plus \$20,000 for the First Amendment). Staff recommends that the City Council approve the First Amendment with Parsons and increase the Purchase Order by \$20,000.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will facilitate the timely close-out of the project.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay project close-out.*

**FISCAL IMPACT**

The project is included in the Fiscal Year 2013/2014 Capital Improvement Program. There is no impact to the General Fund.

**AVAILABLE FUNDS – FISCAL YEAR 2013/2014**

2007 Tax Allocation Bonds	
(Account No. 3412-70-77-80001) (Project No. 801 0038 70 77) .....	\$ 804,000
Transportation Uniform Mitigation Fees	
(Account No. 3003-70-77-80001) (Project No. 801 0038 70 77) .....	\$ 3,500,000
Total Project Budget.....	\$ 4,304,000

**CONSTRUCTION COSTS – FISCAL YEAR 2013/2014**

Construction (includes contingency).....	\$ 2,150,000
Construction Management & Inspection Services.....	\$ 208,000
Construction Support Services (Design Consultant) .....	\$ 41,000
<b>Additional Construction Support Design Services .....</b>	<b>\$ 20,000</b>
Construction Support Services (Geotechnical & Survey) .....	\$ 70,000
Administrative Costs* .....	\$ 150,000
Utility and Agency Inspection and Materials Costs** .....	\$ 107,000
Total Estimated Cost .....	\$ 2,746,000

\*Includes City project administration, printing and other miscellaneous costs.

\*\*Includes EMWD, SCE, Caltrans, RCFC&WCD and CHP.

**PROJECT SCHEDULE**

Construction Completion and Acceptance ..... February 2014

**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 material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

**PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

**POSITIVE ENVIRONMENT:**

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

**ATTACHMENTS**

Attachment 1: First Amendment to Agreement for Professional Consultant Services with Parsons. - Project No. 801 0038 70 77

Prepared By:  
Margery A. Lazarus  
Senior Engineer, P.E.

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

Concurred By:  
Prem Kumar, P.E.  
Deputy Public Works Director/Assistant City Engineer

**FIRST AMENDMENT TO AGREEMENT  
FOR PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 801 0038 70 77**

This First Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **PARSONS**, a California corporation, hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated December 5, 2012.

Whereas, the Consultant is providing consultant design support during construction for the **SR-60/Moreno Beach Drive Interchange Improvements (Phase 1)** project.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated December 19, 2013, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A – First Amendment" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2015** is not extended by this Amendment, unless the termination date is further extended by an Amendment to the Agreement.

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work

**AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 801 0038 70 77**

section described in "Exhibit A -- First Amendment," entitled "Additional Construction Support Services – SR-60/Moreno Beach Drive Phase 1 – Construction Project."

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof described in "Exhibit A -- First Amendment," entitled "Additional Construction Support Services – SR-60/Moreno Beach Drive Phase 1 – Construction Project."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **\$20,000.00**, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in "Exhibit A -- First Amendment."

1.5 The total "Not to Exceed" fee for this contract is \$164,000.00 (\$144,000.00 for the original Agreement plus \$20,000.00 for the First Amendment to Agreement).

**SECTION 2**

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

**SIGNATURE PAGE TO FOLLOW**

**AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 801 0038 70 77**

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

**Parsons**

BY: \_\_\_\_\_  
City Manager

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(President or Vice President)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Corporate Secretary)

\_\_\_\_\_  
Date

Attachments: Exhibit A – First Amendment

# PARSONS

2201 Dupont Drive, Suite 200, Irvine Ca. 92612 • Telephone: (949)-333-4474 • Fax: 949-263-1225 • www.parsons.com

12-19-2013

Margery Lazarus, P.E.  
Senior Engineer  
City of Moreno Valley  
Public Works Department  
14177 Frederick Street  
Moreno Valley, Ca 92552-0805

**Subject: AMENDMENT #1 Additional Construction Support Services -  
SR-60/Moreno Beach Drive-Phase 1 - Construction Project.**

Dear Marge:

Pursuant to your request, transmitted herewith is the cost proposal and scope of services by Parsons to provide additional Construction Phase Design Support for the SR-60/Moreno Beach Drive-Phase 1, Construction Project. The original scope of work addressed tasks required within the original construction phase. As discussed, the post-construction requests for design support services will be addressed based upon the attached budget and scope of services. Anticipated tasks are as follows:

The scope of work for Parsons will include the following tasks:

1. Coordination with City and Caltrans to review ADA curb Ramp reviews and changes to Caltrans ADA and Traffic signal design standards.
2. "As-constructed" topographic surveys to tie-in EB off and on-ramp features – for use in development of the Phase 2 design.

Amendment Total: \$20,000

If you have any questions, do not hesitate to contact me at 949-333-4535.

Respectfully,  
**PARSONS**



David Speirs, PE  
Project Manager

Attachments:

CC: file



**MORENO BEACH DRIVE/SR60- PHASE 1  
CONSTRUCTION SUPPORT**

**DATE: 12-19-2013**

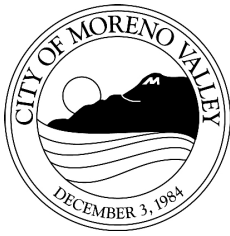
PARSONS STAFF - LABOR HOURS AND COSTS																					
STAFF & PROJECT TITLE	SPEIRS	GONZALEZ	Kraman	Serafica	SANDIRA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT										
TASK NO. - Description	Project Manager	Roadway Design Lead Engineer	senior Engineer	SR Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR										
<b>NASON Construct Support</b>																					
										0	\$0										
1.1	ADA Curb Ramp - design Updates	12		50	4			4		70	\$4,210										
1.2	Review and coordination for As-Constructed Surveys	4		16				4		24	\$1,411										
										0	\$0										
										0	\$0										
										0	\$0										
										0	\$0										
	<b>Totals</b>	<b>16</b>	<b>0</b>	<b>66</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>94</b>	<b>\$5,621</b>										
<b>PARSONS TOTAL FOR DESIGN PHASE</b>																					
		<b>16</b>	<b>0</b>	<b>66</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>94</b>											
<b>TOTAL DIRECT LABOR COSTS</b>											<b>\$1,432</b>	<b>\$0</b>	<b>\$3,630</b>	<b>\$213</b>	<b>\$0</b>	<b>\$0</b>	<b>\$346</b>	<b>\$0</b>	<b>\$0</b>		<b>\$5,621</b>

Overhead	141.03%	\$7,927
Profit	10%	\$1,355
Escalation	0%	\$0
<b>TOTAL LABOR COSTS</b>		<b>\$14,903</b>

SUBCONSULTANTS AND DIRECT COSTS	NASON
PARSONS DIRECT COSTS	\$96.56
Associated Engineers - Topographic surveys	\$5,000.00
<b>subtotal</b>	<b>\$5,096.56</b>

<b>GRAND TOTAL</b>	<b>\$20,000.00</b>
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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** January 28, 2014

**TITLE:** APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH FALCON ENGINEERING SERVICES, INC. FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENTS (PHASE 1) – PROJECT NO. 801 0038 70 77

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### **RECOMMENDED ACTION**

Recommendations:

1. Approve the “Second Amendment to Agreement for Professional Consultant Services” with Falcon Engineering Services, Inc. (Falcon) to provide additional construction management and inspection services for the SR-60/Moreno Beach Drive Interchange Phase 1 Improvements project for \$99,131.63.
2. Authorize the City Manager to execute the Second Amendment to Agreement for Professional Consultant Services with Falcon.
3. Authorize a Change Order to increase the Purchase Order with Falcon for the amount of \$99,131.63 when the Second Amendment has been signed by all parties.

### **SUMMARY**

This report recommends approval of the Second Amendment to Agreement for Professional Consultant Services with Falcon Engineering Services, Inc. for additional construction management and inspection services for the SR-60/Moreno Beach Drive Interchange Phase 1 Improvements project. The project is funded with 2007 Tax Allocation Bonds (TABS) and Transportation Uniform Mitigation Fees and has been approved in the 2013/14 Capital Improvement Plan (CIP). These additional costs were

driven primarily by project schedule changes to accelerate completion to put interchange improvements into service more quickly and to appropriately correspond with Tax Allocation Bond financing timelines.

## **DISCUSSION**

The Moreno Beach Drive/SR-60 Phase 1 project includes reconstruction of the eastbound on- and off-ramps to SR-60, the addition of an eastbound auxiliary lane, connection of the west leg of Eucalyptus Avenue to Moreno Beach Drive, and related improvements. Caltrans requires the City to hire a competent and experienced construction management firm to provide oversight of the contractor's work within Caltrans right-of-way per the Construction Cooperative Agreement with Caltrans.

On March 8, 2012, the City entered into an agreement with Falcon to perform constructability review and related tasks. Falcon was selected in response to a Request for Proposal (RFP) to provide services consisting of a constructability review and construction management and subsequent inspection services to advertise, award, and administer interchange improvements. On July 10, 2012, the City Council approved the First Amendment to Agreement with Falcon Engineering Services for construction management services. The amendment to the agreement was executed in order to contractually engage Falcon during the advertisement and subsequent construction phase.

Over the past year, Falcon has completed advertisement, bid analysis, public outreach, award, construction management, and construction inspection activities. During the first two months of the project, Falcon and City staff analyzed the contractor's schedule and the anticipated pace of expenditure of TABS funds. It became apparent that to expend the target percentage of TABS funds by the June 30, 2013 deadline, the project had to be re-sequenced. Falcon and City staff partnered with the contractor and Caltrans to construct a new temporary eastbound off-ramp by April 2013. With respect to the contractor's contract, the overall contract final Change Order is being completed, and is expected to be completed at least \$200,000 below the contingency. With respect to the Falcon contract, the acceleration of the work and its resulting extended work shifts and night work caused some additional coordination, overtime inspection on nights and weekends to open the ramps, and related coordination of re-sequencing of activities through the end of the project. Although this amendment is a \$99,131.63 increase to the construction management contract, overall significant savings is anticipated on this project budget. Remaining work is to complete Caltrans and City acceptance activities, financial close-out, and increased post-construction activities as requested by Caltrans as well as those required by utility companies.

The contract total is \$886,825.11 (\$19,871.92 for the original Agreement, plus \$767,821.56 for the First Amendment and \$99,131.63 for the Second Amendment). Staff recommends that the City Council approve the Second Amendment with Falcon Engineering, Inc. and increase the Purchase Order by \$99,131.63.

**ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow for the completion of much needed improvements.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the completion of much needed improvements.*

**FISCAL IMPACT**

The project is included in the Fiscal Year 2013/2014 Capital Improvement Program. There is no impact to the General Fund.

**AVAILABLE FUNDS – FISCAL YEAR 2013/2014**

2007 Tax Allocation Bonds	
(Account No. 3412-70-77-80001) (Project No. 801 0038 70 77) .....	\$ 804,000
Transportation Uniform Mitigation Fees	
(Account No. 3003-70-77-80001) (Project No. 801 0038 70 77) .....	<u>\$ 3,500,000</u>
Total Project Budget.....	\$ 4,304,000

**CONSTRUCTION COSTS – FISCAL YEAR 2013/2014**

Construction (includes contingency).....	\$ 2,150,000
Construction Management & Inspection Services .....	\$ 109,000
<b>Additional Construction Management &amp; Inspection Services .....</b>	<b>\$ 99,000</b>
Construction Support Services (Design Consultant) .....	\$ 61,000
Construction Support Services (Geotechnical & Survey) .....	\$ 70,000
Administrative Costs* .....	\$ 150,000
Utility and Agency Inspection and Materials Costs** .....	<u>\$ 107,000</u>
Total Estimated Cost .....	\$ 2,746,000

\*Includes City project administration, printing and other miscellaneous costs.

\*\*Includes EMWD, SCE, Caltrans, RCFC&WCD and CHP.

**PROJECT SCHEDULE**

Construction Completion and Acceptance ..... February 2014

**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 material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

**PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

POSITIVE ENVIRONMENT:

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

ATTACHMENTS

Attachment 1:       Second Amendment to Agreement for Professional Consultant Services with Falcon Engineering Services, Inc. - Project No. 801 0038 70 77

Prepared By:  
Margery A. Lazarus  
Senior Engineer, P.E.

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

Concurred By:  
Prem Kumar, P.E.  
Deputy Public Works Director/Assistant City Engineer

**SECOND AMENDMENT TO AGREEMENT  
FOR PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 801 0038 70 77**

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **FALCON ENGINEERING SERVICES**, a California corporation, hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated March 8, 2012.

Whereas, the Consultant is providing consultant construction management and inspection services for the **SR-60/Moreno Beach Drive Interchange Improvements (Phase 1)** project.

Whereas, the Agreement was amended on July 16, 2012 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Second Amendment.

Whereas, the Consultant has submitted a Proposal dated December 18, 2013, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A -- Second Amendment" and is incorporated herein by this reference.

**AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 801 0038 70 77**

**SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:**

1.1 The Agreement termination date of **June 30, 2015** is not extended by this Amendment, unless the termination date is further extended by an Amendment to the Agreement.

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A -- Second Amendment," entitled "Cost to Complete and Additional Budget for SR-60/Moreno Beach Drive (Phase 1)."

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof described in "Exhibit A -- Second Amendment," entitled "Cost to Complete and Additional Budget for SR-60/Moreno Beach Drive (Phase 1)."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **\$99,131.63**, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Second Amendment."

1.5 The total "Not to Exceed" fee for this contract is \$886,825.11 (\$19,871.92 for the original Agreement, plus \$767,821.56 for the First Amendment to Agreement, plus \$99,131.63 for the Second Amendment to Agreement).

**SECTION 2**

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

**SIGNATURE PAGE TO FOLLOW**



**AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 801 0038 70 77**

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

Falcon Engineering Services

BY: \_\_\_\_\_  
City Manager

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(President or Vice President)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Corporate Secretary)

\_\_\_\_\_  
Date

Attachments: Exhibit A – Second Amendment



Margery Lazarus, Senior Engineer, P.E.  
Capital Projects Division, Public Works Department  
P. O. Box 88005  
Moreno Valley, California 92552

December 18, 2013

**RE: Cost to Complete and Additional Budget for SR-60/Moreno Beach Drive (Phase-1)**

Dear Margery:

I completed reviewing the cost to date, and additional budget will be needed to complete and close-out SR-60/Moreno Beach Drive Improvements (Phase-1). Additional budget will be needed to cover Services rendered due to the following factors:

- A- Moreno Beach project started before Nason project and that required additional resources to manager and provide additional support services. Our original assumption "as detailed in our cost proposal" was to manage Moreno Beach project through Nason and that Nason project starts before Moreno Beach. What took place was the opposite.
- B- Acceleration of Moreno Beach by the City of Moreno Beach required FALCON to provide additional resources for inspection work "extended shifts and night work", utility relocations and coordination with various stake holders.
- C- Various design and stage construction changes, re-sequencing various activities resulting in additional effort for coordination with the designer, city, Caltrans, and Contractor.
- D- FALCON originally assumed that due to project acceleration, construction would be completed by mid-July. Contractor was not successful in his effort to wrap activities and complete in mid-July. Instead construction work extended through mid-October.
- E- FALCON tried diligently to coordinate and help contractor expedite work; but contractor was not up to par in planning/coordinating and executing field work. At times; he lacked the resources, personnel, and adequate planning to execute field work.
- F- If the construction work was completed at end of July "as anticipated in the acceleration plan"; our current budget would have been adequate.

Total additional budget requested \$99,131.63. (see attached details and invoices).

Should you have any questions, please feel free to call me at any time on my cell#951-264-2350

Sincerely,

A handwritten signature in black ink, appearing to read "Wael Faqih", is written over a horizontal line.

**FALCON Engineering Services Inc.**  
Wael Faqih, MS, PE  
Project Manager/Vice President  
[wfaqih@FALCON58.com](mailto:wfaqih@FALCON58.com)



City of Moreno Valley  
 SR-60/Moreno Beach Drive -Phase 1 Improvements  
 Project No. 07-41570024  
 December 9, 2013  
 Construction Engineering & Administrative Services  
 Cost to Complete & Close out

Project Schedule	2013					Total W. Days
	Sep	Oct	Nov	Dec	Jan	
Calendar days	31	30	30	31		189
Work days	22	21	20	20		
Award Contract -NTP (7/10/2012)						
Pre-Construction Phase (Advertise, Award) (NTP - 7/11/2012-9/30/2012)						
Construction Phase (10/1/2012-6/30/2013) (9-Months)						
Post Construction (7/1/2013 to 7/31/2013)						

Estimated Fees	Post Cons.					Total Hours
	Sep	Oct	Nov	Dec	Jan	
Project Manager "Resident Engineer"	10			16		26
Structures Representative						0
Lead Structures Engineer						0
Lead Roadway Inspector						0
Office Engineer/General Inspector						0
Electrical Inspector/Signals/Traffic (PT)	46	10				56
SWPPP Coordinator	4	6				10
Utility Coord/Inspector/SWPPP (PT-Shared) Inspector	125	29	40			194
Roadway Inspector	71	8				79
Roadway /Bridge Inspector	15					15
Office Engineer- CPM- SC	4					4
Landscaping/Irrigation (PT-As Needed)						0
						0
						0
TOTALS: New Revised Construction Duration -189-Working Days	0	275	53	56		384

Description	Name	Total Hours	Hourly Rate	Total Cost	3% on SC Cost	Construct. Rev. Cost
Project Manager "Resident Engineer"	Wael Faqih, PE (FES)	26	\$220.00	\$5,720.00		\$5,720.00
Structures Representative	Faisal Zaitout, PE (FES)	0	\$203.00	\$0		\$0.00
Lead Structures Engineer (ALT Struct Rep.)	Alex Naima, PE (FES)	0	\$153.34	\$0		\$0.00
Lead Roadway Inspector	Tariq Malik, EIT	0	\$175.80	\$0		\$0.00
Office Engineer/General Inspector	M. Al-Khalaleh, (CPM)	0	\$135.00	\$0		\$0.00
Electrical Inspector/Signals/Traffic (PT)	Steve Moore (FES)	56	\$130.79	\$7,324.24		\$7,324.24
SWPPP Coordinator	Dion Castro	10	\$135.30	\$1,353.00		\$1,353.00
Utility Coord/Inspector/SWPPP (PT-Shared) Inspector	Ibrahim Masoud, PE (FES)	194	\$177.92	\$34,516.48		\$34,516.48
Roadway Inspector	Janeen Obaid, EIT	79	\$124.03	\$9,798.27		\$9,798.27
Roadway /Bridge Inspector	Mohammad Khalaleh, EIT	15	\$135.00	\$2,025.00		\$2,025.00
Office Engineer- CPM- SC	Ahmad Faqih, EIT	4	\$139.81	\$559.24		\$559.24
Landscaping (PT-As Needed)	Kim Jester	0	\$125.00	\$0		\$0.00
Charles Lamb (Francis)	Charles Lamb (Francis)	0	\$165.00	\$0		\$0.00
Khaili Francis, PE, PLS, MSCE	Khaili Francis, PE, PLS (Francis)	0	\$190.00	\$0		\$0.00
Callrop Corp. Source Inspection				\$5,950.00		\$5,950.00
Total labor Cost				\$93,256		\$93,256
ODC						\$0.00
Added Office Supplies @ \$500/M x 9M =						\$4,500.00
Equipment, Vehicle, Gas, Phones, etc @ 1x\$1500/M x 9 M=						\$99,131.63
Total CM Cost				\$4,500.00		\$99,131.63

Total CM Cost including Additional Services

\$99,131.63

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## **Report to City Council**

---

**TO:** Mayor and City Council

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

**AGENDA DATE:** January 28, 2014

**TITLE:** ADOPT A RESOLUTION ACCEPTING CALTRANS' RELINQUISHMENT OF DAY STREET FROM THE SR-60 WESTBOUND RAMP INTERSECTION TO CANYON SPRINGS PLAZA ENTRANCE  
PROJECT NO. 801 0036 70 77

---

### **RECOMMENDED ACTION**

Recommendations:

1. Adopt Resolution No. 2014-03, a resolution of the City Council of the City of Moreno Valley, California, accepting relinquishment of a portion of Day Street constructed by Caltrans and approving the agreements with Caltrans for the relinquishment of a portion of Day Street – Project No. 801 0036 70 77.
2. Authorize the City Manager to execute Agreements, Amendments, Memoranda of Understanding (MOU), and/or documents in connection with the Relinquishment, subject to the approval of the City Attorney.
3. Direct the City Clerk to forward the Resolution to the Mayor for execution, and to the County Recorder's office for recordation.

### **SUMMARY**

City Council is being asked to support the State of California's (Caltrans) relinquishment of a portion of Day Street north of State Route 60 (SR-60) to the City. This will allow the City's Public Works Department to provide timely maintenance in order to keep it in good condition over the coming years. Caltrans has agreed to the concept, and Public Works staff is working closely with Caltrans to identify the exact optimum relinquishment limits. Caltrans requires a resolution stating the City's desire to accept the

relinquishment. In addition, the resolution can waive the City's 90-day notice requirement prior to acceptance. The City Council is being asked to authorize the City Manager to execute agreements, amendments, MOUs, and/or documents in connection with this action, subject to the approval of the City Attorney.

## **DISCUSSION**

On October 8, 2013, the City Council approved the SR-60 Freeway Maintenance Agreement between the City of Moreno Valley and Caltrans. The Agreement showed and labeled the portion of Day Street, from the SR-60 westbound ramp intersection to the Day Street/Canyon Springs Plaza entrance as "Local Road Segment within Freeway R/W Limits to be maintained by City of Moreno Valley."

Inadequate maintenance of this area has been the subject of numerous complaints from area residents and businesses. By controlling this right-of-way, the City will be able to properly maintain an access route to Canyon Springs Plaza, and to do so without the lengthy requirements associated with obtaining encroachment permits from Caltrans.

Caltrans has agreed to the concept of relinquishing the above described portion of Day Street to the City. A relinquishment is defined as the transfer to the City of all right, title and interest in the right-of-way currently owned by the State. The City intends to own and maintain a portion of the street section between the SR-60 westbound ramps and the Canyon Springs Plaza entrance in order to keep it in good condition over the coming years so that it can more directly serve the City's businesses and residents. Caltrans has agreed to the concept, and neither party intends to request funds from the other party. Public Works staff is working closely with Caltrans to identify the exact optimum relinquishment limits for both parties. The limits currently do not exceed more than 400 linear feet of roadway, and are likely to be less, in order for Caltrans to maintain some control of access at the westbound ramp intersection with Day Street, and for the City to gain intersection control at the Day Street/Canyon Springs Plaza entrance.

Caltrans requires a resolution stating the City's desire to accept the relinquishment. In addition, the resolution can waive the Caltrans' obligation to provide 90 days prior notice of Caltrans' "Intention to Relinquish" as set forth in Section 73 of the Streets and Highways Code. It is recommended the City waive its notice requirement for three reasons: to be in a position to quickly accept the roadway; to demonstrate to Caltrans that the City supports the relinquishment; and to reduce the lead time to obtain acceptance by the California Transportation Commission (CTC).

In the event that Caltrans requires companion Agreements and/or MOUs to this action, it is requested that the City Manager be delegated authority to execute agreements and other necessary documents in connection with this relinquishment. The agreements may be a Cooperative Agreement, Maintenance Agreement, MOU, or other type of Caltrans agreement or document, as determined by the type and extent of relinquishment. It is requested that any agreements, amendments, and documents be approved by the City Manager, subject to review and approval by the City Attorney.

**ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for timely acceptance and processing of the needed agreements and actions.*
2. Do not approve and authorized the recommended actions as presented in this staff report. *This alternative will prohibit acceptance of a relinquishment in advance of a 90-day notice period, including appurtenant agreements and related documents and potentially delay the construction of the future improvements as may be desired by the City.*

**FISCAL IMPACT**

Although this action would slightly increase the City’s maintenance area, the street area is limited to a maximum of 400 linear feet. The pavement is currently in good condition, and funds are currently available within the Ironwood Avenue Phase 2/Day Street project budget to address any minor deficiencies that may appear at this location.

Estimated annual maintenance cost is approximately \$3300. No additional appropriations are required.

**CITY COUNCIL GOALS**

Public Safety:

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

Public Facilities and Capital Projects:

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

Positive Environment:

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

**ATTACHMENT**

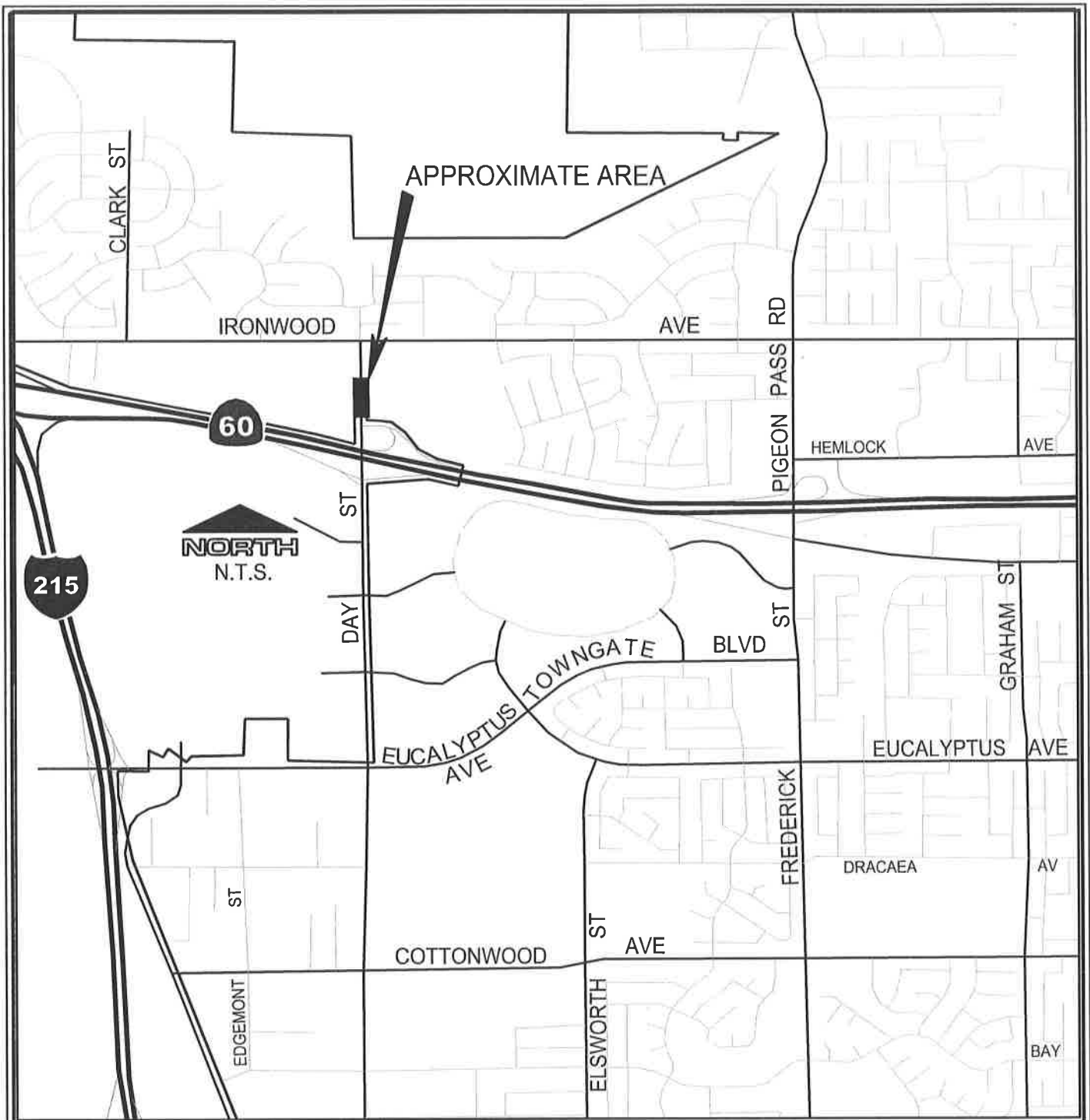
- Attachment 1: Location Map of Approximate Relinquishment Area
- Attachment 2: Proposed Resolution

Prepared By:  
Margery A. Lazarus  
Senior Engineer, P.E.

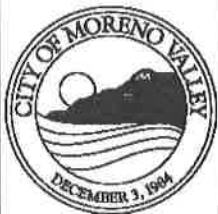
Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director/City Engineer

Concurred By:  
Prem Kumar, P.E.  
Deputy Public Works Director/Assistant City Engineer





# LOCATION MAP



LOCATION MAP  
Public Works Department  
Capital Projects Division

Attachment 1'

**Day Street**  
**Approximate Area to be Relinquished**  
**from Caltrans to City of Moreno Valley**  
**Project No. 801 0036 70 77**

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RESOLUTION NO. 2014-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING RELINQUISHMENT OF A PORTION OF DAY STREET CONSTRUCTED BY CALTRANS AND APPROVING THE AGREEMENTS WITH CALTRANS FOR THE RELINQUISHMENT OF A PORTION OF DAY STREET – PROJECT NO. 801 0036 70 77

WHEREAS, the State of California (Caltrans) and the City entered into a State Route 60 (SR-60) Freeway Maintenance Agreement approved by the City Council on October 8, 2013, wherein, the City agreed to accept control and maintenance over a portion of Day Street between SR-60 westbound ramps and Canyon Springs Plaza entrance; and

WHEREAS, Caltrans intends to relinquish a portion of Day Street with execution of necessary agreements; and

WHEREAS, City desires to waive its 90-day notice requirement and agrees to accept title to said road upon relinquishment thereof to said City by the Caltrans; and

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

1. Authorize the acceptance of the relinquishment of a portion of Day Street between SR-60 westbound ramps and Canyon Springs Plaza entrance.
2. The City Manager and/or designee is hereby authorized and directed to act on the City's behalf on all matters pertaining to the relinquishment and including entering into agreement(s) with Caltrans for relinquishment of a portion of Day Street between SR-60 westbound ramps and Canyon Springs Plaza entrance.
3. This resolution shall become effective immediately upon adoption.

1  
Resolution No. 2014-03  
Date Adopted: January 28, 2014

APPROVED AND ADOPTED this 28<sup>th</sup> day of January 2014.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2014-03<sup>2</sup>  
Date Adopted: January 28, 2014

**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. 2014-03 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28<sup>th</sup> day of January 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

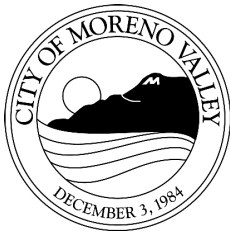
(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Resolution No. 2014-03<sup>3</sup>  
Date Adopted: January 28, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** January 28, 2014

**TITLE:** DEBT MANAGEMENT POLICY

---

### **RECOMMENDED ACTION**

Recommendation:

1. Adopt the revised Debt Management Policy, as reviewed and recommended by the Finance Sub Committee.

### **SUMMARY**

This report recommends the approval of the revised Debt Management Policy. This policy was originally written and approved in 2000. Since then the debt markets, driven by investors, rating agencies and government oversight agencies, have added new regulations and requirements specifically related to Post Issuance Tax Compliance. The Debt Management Policy has been revised to include these new requirements.

### **DISCUSSION**

In 2000, the Debt Management Policy was developed and approved. Debt management policies are considered a "best practice" by many professional municipal finance organizations including the Government Finance Officers Association, the California Society of Municipal Finance Officers and the Association of Public Treasurers of the United States and Canada. In recent years, additional provisions have been added based on the input from oversight agencies such as the Municipal Securities Rulemaking Board and rating agencies. The current revision addresses issues related to post issuance tax compliance with the focus on the preservation of the tax-exempt or special tax status of any bonds.

The revisions to address these new provisions resulted in the addition of a complete new section to the policy which is Section VIII.D Post Issuance Tax Compliance.

These revisions were discussed at the Finance Sub-Committee meeting on January 9, 2014 and they recommended their approval.

**ALTERNATIVES**

1. Approve Debt Management Policy as amended and conform to the current debt management policy standards as established by oversight agencies.
2. Not approve Debt Management Policy and be out of conformance with current standards established by oversight agencies.

**FISCAL IMPACT**

No current fiscal impact. The failure to adopt these new Post Issuance Tax Compliance statements could result in a downgrade of the City's credit rating during future reviews and increase future borrowing costs.

**CITY COUNCIL GOALS**

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

**NOTIFICATION**

Public Notice and Finance Sub-Committee

**ATTACHMENTS**

Attachment 1: Administrative Policy #3.28 - Debt Management Policy

Prepared By:  
Brooke McKinney  
Treasury Operations Division Manager

Department Head Approval:  
Richard Teichert  
Chief Financial Officer



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**DEBT MANAGEMENT POLICY**


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**Purpose:** The following debt policies were developed in an effort to standardize and rationalize the issuance and management of debt by the City of Moreno Valley and its component units. The policies apply to all direct debt issued by the City of Moreno Valley, including leases, debt guaranteed by the City, and revenue bonds issued by the City. The policies also apply, along with certain other previously adopted policies, to so-called no-commitment debt and to conduit debt of the City.

**I. Introduction**

- A.** The City's budget practices generally have been that operating revenues fully cover operating expenses, including debt service; established reserves meet minimum policy levels; "one-time" revenues are used to fund nonrecurring expenditures; and the prioritization of capital projects eligible for debt financing is accomplished through a "needs assessment" undertaken in the formulation and development of the City's Capital Improvement Budget.
- B.** The policies are divided into discrete sections relating to: the purposes and uses of debt by the City; the City's creditworthiness objectives; the standards and structure to be used in City debt issues; debt administration and process; criteria for selection of the debt consulting team; and a glossary of common terms used in the municipal debt sector.
- C.** Debt will only be undertaken when the City believes that the project revenues or specific resources will be available and sufficient to service the debt over its life. City debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed. The policies establish criteria for internal, inter-fund borrowing.
- D.** Before issuing lease revenue debt or financing leases, the City will determine that the proposed facility is both necessary and desirable, and that no other financing method is practical to finance it. The City shall only use lease revenue debt or financing leases if the tests set forth in the policies are met.
- E.** The City seeks to maintain the highest possible credit ratings for all categories of short- and long-term direct debt that can be achieved without compromising delivery of basic City services and achievement of adopted City policy objectives.
- F.** The City will seek to structure debt with level principal and interest costs over the life of the debt.
- G.** As a matter of policy, no City department, agency, or sub-unit shall incur long-term debt in excess of \$100,000 without the approval of the City Council. All requests to incur debt in excess of \$100,000 will be presented by memorandum to the Chief Financial Officer.
- H.** The City may sponsor conduit financings for those activities (i.e., economic development, housing, health facilities, etc.) that have a general public purpose and are consistent with the City's General Plan and with the City's overall service and policy objectives, as determined by the City Council. It shall be the City's policy to approve for conduit financing only those projects that demonstrate a "significant public benefit." The City will require a deposit of its anticipated fees and expenses for any entity seeking financing through the City as a conduit.

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**DEBT MANAGEMENT POLICY**

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- I.** The policies establish a Debt Management Team, comprised “ex officio” of the City Manager, the Chief Financial Officer, and the City Attorney, or their respective designee(s). The Debt Management Team is authorized to provide advice to the City Council, the City Manager, the Chief Financial Officer, and the various Departments of the City in all matters pertaining to the creation of debt. All direct or indirect debt of the City will be presented to the City Council’s Finance committee for deliberation and recommendation prior to submittal to the full City Council. For all debt sales, the City will require that the action taken by the City Council to incur the debt will be taken as a regular business item, and at a regular or special City Council meeting, consistent with state law.
- J.** The City may engage an underwriter for a negotiated sale of debt through a competitive process administered by the City’s Financial & Management Services Department based on the prior recommendation of the City’s Debt Management Team.
- K.** All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the debt, stating that the City has met all statutory requirements necessary for issuance, and determining the federal income tax status of such debt. Bond counsel will be selected by the City Attorney based on the prior recommendation of the City’s Debt Management Team.
- L.** While engagement of a financial advisor on each City debt issue is not required, it is strongly encouraged by the policies. The City may engage an external financial advisor through a competitive process administered by the City’s Financial & Management Services Department based on the prior recommendation of the City’s Debt Management Team.
- M.** Any unsolicited financing proposal to a City department, agency, or employee involving pledge or other extension of the City’s credit through sale of securities, execution of loans or leases, marketing guarantees, or otherwise involving directly or indirectly the lending or pledging of the City’s credit, shall be referred to the Financial & Management Services Department for review by the City’s Debt Management Team prior to submittal to the City Council for approval.
- N.** “No commitment” debt is defined differently from conduit debt by the Governmental Accounting Standards Board (“GASB”). The City’s no commitment debt is described in the exhibits to these Policies and in the notes to the City’s financial statements. It consists generally of so-called “land secured debt” such as Mello-Roos or assessment district debt that indirectly benefits the City but for which the City has no financial commitment. Thus, this is “off balance sheet” debt which is afforded the same treatment as “conduit debt,” but which bears different risks in the event of non-compliance with the borrowing agreements.
- O.** Conduit debt is debt issued by a government for the express purpose of providing capital financing for a third party that is not part of the issuing government’s financial reporting entity. These obligations may bear the name of the City but are not legal obligations of the City.
- P.** Regular, updated debt policies can be an important tool to insure the use of the City’s resources to meet its commitments to provide needed services to the citizens of Moreno

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**DEBT MANAGEMENT POLICY**

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Valley and to maintain sound financial management practices. These Policies are therefore guidelines for general use, and allow for exceptions in extraordinary conditions. The Policies will have served their intended purpose if they stimulate an open debate about the City's existing and/or proposed debt position, and they lead to informed decision making by the City Council.

**II. Purposes and Uses of Debt****A. Capital Financing – In General**

1. The City normally will rely first on internally generated funds and/or grants and contributions from other governments to finance its capital needs. Debt will be issued for a capital project only in the case of emergency or when it is an appropriate means to achieve an equitable allocation of costs between current and future beneficiaries as determined by the City Council. Debt shall not, in general, be used for projects solely because insufficient funds are budgeted at the time of acquisition or construction. Debt will only be undertaken when the City believes that the project revenues or specific resources will be available and sufficient to service the debt over its life. Debt financing will not be considered appropriate for any recurring purpose such as operating or maintenance costs.
2. Capital improvements should be financed primarily through user fees, service charges, assessments, special taxes or developer exactions so long as the benefits the City will derive from such improvements can be attributed to the users of the improvements. Moreover, the City will specifically consider the costs associated with any borrowing in order to determine that the above funding sources are adequate to service the proposed debt. Accordingly, the Policies assume that development fees will be set at a level that is sufficient at all times to insure that new development pays its fair share of the cost of constructing new facilities in the community.
3. The City will evaluate the use of debt in-lieu of “pay-as-you-go” financing on the basis of the following criteria:
  - a. Factors favoring “Pay-as-You-Go” financing
    - i. Current fund balances or project revenues are sufficient to fund the project
    - ii. Existing or proposed debt levels would have a deleterious effect on the City's credit position or rating
    - iii. Credit market conditions are unstable or present extraordinary difficulty in marketing the proposed debt
  - b. Factors favoring use of debt
    - i. Revenues are deemed to be stable and reliable enough to support the proposed debt at investment grade rating levels
    - ii. The nature of the financed project will support investment grade ratings

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**DEBT MANAGEMENT POLICY**

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- iii. Credit market conditions present favorable interest rates and demand for financings such as the City's
  - iv. The project being financed is mandated by the state or federal government and resources are insufficient or unavailable
  - v. The project being financed is immediately required to meet or relieve capacity needs and current resources are insufficient or unavailable
  - vi. The estimated useful life of the asset to be financed is greater than 5 years
- B. Asset Life:** The City will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years. City debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed.
- C. General Obligation Debt**
- 1. General obligation bonds provide the lowest borrowing costs for major public assets. The use of a general obligation pledge usually eliminates the need for a bond reserve and due to its high credit quality and the ability to levy a tax to repay it, produces borrowing terms and costs unavailable through other methods. Moreover, since the source of repayment of a general obligation bond is from proceeds of specific taxes, the City's operating funds and its operating position are not impacted by the issuance of general obligation bonds. Though the use of the term "general obligation bond" implies that the City's "full faith and credit" would be pledged to the repayment of the bond, the bond is actually repaid from an *ad valorem* tax on real property. Accordingly, the general obligation bond is more properly described as an "unlimited tax" bond.
  - 2. Because of the absence of a limitation on the rate and amount of the tax that might be levied to pay a general obligation bond, state law and prudent finance practice require the submission of such a proposed debt to the electorate. Article XIII of the California Constitution requires that general obligation bonds be submitted to the voters for approval and that the issuance of such bonds be approved by a two-thirds vote.
  - 3. *Ad valorem* property taxes affect various classes of taxpayers differently. Since the enactment of Proposition 13 in 1978, the increases in assessed value of real property have been limited for established property owners. This has the effect of disproportionately burdening newer property owners, who may have less wealth or taxpaying capacity than older, more established property owners. Moreover, business property owners, whose property turns over less frequently than residential property often benefit as a result of this phenomenon.
  - 4. Cities in California may issue general obligation bonds only for the purpose of acquiring, improving or constructing real property. Accordingly, it shall be the City's policy to issue general obligation bonds only for such purposes and then only when the acquisition, improvement, or construction of the proposed real

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**DEBT MANAGEMENT POLICY**

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property will provide benefits to the community, in significant amounts, to both users and non-users of the facility.

- D.** Use of Lease Debt, Certificates of Participation or Financing Leases: Before issuing lease revenue debt or financing leases, the City will determine that the proposed facility is both necessary and desirable, and that no other financing method is practical to finance it. The City may use lease revenue debt or financing leases for those projects which are not sufficiently popular to obtain a two-thirds vote for the issuance of general obligation bonds or which must be financed at a time, or in a manner which do not permit the use of general obligation bonds. The City shall only use lease revenue debt or financing leases: if the project to be financed will generate positive net revenues after debt service; or if the project will significantly reduce City operating costs; or if an equal or greater amount of non-City matching funds will be lost if City's lease revenue or financing lease funds are not applied in a timely manner; or if the project to be financed is less than \$1,000,000; or if the project to be financed provides essential City services or would so advance core City policy objectives that its value overrides the value of obtaining voter approval.

**III. "No Commitment" and Conduit Debt****A.** City as Issuer of "No-Commitment Debt" or Conduit Debt

1. The City may sponsor conduit financings for those activities (i.e., economic development, housing, health facilities, etc.) that have a general public purpose and are consistent with the City's overall service and policy objectives as determined by the City Council and with the City's General Plan. All conduit financings shall insulate the City completely from any credit risk or exposure and must first be approved by the Chief Financial Officer and the City Manager before being submitted to City Council for authorization and implementation.
2. Each applicant for a conduit financing by the City will be required to provide an indemnity to the City, or its constituent agencies, for all costs, expenses, attorney fees, settlement or judgment costs arising out of the financing or any of the documentation relating to the financing.

**B.** Significant Public Benefit Test for Conduit Debt

1. It shall be the City's policy to approve for conduit financing only those projects that demonstrate a "significant public benefit." In general, "significant public benefit" means that the proposed project will enhance the economic, social or cultural quality of life for the residents of the City; or, that the proposed project will stimulate employment within the City; and, that such enhancement or employment gain can be measured in a manner which permits the City to evaluate the risks and rewards of acting as the conduit issuer. Significant public benefit will be based on the City's evaluation of the availability of public access to the widest possible number of residents of the City, depending on the context.
2. Acceleration or addition of public infrastructure in excess of that required by law or the City's land use polices could also produce significant public benefit. Such

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**DEBT MANAGEMENT POLICY**

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benefits arise either from the installation or completion of public infrastructure assets prior to the time they might otherwise be installed or from the additional assets which might be realized as a result of being able to finance the project more efficiently.

3. Finally, the finding of significant public benefit can arise from the installation or acquisition of a community asset which produces additional employment opportunities or which produces environmental benefits either as a direct or secondary result of its completion. In circumstances where the financed improvements generate regional benefits, the finding of significant public benefit will be easier than in those where the financed facilities serve only a small number of residents. The process for approval of a conduit financing will generally require a two-step process. First, the Chief Financial Officer and the City Manager will seek City Council direction and will establish the ground rules for evaluating the request. Requests for conduit financing which do not originate within the Financial & Management Services Department shall be forwarded to the Chief Financial Officer or City Manager for transmittal to the City's Debt Management Team, which is described in Paragraph VI-A-2. Upon an evaluation by the Chief Financial Officer and the City Manager, the matter will be referred back to the City Council for approval of the financing documents.
4. The City will require a financial pro forma and business plan for any project to be financed with the proceeds of a conduit issue. The City will impose a fee for acting as a conduit issuer of securities as shown in Appendix B hereto. The City will require an initial deposit of \$20,000 for any entity seeking financing through the City as a conduit, which will be held by the City, and which the City may require additional deposits to, from time to time. The City's fees and costs will be charged against the initial or subsequent deposits, and any excess remaining at the time of issuance of the debt, or the abandonment of the project, whichever is applicable, will be refunded to the applicant.

**C. Credit Quality of Conduit Debt**

1. The City will consider conduit financing only for those applicants which are credit-enhanced or guaranteed so as to attain a rating of at least "A" from any one of the three major credit rating agencies. The City may consider a waiver of this requirement in special circumstances and upon the written recommendation of the City's Chief Financial Officer. In cases where the City elects to waive this requirement, it specifically reserves the right to require the sponsor of such a conduit financing to use a private placement of the securities and to impose a "sophisticated investor" requirement acceptable to the City. In this context the concept of a "sophisticated investor" will be the standard imposed by federal securities law for private placements of corporate securities. In addition, the City will seek to limit the resale of the securities in one of the following ways: (1) the investor must agree to hold the securities to their respective maturity dates; or, (2) the investor must agree to secure a rating on the bonds of at least "A" before reselling them; or, (3) the investor must agree to resell the securities only (a) to another sophisticated investor who will also agree to sign a sophisticated investor

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**DEBT MANAGEMENT POLICY**

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letter, and (b) obtain the City's approval for such a resale. Selection of an individual criterion depends on the facts and circumstances of the particular sale, but restrictions 1 and 3 above are most suitable where the credit characteristics of the individual issue are expected to remain static. Issues that are expected to improve over time in credit characteristics are more appropriate for the application of rule number 2.

**IV. Creditworthiness Objectives****A. Credit Ratings**

1. The City of Moreno Valley seeks to maintain the highest possible credit ratings for all categories of short- and long-term direct debt that can be achieved without compromising delivery of basic City services and achievement of adopted City policy objectives. The City recognizes that there is a direct correlation between the credit rating it achieves and the cost of borrowing. Therefore, as a general rule, the City will seek to acquire and maintain an investment grade rating on all of its direct debt.
2. The City recognizes that external economic, natural, or other events may from time to time affect the creditworthiness of its debt. Nevertheless, the City is committed to ensuring that actions within its control are prudent and consistent with these Policies.

**B. Financial Disclosure, Initial and Continuing**

1. The City is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, City departments and agencies, other levels of government, and the general public to share clear, comprehensible, and accurate financial information. The City is committed to meeting secondary disclosure requirements as set forth in Securities and Exchange Commission Rule 15c2-12, and its amendments, on a timely and comprehensive basis.
2. Official statements accompanying debt issues, Comprehensive Annual Financial Reports, and continuous disclosure statements will meet (at a minimum), the standards articulated by the Municipal Standards Rulemaking Board (MSRB), the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP). The Financial & Management Services Department is designated as the responsible party for ongoing disclosure to established national information repositories and for maintaining compliance with disclosure standards promulgated by state and national regulatory bodies and for compliance with continuing disclosure requirements required by contractual arrangements necessary to comply with Rule 15c2-12.

- C. Capital Planning: To enhance creditworthiness and prudent financial management, the City of Moreno Valley is committed to systematic capital planning, intergovernmental

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**DEBT MANAGEMENT POLICY**

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cooperation and coordination, and long-term financial planning. Evidence of this commitment to systematic capital planning will be demonstrated through adoption of an annual review of the City's capital improvement budget and its ten-year capital improvement plan budget.

- D. Debt Limits:** The City will keep outstanding debt within the limits prescribed by State statute and at levels consistent with its creditworthiness objectives. In the case of debt serviced from the City's General Fund, the City will observe a guideline of 7% of the amounts budgeted for expenditures and transfers out as the "ideal" level for General Fund resources committed to the repayment of debt.

**V. Debt Standards and Structure**

- A. Term of Debt:** Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users. The implication of this policy will generally require that debt be issued only for a time period that is consistent with the life span of the project for which the debt was issued.

**B. Debt Structure**

- 1.** Debt will be structured to achieve the lowest possible net cost to the City given market conditions, the urgency of the capital project, and the nature and type of security provided. Moreover, to the extent possible, the City will design the repayment of its overall debt so as to recapture rapidly its credit capacity for future use. The City shall strive to repay at least 20 percent of the principal amount of its general fund supported debt within five years and at least 40 percent within ten years as these measures are used by the major national credit rating agencies to determine the creditworthiness of the City. In applying the 20% and 40% tests, the debt repayment amounts are non-cumulative, that is, the goal is to have all of the City's general fund debt structured so as to achieve a reduction in principal of 20% at the five year mark and 40% at the ten year mark. Individual issues will be structured so that the new debt is retired using a level debt service (sometimes called "mortgage amortization") retirement schedule.
- 2.** Individual issues may be structured using either serial bonds or term bonds. In the case of issues structured with term bonds, the City will use a sinking fund to retire the term bonds. A sinking fund is the mechanism whereby money is accumulated on a regular basis in a separate account for the purpose of redeeming the term bonds when due. The sinking fund monies are typically applied to redeem bonds on an annual basis in amounts that would result in approximately level debt service requirements.
- 3.** The City will not issue debt that commences principal payment beyond the fiscal year in which the financed asset is completed or is substantially available to the City. Capitalized interest may be used in the debt structure, but only to the extent necessary to accommodate the deferral of principal to the point of substantial availability to the City.



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**DEBT MANAGEMENT POLICY**

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**C. Amortization**

1. The City will seek to structure debt with level principal and interest costs-over the life of the debt. So-called "back-loading" of debt service will be considered only when natural disasters or extraordinary or unanticipated external factors make the short-term cost of the debt prohibitive, when the benefits derived from the debt issuance can clearly be demonstrated to be greater in the future than in the present, when such structuring is beneficial to the City's overall amortization schedule, or when such structuring will allow debt service to more closely match project revenues during the early years of the project's operation.
2. In the case of an issue structured with term bonds and a sinking fund, the City's policy will be to retire the term bonds in substantially level fashion over each year of the life of the sinking fund unless the factors described above apply.

**D. Variable Rate Debt:** The City may choose to issue securities that pay a rate of interest that varies according to pre-determined formula or results from a periodic remarketing of the securities, consistent with state law and covenants of pre-existing bonds, and depending on market conditions. The City may elect to control its interest rate exposure on variable rate debt through the use of financial products designed to offset such risks, but only upon the expressed approval of the Chief Financial Officer.

**E. Subordinate Debt:** The City shall issue subordinate lien debt only if it is financially beneficial to the City and is consistent with the City's creditworthiness objectives as set forth in Paragraph IV-A, "Credit Ratings." Generally, subordinated debt is that debt which has a lien position on an asset or revenue stream that is junior in position to another debt issues. Examples could include leases that are junior in payment obligation to senior leases.

**F. Non-Traditional Financial Products:** The City will consider the use of non-traditional financial products on a case by case basis and consistent with state law and financial prudence. Examples of such non-traditional products include: interest rate swaps, interest rate caps and collars, "synthetic" refunding transactions and float contracts. Use of non-traditional financial products will only be undertaken upon written recommendation of the Chief Financial Officer and concurrence by the City Council.

**G. Refunding**

1. Periodic reviews of all outstanding debt will be undertaken to determine refunding opportunities. Refunding will be considered (within federal tax law constraints) if and when there is a net economic benefit of the refunding or the refunding is essential in order to modernize covenants essential to the City's financial or operating position.
2. In general, advance refundings for economic savings will be undertaken when net present value savings of at least five percent (5%) of the refunded debt can be achieved. Current refundings that produce net present value savings of less than five percent will be considered on a case-by-case basis, provided that the present value savings are at least three percent (3%) of the refunded debt. Refundings with

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**DEBT MANAGEMENT POLICY**

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savings of less than three percent (3%), or with negative savings, will not be considered unless there is a compelling public policy objective. The measurement of the 3% or 5% savings may, but is not required, to consider benefits to the City from sources other than the proposed bond transaction, if deemed appropriate by the City's Debt Management Team.

- H.** Short-Term Borrowings: Use of short-term borrowing, such as bond anticipation notes (BANs), tax and revenue anticipation notes (TRANs), tax-exempt commercial paper and other similar short-term borrowing vehicles will be undertaken only if the transaction costs plus interest of the debt are less than the cost of internal financing, or available cash is insufficient to meet working capital requirements. The City will not employ the use of such borrowings solely for the purpose of earning arbitrage profits.
- I.** Credit Enhancements: Credit enhancement (letters of credit, bond insurance, etc.) will be used to the extent that net debt service on the bonds is reduced by more than the costs of the enhancement, measured in present value terms. In order to calculate the economic effectiveness of a credit enhancement, the City will compare the present worth of the debt service required on the proposed transaction on both an enhanced and unenhanced basis to determine the economic benefits of the enhancement offered. Credit enhancement which does not produce economic benefits, in present value terms, will be considered only if acceptance of the enhancement directly furthers other City goals and objectives.

**VI. Debt Administration and Process**

- A.** All Debt to be Reviewed by City's Debt Management Team
  - 1.** No City Department, agency, or sub-unit shall incur long term debt of more than \$100,000 without the approval of the City Council. Indebtedness is generally any obligation of the City to pay money in the future with a stated maturity of longer than nine months. All requests to incur long term debt of more than \$100,000 and with a stated maturity of longer than nine months will be presented by memo from the requesting Department, through the Chief Financial Officer, to the City's Debt Management Team. The memo shall specify the purpose of the borrowing, any options for financing the project without borrowing, and specific sources of payment of debt service. This policy is not intended to be an impediment to the purchase of goods or services, or the contracting for such goods or services by the City in the normal course of business.
  - 2.** The Debt Management Team will be comprised "ex officio" of the City Manager, the Chief Financial Officer and the City Attorney, or their respective designee(s). The City Manager may appoint additional members to the Debt Management Team on an ad hoc basis as individual circumstances warrant. The Debt Management Team is authorized to provide advice to the City Council, the City Manager, the Chief Financial Officer, and the various Departments of the City in all matters pertaining to the creation of debt. The Chief Financial Officer has responsibility for the oversight and periodic review of these Policies, and will recommend amendments from time to time to the City Council. All direct and indirect debt of the City and its component units will be presented to the City Council's Finance

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Approved by: City Council  
January 28, 2014

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**DEBT MANAGEMENT POLICY**

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Committee for deliberation and recommendation prior to submittal to the full City Council.

**B. Investment of Bond Proceeds**

1. All general fund supported and revenue bond proceeds shall be invested as part of the City's consolidated pool, using appropriate trust fund accounting procedures, unless otherwise specified by law or the controlling bond documents and approved in advance by the Chief Financial Officer. Investments will be consistent with those authorized by existing state law and by the City's investment policy
2. It will also be the City's policy to select investment advisors, if appropriate to the facts and circumstances of an individual borrowing or borrowing program, on a basis similar to that which it uses to engage investment advisors for its investment portfolio. The City will execute the investment directives for bond proceeds through the applicable trustee for such proceeds.

**C. Costs and Fees**

1. All costs and fees related to issuance of bonds will be paid out of bond proceeds. In the case of conduit financings, the City may require prepayment for certain costs and fees from the project applicant(s). Under certain extraordinary circumstances, the City may authorize the expenditure of City funds for the engagement of outside counsel or consultants for the purpose of assisting the City with the feasibility analysis of the contemplated debt. It is intended that any expenditure for such purposes would be in anticipation of, or reliance upon, reimbursement by a project applicant for such expenses.
2. Should the proposed debt issue be abandoned prior to its completion, the City will retain any deposits or prepayments in amounts necessary to insure that its costs, both direct and indirect, are fully recovered.

**D. Method of Sale**

1. In general, City debt will be issued through a competitive bidding process. Bids will be awarded on a true interest cost basis (TIC), providing other bidding requirements are satisfied. In such instances where the City in a competitive bidding deems the bids received unsatisfactory, it may, at the election of the Chief Financial Officer, enter into negotiation for sale of the securities.
2. Negotiated sales of debt will be considered in circumstances when the complexity of the issue requires specialized expertise, when a change of underwriter may result in losses (for example, changing the remarketing agent in mid-program for variable rate debt), when the negotiated sale would result in substantial savings in time or money, or when market conditions or City credit are unusually volatile or uncertain. Only the Chief Financial Officer shall make such a determination.

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**DEBT MANAGEMENT POLICY**

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- E.** Council Action to be Regular Business Item, Not Consent Calendar: For all debt sales, the City will require that the action taken by the City Council to incur the debt will be taken as a regular business item, and at a regular or special City Council meeting, consistent with state law. Generally, it shall be the City's policy to submit the proposed debt issuance to the City Council in a study session wherever possible prior to submittal to the full City Council as an action item.

**VII. Underwriters, Consultants and Counsel****A. Underwriters**

- 1.** For all competitive and negotiated sales, underwriters will be required to demonstrate sufficient capitalization and experience related to the debt. The City may engage an underwriter for a negotiated sale of debt through a competitive process administered by the City's Financial & Management Services Department based on the prior recommendation of the City's Debt Management Team. The utilization of the underwriter for a particular bond sale will be at the discretion of the Financial & Management Services Department and pursuant to a written underwriting agreement.
  - 2.** The selection process for underwriters will require that the selected underwriter have comprehensive municipal debt experience, experience with diverse financial structuring requirements and strong distribution capabilities for municipal securities. Upon completion of the underwriter's engagement, the City has the option of making a new arrangement with any existing underwriter.
- B.** Payment of Underwriter's Counsel Fees: City payments for underwriter's counsel in negotiated sales will be authorized by the Financial & Management Services Department on a case by case basis depending on the nature and complexity of the transaction and the needs expressed by the underwriters.
- C.** Bond Counsel: The City will retain external bond counsel for all debt issues and such retainer will be evidenced by a contract with the selected firm(s). All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the debt, stating that the City has met all statutory requirements necessary for issuance, and determining the federal income tax status of such debt. Bond counsel will be selected by the City Attorney based on the prior recommendation of the City's Debt Management Team. The selection process will require comprehensive municipal debt experience and clearly demonstrated skill and capabilities in the municipal bond sector and with the type of financing proposed. Upon expiration of a specific contract, the City has the option of signing a new contract with its existing bond counsel.
- D.** Disclosure Counsel: In certain instances, the City may choose to engage the services of a disclosure counsel for the purposes of assisting in the various aspects of the preparation of an official statement, private placement memorandum or other form of offering, disclosure or continuing disclosure document to be disseminated in connection with the sale of the City's debt or conduit debt. In performing these services, the disclosure counsel is clearly representing the City, as the issuer of the debt, and not the underwriter as well, as is the case

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**DEBT MANAGEMENT POLICY**

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where underwriter's counsel prepares such documents. Because disclosure counsel is engaged by the City, the cost of disclosure counsel's services is typically paid from the proceeds of the debt issue, and may be structured as either hourly charges or fixed fees, depending on the circumstances.

**E. Financial Advisor**

1. The utilization of the financial advisor for particular bond sales will be at the discretion of the Financial & Management Services Department on a case by case basis and pursuant to a written financial advisory service contract. While engagement of a financial advisor on each City debt issue is not required, it is strongly encouraged. In particular, the services of a financial advisor will be used on all competitive sales of City debt as well as those negotiated issues that present unique structuring, marketing or credit circumstances.
2. The City may engage an external financial advisor through a competitive process administered by the City's Financial & Management Services Department based on the prior recommendation of the City's Debt Management Team. The selection process for financial advisors will require that the selected financial advisor have comprehensive municipal debt experience, experience with diverse financial structuring requirements and strong pricing capabilities for determining the fairness of the prices received by the City for its debt issues. Upon completion of the financial advisor's engagement, the City has the option of making a new arrangement with any existing financial advisor.
3. For each engagement the financial advisor will provide services to the Chief Financial Officer and such other departments of the City as may be designated by the Chief Financial Officer pursuant to an agreed upon scope of services to be negotiated with the Chief Financial Officer.

**F. Fiscal Agents, Paying Agents and Trustees:** The Financial & Management Services Department will utilize a fiscal agent, paying agent or trustee on all City indebtedness, as may be required by the type of debt instrument being used. Fees for such services on outstanding bonds will be paid from the resources of the department or program supporting the debt service on the instrument, unless specified otherwise by the Chief Financial Officer. The City's Financial & Management Services Department will administer the review and journalizing of transactions from monthly statements furnished by the fiscal agent, paying agent or trustee, as the case may be.

**G. Compensation for Services:** Compensation for bond counsel, underwriter's counsel, financial advisors, and other financial service providers will be consistent with industry standards.

**H. Selection Process:** The Chief Financial Officer shall make all final determinations of selection for underwriters, and financial advisors based on the recommendation of the City's Debt Management Team. The determination will be made following an independent review of competitive bids or responses to requests for proposals (RFPs) or requests for statements of qualifications (RFQs). The City's Debt Management Team will review the proposals or

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**DEBT MANAGEMENT POLICY**

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statements of qualifications. The City's financial advisors at the direction of the Chief Financial Officer may also review underwriter proposals.

- I. **Other Service Providers:** The Chief Financial Officer shall have the authority to periodically select other service providers (e.g., escrow agents, verification agents, trustees, arbitrage consultants, assessment engineers, special tax consultants, investment advisors etc.) as necessary to meet legal requirements and minimize net City debt costs. The Chief Financial Officer may select firm(s) to provide such financial services related to debt without a RFP or RFQ, consistent with City requirements. A firm so selected must receive Chief Financial Officer approval before undertaking any transaction or providing any service.

**VIII. Other Policies**

- A. **Arbitrage Compliance:** The Financial & Management Services Department shall maintain a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of the Federal Tax Code.
- B. **Unsolicited Financing Proposals:** Any unsolicited financing proposal to a City department, agency, or employee involving pledge or other extension of the City's credit through sale of securities, execution of loans or leases, marketing guarantees, or otherwise involving directly or indirectly the lending or pledging of the City's credit, shall be referred to the Financial & Management Services Department for review by the City's Debt Management Team prior to submittal to the City Council for approval.
- C. **Internal Borrowings**
  1. Provided that sufficient resources are available, liquidity will not be impaired, and a defined source of repayment is available, the City will generally favor internal borrowings over external borrowings for short-term liquidity purposes. The Financial & Management Services Department may undertake inter-fund borrowings and such borrowings will be evidenced by a written memorandum or agreement specifying the tenor and terms of the borrowing, including repayment terms, interest rates and calculations and procedures for amendment and must have the approval of the City Council, except for fiscal year end accounting entries that create temporary loans for financial statement presentation purposes. Any internal borrowing must be first coordinated with the responsible managing department. For example, the internal borrowings affecting the City's successor agency or Community Development Block Grant funds should be coordinated with the Community and Economic Development Department. All such inter-fund borrowings will be reflected in the City's accounting records as "due to" and "due from" items respecting the funds and accounts borrowed from and loaned to, respectively.
  2. Inter-fund borrowing will typically bear interest at the rate being borne by the Local Agency Investment Fund ("LAIF") administered by the California State Treasurer's Office, unless specifically recommended otherwise by the Chief Financial Officer.

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**DEBT MANAGEMENT POLICY**

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**D. Post Issuance Tax Compliance**

1. The purpose of these Post-Issuance Tax Compliance Procedures is to establish policies and procedures in connection with tax-exempt bonds or obligations (whether in the form of bonds, certificates of participation, installment sale contracts, leases or other financing structures) and other tax-advantaged bonds or obligations, if any (e.g. “build America bonds” or direct pay subsidy bonds) (collectively, the “Bonds”) issued for the benefit of the City of Moreno Valley (the “City”) so as to ensure that the City complies with all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt or special tax status of the Bonds.
2. General
  - a. Ultimate responsibility for all matters relating to City financings and re-financings rests with the City’s Chief Financial Officer (the “Responsible Officer”) or such other person or persons as the Responsible Officer shall designate.
3. Tax Compliance Requirements
  - a. External Advisors / Documentation
    - i. The Responsible Officer and other appropriate City personnel shall consult with bond counsel and other legal counsel and advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that the Bonds will continue to qualify for the appropriate tax status. Those requirements and procedures shall be documented in a City resolution(s), Tax Certificate(s) and/or other documents finalized at or before issuance of the Bonds. Those requirements and procedures shall include future compliance with applicable arbitrage rebate and yield restriction requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the Bonds.
    - ii. The Responsible Officer and other appropriate City personnel also shall consult with bond counsel and other legal counsel and advisors, as needed, following issuance of the Bonds to ensure that all applicable post-issuance requirements, in fact, are met. This shall include, without limitation, consultation in connection with future contracts with respect to the use or management of Bond-financed assets.
    - iii. Whenever necessary or appropriate, the City shall engage expert advisors (such as a “Rebate Service Provider”) to assist in the calculation of arbitrage rebate which may be payable in respect of the investment of Bond proceeds.

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**DEBT MANAGEMENT POLICY**

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**b. Role of the City**

- i. Unless otherwise provided by City resolutions, unexpended Bond proceeds shall be held by the City, and the investment of Bond proceeds shall be managed by the Responsible Officer. The Responsible Officer shall maintain records and shall prepare regular, periodic statements to the City regarding the investments and transactions involving Bond proceeds.
- ii. If a City resolution provides for Bond proceeds to be administered by a trustee, the trustee shall provide regular, periodic (monthly) statements regarding the investments and transactions involving Bond proceeds.

**c. Arbitrage Rebate and Yield**

- i. Unless a Tax Certificate documents that bond counsel has advised that arbitrage rebate will not be applicable to an issue of Bonds:
  - a.) the City shall engage the services of a Rebate Service Provider, and the City or the Bond trustee shall deliver periodic statements concerning the investment of Bond proceeds to the Rebate Service Provider on a prompt basis;
  - b.) upon request, the Responsible Officer and other appropriate City personnel shall provide to the Rebate Service Provider additional documents and information reasonably requested by the Rebate Service Provider;
  - c.) the Responsible Officer and other appropriate City personnel shall monitor efforts of the Rebate Service Provider and assure payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issue date of the Bonds, and no later than 60 days after the last Bond of each issue is redeemed; and
  - d.) during the construction period of each capital project financed in whole or in part by Bonds, the Responsible Officer and other appropriate City personnel shall monitor the investment and expenditure of Bond proceeds and shall consult with the Rebate Service Provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months or 24 months, as applicable, following the issue date of the Bonds.



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**DEBT MANAGEMENT POLICY**

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e.) The City shall retain copies of all arbitrage reports and trustee statements as described below under “Record Keeping Requirements”.

**d. Use of Bond Proceeds**

i. The Responsible Officer and other appropriate City personnel shall:

a.) monitor the use of Bond proceeds and the use of Bond-financed assets (e.g., facilities, furnishings or equipment) throughout the term of the Bonds (and in some cases beyond the term of the Bonds) to ensure compliance with covenants and restrictions set forth in applicable City resolutions and Tax Certificates;

b.) maintain records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of Bonds;

c.) consult with Bond Counsel and other professional expert advisers in the review of any contracts or arrangements involving use of Bond-financed facilities to ensure compliance with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates;

d.) maintain records for any contracts or arrangements involving the use of Bond-financed facilities as might be necessary or appropriate to document compliance with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates; and

e.) meet at least annually with personnel responsible for Bond-financed assets to identify and discuss any existing or planned use of Bond-financed assets and to ensure that those uses are consistent with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates.

f.) All relevant records and contracts shall be maintained as described below.

**1. Record Keeping Requirements**

a. Unless otherwise specified in applicable City resolutions or Tax Certificates, the City shall maintain the following documents for the term of each issue of Bonds (including refunding Bonds, if any) plus at least three years:

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**DEBT MANAGEMENT POLICY**

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- b. a copy of the Bond closing transcript(s) and other relevant documentation delivered to the City at or in connection with closing of the issue of Bonds;
  - c. a copy of all material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds;
  - d. a copy of all contracts and arrangements involving private business use of Bond-financed assets; and
  - e. copies of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements.
- e. Identification and Correction of Violations: In the event that the use of bond proceeds or bond-financed assets, or the payments derived from such assets, are different than those expected at the time bonds are issued, the City should contact Bond Counsel in a timely manner to ensure that there is no adverse effect on the tax status of the bonds. Under existing Treasury Regulations, various “self-help” remedies are available to the City in the event of certain violations of the limits of use of bond proceeds, the investment of bond proceeds, and the use of the bond-financed assets. For example, a change in the use of the bond-financed assets after the issuance of the bonds that results in excessive private business use may be corrected through a 'remedial action' that is described in the Treasury Regulation Section 1.141-12. Such remedial actions include a defeasance of the portion of the bonds affected by the excessive private business use or using the disposition proceeds from the sale of the bond-financed assets for another qualified purpose. In the event that the self-help remedial actions in Treasury Regulation Section 1.141-12 are not available to the City, violations occurring through City action (or inaction) that potentially adversely affect the status of the bonds may be corrected through the Voluntary Closing Agreement Program as further described in IRS Notice 2008-31 and in Sections 7.2.3 of the Internal Revenue Manual.

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**DEBT MANAGEMENT POLICY**

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**APPENDIX A: GLOSSARY**

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**AD VALOREM TAX**

A tax calculated "according to the value" of property. Such a tax is based on the assessed valuation of real property and, in certain cases, on a valuation of tangible personal property. In most jurisdictions, the tax is a lien on the property enforceable by seizure and sale of the property. General restrictions, such as overall restrictions on rates, or the percent of charge allowed, sometimes apply. As a result, *ad valorem* taxes often function as the balancing element in local budgets.

**ADVANCE REFUNDING**

A procedure whereby outstanding bonds are refinanced by the proceeds of a new bond issue more than 90 days prior to the date on which outstanding bonds become due or are callable. Generally, either the entire outstanding issue is refunded (full refunding) or only the callable bonds are refunded (partial refunding). Typically an advance refunding is performed to take advantage of interest rates that are significantly lower than those associated with the original bond issue. At time, however, an advance refunding is performed to remove restrictive language or debt service reserve requirements required by the original issue. (See also "CURRENT REFUNDING")

**AMORTIZATION**

The planned reduction of a debt obligation according to a stated maturity or redemption schedule.

**ARBITRAGE**

The gain that may be obtained by borrowing funds at a lower (often tax- exempt) rate and investing the proceeds at higher (often taxable) rates. The ability to earn arbitrage by issuing tax-exempt securities has been severely curtailed by the Tax Reform Act of 1986, as amended.

**ASSESSED VALUATION**

The appraised worth of property as set by a taxing authority through assessments for purposes of *ad valorem* taxation. The method of establishing assessed valuation varies from state to state, with the method generally specified by state law. For example, in certain jurisdictions the assessed evaluation is equal to the full or market value of the property; in other jurisdictions the assessed valuation is equal to a percentage of the full market value.

**ASSESSMENT BONDS**

Bonds issued to develop facilities and basic infrastructure for the benefit of specific properties within the assessment district which directly benefit from the facilities. The key consideration here is the "direct and special benefit" to be received by the property subject to the assessment. Voter approval is not required. Instead, a majority vote of the property owners with a majority of assessments is needed to authorize the issue. The issuer's recourse for nonpayment is foreclosure. This type of bond is normally not rated. The bonds may be issued under the provisions of the various assessment bond acts of the State, whichever is most appropriate. (See also "Special Tax Bond" for a description of bonds issued pursuant to the Mello-Roos Act.)

**BALLOON MATURITY**

A maturity within a serial issue of securities which contains a disproportionately large percentage of the principal amount of the original issue. A balloon maturity is generally distinguished from a term bond by the fact that a term bond generally has the benefit of a sinking fund to smooth out the amount of principal paid

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**DEBT MANAGEMENT POLICY**

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from any single year's operations. A balloon maturity increases the likelihood that the jurisdiction will need to refinance the securities for an extended period of time upon their initial maturity.

**BASIS POINT**

One one-hundredth of one percent (0.0001).

**BEARER BOND**

A security that does not identify its owner on its face or by registration. The security is presumed to be owned by the person possessing it. The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) curtailed the issuance of tax-exempt bearer bonds.

**BOND**

A security that represents an obligation to pay a specified amount of money on a specific date in the future, typically with periodic interest payments.

**BOND ANTICIPATION NOTES**

Notes issued to provide temporary financing, to be repaid from the proceeds of a subsequent long-term financing.

**BOND COUNSEL**

An attorney (or firm of attorneys) retained by the issuer to give a legal opinion concerning the validity of the securities. The bond counsel's opinion usually addresses the subject of tax exemption. Bond counsel may prepare, or review and advise the issuer regarding authorizing resolutions or ordinances, trust indentures, official statements, validation proceedings and litigation.

**BOND INSURANCE**

Bond insurance is a type of credit enhancement whereby a monoline insurance company indemnifies an investor against default by the issuer. In the event of a failure by the issuer to pay principal and interest in full and on time, investors may call upon the insurance company to do so. Once assigned, the municipal bond insurance policy generally is irrevocable. The insurance company receives an up-front fee, or premium, when the policy is issued.

**BOOK-ENTRY-ONLY**

Bonds that are issued in fully registered form but without certificates of ownership. The ownership interest of each actual purchaser is recorded on computer.

**CALL OPTION**

The right to redeem a bond prior to its stated maturity, either on a given date or continuously. The call option is also referred to as the optional redemption provision. Often a "call premium" is added to the call option as compensation to the holders of the earliest bonds called. Generally, the earliest callable bonds called carry a 102% premium, the next earliest, a 101 % premium, and the balance of the bonds are called at par value.

**CAPITAL APPRECIATION BOND**

A bond without current interest coupons that is sold at a substantial discount from par. Investors are provided with a return based upon the accretion of value in the bond through maturity. (see zero coupon bond)

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**DEBT MANAGEMENT POLICY**

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**CAPITAL LEASE**

The acquisition of a capital asset over time rather than merely paying a rental fee for temporary use. A lease-purchase agreement, in which provision is made for transfer of ownership of the property for a nominal price at the scheduled termination of the lease, is referred to as a capital lease.

**CERTIFICATES OF PARTICIPATION**

A lease agreement with another party (a lessor, such as a joint powers authority) to lease an asset over a defined period of time at a prearranged annual payment. Voter approval is generally not required. Lease payments are made primarily from general fund revenues. Current law requires the lessee to make lease payments only if the City has beneficial use of the facility to be leased. The legislative body has to appropriate annual debt service payments. For the security of the bondholders, a reserve fund is normally established and held by a trustee until all bonds are paid. Interest during project construction must be capitalized. An "asset transfer" structure, whereby an existing facility is used as security to finance construction or acquisition of another project, may be used for flexibility. Sometimes this structure is styled as a "lease revenue bond," which is functionally the same as Certificates of Participation.

**COMMERCIAL PAPER (TAX-EXEMPT)**

By convention, short-term, unsecured promissory notes issued in either registered or bearer form with a stated maturity of 270 days or less.

**COMPETITIVE SALE**

Sales of securities in which the securities are awarded to the bidder who offers to purchase the issue at the best price or lowest cost.

**CONDUIT FINANCING**

The issuance of securities by a governmental entity to finance a project that will primarily benefit a third party, typically a private corporation. The security for this type of financing is usually the credit of the private entity, rather than the governmental unit. Usually such securities do not constitute general obligations of the issuer since the private entity is liable for generating the pledged revenues for repayment. Industrial development bonds are a common type of conduit financing.

**CONTINUING DISCLOSURE**

The requirement by the Securities and Exchange Commission for most issuers of municipal debt to provide current financial information to the informational repositories for access by the general marketplace. Generally, SEC Rule 15c2-12 requires issuers of municipal securities and certain other "obligated persons" to make contractual promises to provide continuing information to the marketplace during the life of securities issues. Under the rule, an underwriter is not permitted to purchase or sell municipal securities in connection with a primary offering of \$1.0 million or more unless it has entered into such a contractual arrangement with the issuer of the securities for the benefit of the holders of the securities.

In conduit issues, the obligation to maintain continuing disclosure efforts should be imposed on the project sponsors.

**COUPON RATE**

The interest rate on specific maturities of a bond issue. While the term "coupon" derives from the days when virtually all municipal bonds were in bearer form with coupons attached, the term is still frequently used to refer to the interest rate on different maturities of bonds in registered form.

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**DEBT MANAGEMENT POLICY**

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**CURRENT REFUNDING**

A procedure whereby outstanding bonds are refinanced by the proceeds of a new bond issue within 90 days of the date on which outstanding bonds become due or are callable. Generally, either the entire outstanding issue is refunded (full refunding) or only the callable bonds are refunded (partial refunding). Typically a current refunding is performed to take advantage of interest rates that are significantly lower than those associated with the original bond issue. At times, however, a current refunding is performed to remove restrictive language or debt service reserve requirements required by the original issue. (See also "ADVANCE REFUNDING")

**CUSIP NUMBER**

The term CUSIP is an acronym for the Committee on Uniform Securities Identification Procedures. An identification number is assigned to each maturity of an issue, and is usually printed on the face of each individual certificate of the issue. The CUSIP numbers are intended to help facilitate the identification and clearance of municipal securities. As the municipal market has evolved, and new derivative products are devised, the importance of the CUSIP system for identification purposes has increased.

**DEBT BURDEN**

The ratio of outstanding tax-supported debt to the market value of property within a jurisdiction. The overall debt burden includes a jurisdiction's proportionate share of overlapping debt as well as the municipality's direct net debt.

**DEBT LIMITATION**

The maximum amount of debt that is legally permitted by a jurisdiction's charter, constitution, or statutory requirements.

**DEBT SERVICE**

The amount necessary to pay principal and interest requirements on outstanding bonds for a given year or series of years.

**DEBT SERVICE RESERVE FUND**

The fund into which moneys are placed which may be used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements. The debt service reserve fund may be entirely funded with bond proceeds, or it may only be partly funded at the time of the issuance and allowed to reach its full funding requirement over time, due to the accumulation of pledged revenues. If the debt service reserve fund is used in whole or part to pay debt service, the issuer usually is required to replenish the funds from the first available funds or revenues. A typical reserve requirement might be the maximum aggregate annual debt service for any year remaining until the bonds reach maturity. The size of the reserve fund, and the manner in which it is invested, may be subject to arbitrage regulations.

**DEFAULT**

The failure to pay principal or interest in full or on time. An actual default should be distinguished from technical default. The latter refers to a failure by an issuer to abide by certain covenants but does not necessarily result in a failure to pay principal or interest when due.

**DEFEASANCE**

Providing for payment of principal of premium, if any, and interest on debt through the first call date or scheduled principal maturity in accordance with the terms and requirements of the instrument pursuant to which the debt was issued. A legal defeasance usually involves establishing an irrevocable escrow funded with only cash and US. government obligations.

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**DEBT MANAGEMENT POLICY**

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**DEPOSITORY TRUST COMPANY (DTC)**

A limited purpose trust company organized under the New York Banking Law. DTC facilitates the settlement of transactions in municipal securities.

**DERIVATIVES**

Financial products whose value is derived from the value of an underlying asset, reference rate, or index. Typically these agreements are contracts between a lender/investor and a borrower and include interest rate swaps, caps, floors, collars, and forward purchase agreements.

**DISCOUNT**

The difference between a bond's par value and the price for which it is sold when the latter is less than par.

**DOUBLE-BARRELED BOND**

A bond secured by a defined source of revenue (other than general property taxes) and the full faith and credit of an issuer.

**ENTERPRISE ACTIVITY**

A revenue-generating project or business. The project often provides funds necessary to pay debt service on securities issued to finance the facility. The debts of such projects are self-liquidating when the projects earn sufficient monies to cover all debt service and other requirements imposed under the bond contract. Common examples include water and sewer treatment facilities and utility facilities.

**FINANCIAL ADVISOR**

A consultant who advises an issuer on matters pertinent to a debt issue, such as structure, sizing, timing, marketing, pricing, terms, and bond ratings.

**FITCH INVESTORS SERVICE**

A financial services company, founded in 1913, which provides investors with an independent assessment of the credit worthiness of debt obligations.

**FINAL OFFICIAL STATEMENT (FOS)**

A document published by the issuer that generally discloses material information on a new issue of municipal securities including the purposes of the issue, how the securities will be repaid, and the financial, economic and social characteristics of the issuing government. Investors may use this information to evaluate the credit quality of the securities. (See also Official Statement)

**FLOW OF FUNDS**

The order in which pledged revenues must be disbursed, as set forth in the trust indenture or bond resolution. In most instances, the pledged revenues are deposited into a general collection account or revenue fund as they are received and subsequently transferred into the other accounts established by the bond resolution or trust indenture. The other accounts provide for payment of the costs of debt service, debt service reserve deposits, operation and maintenance costs, renewal and replacement, and other requirements.

**GENERAL OBLIGATION BONDS**

Bonds backed by the full faith and credit of the City. The taxing power is an unlimited *ad valorem* tax, usually on real estate and personal property. A special rate is incorporated in the property tax bill annually to pay for debt service. A two-thirds voter approval is required for authorization. Because it is secured by an unlimited tax levy, this structure has strong marketability and lower interest costs.

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**DEBT MANAGEMENT POLICY**

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**GENERAL OBLIGATION DEBT**

Debt that is secured by a pledge of the *ad valorem* taxing power of the issuer. Also known as a full faith and credit obligation.

**INDENTURE**

A contract between the issuer and a trustee stipulating the characteristics of the financial instrument, the issuer's obligation to pay debt service, and the remedies available to the trustee in the event of a default.

**INVESTMENT GRADE**

The broad designation given bonds which have a high probability of being paid, and minor, if any, speculative features. Bonds rated "BBB" or higher by Standard & Poor's Corporation, "Baa" or higher by Moody's Investor's Service, and "BBB" or higher by Fitch IBCA Rating Service are deemed by those agencies to be "investment grade."

**ISSUANCE COSTS**

The costs incurred by the bond issuer during the planning and sale of securities. These costs include but are not limited to financial advisory and bond counsel fees, printing and advertising costs, rating agency fees, and other expenses incurred in the marketing of an issue.

**ISSUER COUNSEL**

An attorney engaged by the issuer to represent its best interest in a debt transaction. Often this role is performed by bond counsel, however, at times separate counsel is engaged that does not have responsibility to issue the bond opinion as well as represent the issuer's best interests.

**JUNIOR LIEN BONDS**

Bonds that have a subordinate claim against pledged revenues.

**LEASE**

An obligation wherein a lessee agrees to make payments to a lessor in exchange for the use of certain property. The term may refer to a capital lease or to an operating lease.

**LEASE REVENUE BONDS**

Bonds that are secured by an obligation of one party to make annual lease payments to another.

**LESSEE**

The party to a lease agreement that obtains use of a facility or piece of equipment on exchange for rental payments.

**LESSOR**

The owner of the property being leased.

**LETTER OF CREDIT**

Bank credit facility whereby a bank will honor the payment of an issuer's debt, in the event that an issuer is unable to do so, thereby providing an additional source of security for bondholders for a predetermined period of time. A letter of credit often is referred to as an L/C or an LOC. Letter of Credit can be issued on a "stand-by" or "direct pay" basis.



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**DEBT MANAGEMENT POLICY**

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**LINE OF CREDIT**

Bank credit facility wherein the bank agrees to lend up to a maximum amount of funds at some date in the future in return for a commitment fee.

**MANAGER**

The member (or members) of an underwriting syndicate -charged with the primary responsibility for conducting the affairs of the syndicate. The managers take the largest underwriting commitment.

Underwriter

The underwriter serving as head of the syndicate. The lead Manager generally handles negotiations in a negotiated underwriting of a new issue of municipal securities or directs the process by which a bid is determined for a competitive underwriting. The lead Manager also is charged with allocating securities among the members of the syndicate in accordance with the terms of the syndicate agreement or agreement among underwriters.

Underwriting Group

Any member of the management group.

**MASTER LEASE AGREEMENTS**

A lease agreement with a provider to lease equipment or facilities whose useful life is too short, or whose cost is too small to finance with conventional long-term debt. Various pieces and types of real and personal property from different vendors over a period of time can be acquired under one master lease agreement. Interest can be fixed or tied to an index. Financing costs are normally minimal, but the interest cost may be higher than with other instruments.

**MARKS-ROOS BONDS**

Bonds issued by a joint powers authority to buy other bond issues. By pooling bond issues, marketability can be improved and administration costs are reduced. Often used in the case of a negotiated sale of successor agency debt in order to avoid the competitive sale requirements for such debt.

**MOODY'S INVESTORS SERVICE, INC.**

A financial service company, a subsidiary of Dun & Bradstreet Corp. has provided ratings for municipal securities and other financial information to investors since 1918.

**MUNICIPAL SECURITIES RULEMAKING BOARD (MSRB)**

A self-regulating organization established on September 5, 1975 upon the appointment of a 15-member Board by the Securities and Exchange Agreement. The MSRB, comprised of representatives from investment banking firms, dealer bank representatives, and public representatives, is entrusted with the responsibility of writing rules of conduct for the municipal securities market. New board members are selected by the MSRB pursuant to the method set forth in Board rules.

**NEGOTIATED SALE**

A sale of securities in which the terms of sale are determined through negotiation between the issuer and the purchaser, typically an underwriter, without competitive bidding

**NET INTEREST COST (NIC)**

The average interest cost of a bond issue calculated on the basis of simple interest. This calculation involves a fraction in which the numerator is the gross amount of interest to be paid over the bonds' life (adjusted for the amount of discount or premium granted at the time of sale), and the denominator is the average life of the bond issue multiplied by the issue's par value.

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**DEBT MANAGEMENT POLICY**

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**NOTE**

A written promise to pay a certain amount of money on a specific date, with interest. By convention, the maturity of a note is one year or less, making it short-term debt. However, financial instruments with a longer stated maturity sometimes are called Notes. For example, a bond anticipation note can have maturities of two years or longer.

**OFFICIAL STATEMENT (OS)**

A document published by the issuer that generally discloses material information on a new issue of municipal securities including the purposes of the issue, how the securities will be repaid, and the financial, economic and social characteristics of the issuing government. Investors may use this information to evaluate the credit quality of the securities. (See also Final Official Statement)

**OPERATING LEASE**

A lease that enables the lessee to acquire the use of an asset only, not its ownership as in a capital lease. The lease term typically runs for only a portion of the asset's useful life.

**ORIGINAL ISSUE DISCOUNT BONDS**

Bonds which are sold at a substantial discount from their par value at the time of the original sale.

**OVERLAPPING DEBT**

The legal jurisdictions of local governments often overlap one another. In some cases, one unit of government is located entirely within the boundaries of another. Overlapping debt represents the proportionate share of debt that must be borne by one unit of government because another government with overlapping or underlying taxing authority issued its own bonds.

**PAR VALUE**

The face value or principal amount of a security.

**PAYING AGENT**

An agent of the issuer with responsibility for timely payment of principal and interest to bond holders.

**PRELIMINARY OFFICIAL STATEMENT (POS)**

The POS is a preliminary version of the official statement that is used by an issuer or underwriters to describe the proposed issue of municipal securities prior to the determination of the interest rate(s) and offering price(s). The preliminary official statement, also called a "red herring," often is examined upon by potential purchasers prior to making an investment decision.

**PREMIUM**

The excess of the price at which a bond is sold over its face value.

**PRESENT VALUE**

The value of a future amount or stream of revenues or expenditures in current dollars.

**PRIVATE ACTIVITY BONDS**

A bond where the use of bond proceeds is used for private purposes. If deemed a private activity bond, the interest is not tax exempt unless the use of the proceeds meets certain requirements of the Internal Revenue Code.

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**DEBT MANAGEMENT POLICY**

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**PUT OPTION**

The right to demand repayment of principal prior to a bond's maturity. In the case of short-term variable rate debt, this right often is referred to as a variable-rate demand option.

**REFUNDING**

A procedure whereby an issuer refinances an outstanding bond issue by issuing new bonds.

**REGISTERED BOND**

A security on which the ownership is recorded by the issuer or its agent.

**RESERVE FUND**

A fund established by the indenture of a bond issue into which money is deposited for payment of debt service in case of a shortfall in current revenues.

**REVENUE BONDS**

Bonds secured by revenues generated by the facility that is financed or by dedicated user fees. Voter approval may or may not be required. Planning is more complex because costs and revenues affect each other. Credit enhancement (e.g., insurance, or letter of credit) may be needed because of the limited source of debt service payment.

**SECONDARY MARKET**

The market in which bonds are sold after their initial sale in the new issue market.

**SENIOR LIEN BONDS**

Bonds having a prior, or first claim on pledged revenues.

**SERIAL BONDS**

A bond issue in which the principal is repaid in periodic installments over the issue's life.

**SOPHISTICATED INVESTOR**

A purchaser of bonds, who is considered knowledgeable about the pricing and risk factors associated with the repayment of bonds. This type of investor usually purchases bonds in large dollar amounts, typically \$100,000 or more.

**SPECIAL ASSESSMENTS**

A charge imposed against property or parcel of land that receives a special benefit by virtue of some public improvement that is not, or cannot be enjoyed by the public at large. Special assessment debt issues are those that finance such improvements and are repaid by the assessments charged to the benefiting property owners.

**STANDARD & POOR'S CORPORATION (S&P)**

A financial service company, a subsidiary of McGraw-Hill -Company. S&P provides ratings for municipal securities and other financial information to investors.

**TAX ALLOCATION BONDS**

Bonds secured by property tax increment (property taxes generated on assessed value in excess of the frozen property tax base) in a redevelopment project area. These bonds are issued to promote economic development. Voter approval is not required.

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**DEBT MANAGEMENT POLICY**

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**TAX INCREMENT**

Property tax revenues derived from the incremental assessed value increases from the redevelopment project area's frozen tax base.

**TERM BONDS**

A bond issue in which the entire principal matures on one date. Term bonds also refer to a particularly large maturity of a bond issue that is created by aggregating a series of maturities. In the latter instance, provision is made for mandatory structuring fund installments in advance of the term bond's maturity to reduce the burden of a particular large debt service payment in any one fiscal year.

**TRUE INTEREST COST (TIC)**

An expression of the average interest cost in present value terms. The true interest cost is a more accurate measurement of the bond issue's effective interest cost and should be used to ascertain the best bid in a competitive sale.

**UNDERWRITER'S COUNSEL**

An attorney engaged by the underwriter(s) to represent its interests in a debt transaction. Generally underwriter's counsel prepares the bond purchase agreement between the issuer and the underwriter and, when more than one underwriter is involved, the agreement among underwriters.

**VARIABLE RATE BOND**

A bond on which the interest rate is reset periodically, usually no less often than semi-annually. The interest rate is reset either by means of an auction or through an index.

**VENDOR LEASES**

A vendor of equipment acts as the lessor and investor, and holds the lease for its full term or may assign the lease. The motivating factor to the vendor is usually to encourage future sales of its product.

**YIELD CURVE**

A graph that plots the market yields on securities with different maturities, at a given point in time. The vertical axis represents the yields, while the horizontal axis depicts the time to maturity. The term structure of interest rates, as reflected by the yield curve, will vary according to market conditions, resulting in a wide variety of yield curve configurations.

**YIELD-TO-MATURITY**

The rate of return that an investor will receive if the bond remains outstanding and the investor holds the bond to maturity. The investor must take into account the price paid for the bonds, the dates of purchase and maturity, and the coupon rate on the bonds. The "yield to maturity" assumes that interest payments will be re-invested at the same coupon rate borne by the bond.

**ZERO COUPON**

A bond which does not pay interest periodically. Investors receive interest on the scheduled principal maturity date of the obligation.

**DEBT MANAGEMENT POLICY**

**APPENDIX B: FORM OF FINANCING ASSISTANCE APPLICATION FOR CONDUIT DEBT**

**I. PROPOSED OWNER OF THE PROJECT**

A. Official Company Name: \_\_\_\_\_

DBAs (if applicable): \_\_\_\_\_

Official Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Company Headquarters and address of primary operating location in

California: \_\_\_\_\_

\_\_\_\_\_

B. Form of Ownership: Corporation \_\_\_\_\_

Partnership: \_\_\_\_\_ Sole Proprietorship \_\_\_\_\_

Other (describe) \_\_\_\_\_

Is the proposed owner a subsidiary or affiliated directly or indirectly with any other organization? \_\_\_\_  
If so, indicate relationship and name of related organization:

\_\_\_\_\_

If corporation, indicate state of incorporation: \_\_\_\_\_ and date qualified to do  
business in California (if incorporated elsewhere): \_\_\_\_\_

C. Officers                      Names & Home Address                      Other Business Affiliations

President                      \_\_\_\_\_                      \_\_\_\_\_

\_\_\_\_\_

Vice President                      \_\_\_\_\_                      \_\_\_\_\_  
(Finance)

\_\_\_\_\_

**DEBT MANAGEMENT POLICY**

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Secretary \_\_\_\_\_

Directors \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. List name and home address of equity owners of 10% or more. If publicly held, indicate stock exchange traded on. If partnership, list General and Limited Partners and interest owned by each. If trust, list beneficiaries.

<u>Name</u>	<u>Home Address</u>	<u>% of Equity Interest Owned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Name, business address, and phone number of officer to whom all notices and communications concerning the project should be sent:

\_\_\_\_\_

\_\_\_\_\_

F. Principal Bank(s) of Account with name and phone number of contact person:

Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Approved by: City Council  
January 28, 2014

**DEBT MANAGEMENT POLICY**

---

Telephone: \_\_\_\_\_

G. Counsel to Applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

H. Bond Counsel on proposed project:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

I. Investment Banker for proposed project:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

J. Company History

List past tax-exempt financing transactions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have any of these projects ever been in default? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please provide particulars:

**DEBT MANAGEMENT POLICY**

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K. Is the firm or any of its principals currently or in the past 10 years been engaged in any litigation involving financing of the type and nature of that being proposed to the City. \_\_\_\_Yes \_\_\_\_No.

If yes, please provide the names of the principals and details of the litigation. Use additional pages if necessary.

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**II. PROPOSED PROJECT**

- A. Give brief narrative explanation why project is being undertaken.
- B. Narrative Description, including renderings if available of proposed project.
- C. Proposed facilities to be constructed with bond proceeds (describe).
- D. Does applicant now own the site of the proposed facility?\_\_\_\_\_ If not, has applicant entered into an option or commitment or other agreement to purchase it?
- E. Estimated useful life of buildings, equipment, or off-site improvements.
- F. Does the proposed project involve, in whole or in part, any of the following: residential real property; sports facilities;; commercial property; health care facilities; manufacturing facilities; entertainment facilities; or industrial land development activities? Yes\_\_\_\_\_ No\_\_\_\_\_ If yes, please explain.

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Approved by: City Council  
January 28, 2014



**DEBT MANAGEMENT POLICY**

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G. Estimated date on which facilities will:

Start construction:\_\_\_\_\_

Complete construction:\_\_\_\_\_

**III. COST OF THE PROJECT**

State the costs reasonably necessary to the acquisition or construction of the proposed project together with any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or apportionment facilities;

A.	Land and Facilities	\$ _____
B.	Architectural and Engineering	\$ _____
C.	Construction Costs:	\$ _____
D.	Interest during construction:	\$ _____
E.	Financing, legal, miscellaneous (from _____ to _____) (please specify)	\$ _____
F.	Contingency (if appropriate)	\$ _____
	<b>TOTAL</b>	<b>\$ _____</b>

**IV. SIGNIFICANT PUBLIC BENEFITS**

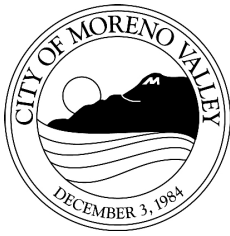
Please furnish a description of the significant public benefits that will arise from the issuance of bonds in the maximum amount proposed in the application.

- A. Employment creation/displacement – will the completion of the project contribute to job creation? Explain.
- B. Energy, mineral or natural or cultivated resource conservation – will the completion of the project lead to increased utilization of resources:
  - 1. Estimate of increased utilization of resources.
  - 2. Estimate of increases in cost to the public due to increased utilization.
- C. Does construction of the project, or completion of the project, have any adverse environmental impacts, including additional waste disposal?
  - 1. Estimate of the environmental impacts.
  - 2. Include copies of any required Environmental Impact Reports.

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Approved by: City Council  
January 28, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** January 28, 2014

**TITLE:** RATIFY COMMITMENT OF MATCHING FUNDS AND ACCEPTANCE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S MEASURE A REGIONAL ARTERIAL GRANT, AUTHORIZE EXECUTION OF A MEMORANDUM OF UNDERSTANDING, AND AUTHORIZE AN APPROPRIATION OF FUNDS FOR THE CACTUS AVENUE WIDENING PROJECT FROM VETERANS WAY TO HEACOCK STREET, PROJECT NO. 801 0031 70 77

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### RECOMMENDED ACTION

Recommendations:

1. Ratify the City's pledge of matching funds for the Western Riverside County Measure A Regional Arterial (MARA) grant funds from the Riverside County Transportation Commission for the Cactus Avenue Widening Project from Veterans Way to Heacock Street.
2. Accept the grant award amount of up to \$1,527,500 total for the construction of the Cactus Avenue Widening Project from Veterans Way to Heacock Street.
3. Authorize the City Manager to execute a Memorandum of Understanding (MOU) with Riverside County Transportation Commission (RCTC) when it is received for the Cactus Avenue Widening Project from Veterans Way to Heacock Street, subject to approval of the City Attorney.
4. Authorize the Chief Financial Officer to appropriate \$1,527,500 as revenue and \$2,350,000 as expense in the Capital Projects Reimbursements fund (Fund 3008) for the construction of the Cactus Avenue Widening Project from Veterans Way to Heacock Street upon fund allocation from RCTC.

## **SUMMARY**

This report requests City Council to ratify the commitment of matching funds, accept the \$1,527,500 MARA grant award from RCTC, authorize the execution of the MOU when it is received, and the appropriation of funds. The funds will be used for construction to widen Cactus Avenue between Veterans Way and Heacock Street.

## **DISCUSSION**

At its June 2013 meeting, RCTC approved the 2013 Multi-Funding Call for Projects program. Fifty-five projects throughout the County were submitted by the deadline of September 23, 2013. The projects were evaluated based on Regional significance, project readiness, safety, the quantitative scores for the air quality analysis, cost-benefit, and Regional Transportation Plan/Sustainability Communities Strategy Greenhouse Gasses benefits performed by the Commission's air quality consultant in accordance with adopted emissions and cost-benefit models used by the California Air Resources Board and Caltrans, and local match. Because this is one of the City's highest priority projects and will greatly improve the circulation along Cactus Avenue and around March Air Reserve Base, the City submitted a letter on December 5, 2013 to RCTC offering (subject to formal approval by the City Council) an increase in the City's local match to put the City in a better position to compete for these limited grant funds.

On January 8, 2014 the City received notification that RCTC will provide \$1,527,500 in MARA grant funding with a 35% local match of \$822,500 for a total construction amount of \$2,350,000 which will finance the construction to widen Cactus Avenue from Veterans Way to Heacock Street. These improvements will provide enhanced capacity, increase level of service, and signal synchronization, and will continue the street corridor improvements currently in progress, which is widening Cactus Avenue from Interstate 215 to Veterans Way.

Staff is requesting that the City Council ratify the commitment to RCTC of 35% matching funds, and accept the grant funding. As part of the grant process, RCTC will be forwarding a Memorandum of Understanding for the City to sign which will outline the project schedules, funding plan, and local agency match; staff is requesting the City Manager be authorized to execute the MOU when it is received, subject to approval of the City Attorney, and appropriate the \$2,350,000 in the Capital Projects Reimbursements fund (Fund 3008), once the MARA funds are allocated by RCTC.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow the City to widen Cactus Avenue from Veterans Way to Heacock Street and receive reimbursements from RCTC.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the widening of Cactus Avenue from Veterans Way to Heacock Street and forfeit grant funds from RCTC.*

**FISCAL IMPACT**

The MARA grant will provide for reimbursement of up to \$1,527,500. The grant requires local matching funds of \$822,500 (35%) for the Cactus Avenue Widening Project from Veterans Way to Heacock Street. Matching funds are provided from Capital Projects Reimbursements fund (Fund 3008). **There is no impact to the General Fund.**

**Proposed Appropriation for Fiscal Year 2013/2014:**

Category	Fund	Project Number (PN) GL Account (GL)	Type	Original Budget	Proposed Adjustment	Revised Budget
CIP	Capital Projects Reimbursements (3008)	GL - 3008-99-99-93008-483010	Rev	\$0	\$1,527,500	\$1,527,500
CIP	Capital Projects Reimbursements (3008)	GL - 3008-70-77-80001-720199 PN - 801 0031-70-77-3008-99 PN - 801 0031 70 77-3008A-99	Exp	\$1,234,407 \$0.00 \$0.00	\$2,350,000 \$822,500 \$1,527,500	\$3,584,407 \$822,500 \$1,527,500

**PROPOSED PROJECT BUDGET:**

Cactus EB 3 <sup>rd</sup> Lane Improvements/Veterans-Heacock	
Fiscal Year 2013/2014 CIP Budget .....	\$31,271
Proposed Capital Projects Reimbursements Appropriation (Account No. 3008-70-77-80001) (Project No. 801 0031 70 77) .....	\$2,350,000
<b>Total .....</b>	<b>\$2,381,271</b>

**ESTIMATED PROJECT COSTS:**

Design .....	\$31,000
Construction .....	\$2,020,000
Construction Geotechnical Services.....	\$80,000
Construction Survey Services .....	\$120,000
Project Administration and Inspection .....	\$110,000
<b>Total .....</b>	<b>\$2,361,000</b>

**ANTICIPATED PROJECT SCHEDULE:**

Execution of MOU and Confirmation of Funding .....	July 2014
Complete Design Review/Update .....	September 2014
Award Construction Contract .....	December 2014
Complete Construction.....	October 2015

**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

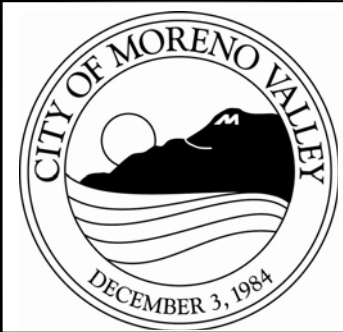
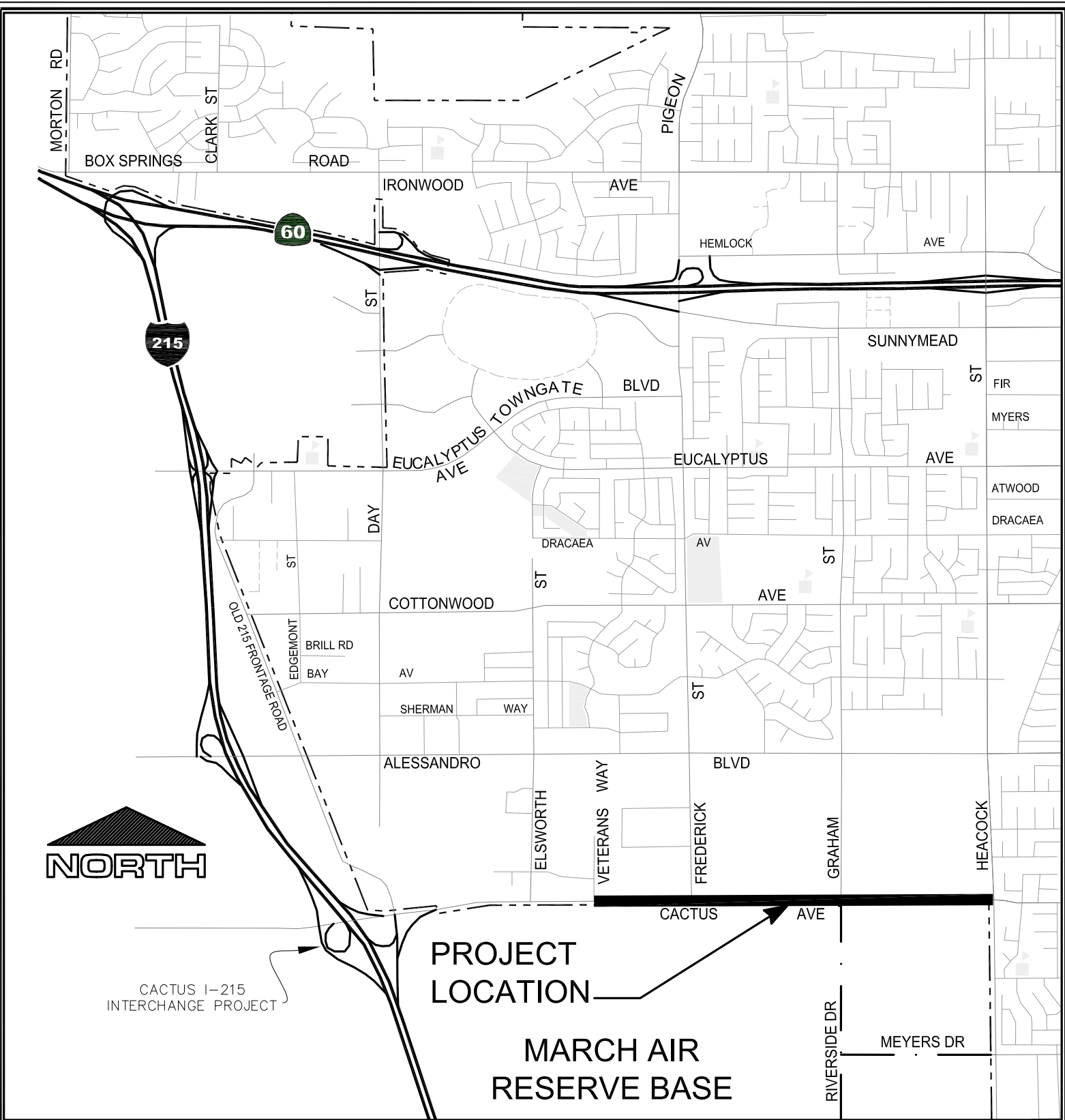
Attachment 1: Location Map

Attachment 2: Application for 2013 Multi-Funding Call for Projects (Letter of Commitment to RCTC)

Prepared By:  
Guy Pegan  
Senior Engineer, P.E.

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

Concurred By:  
Prem Kumar, P.E.  
Deputy Public Works Director/Assistant City Engineer



# LOCATION MAP

Public Works Department  
Capital Projects Division

Scale: None

ATTACHMENT 1

CACTUS AVENUE WIDENING PROJECT  
FROM VETERANS WAY TO HEACOCK STREET  
PROJECT NUMBER 801 0031 70 77

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TEL: 951.413.3000  
FAX: 951.413.3750  
WWW.MORENO-VALLEY.CA.US



**Attachment 2**

14177 FREDERICK STREET  
P. O. BOX 88005  
MORENO VALLEY, CA 92552-0805

December 5, 2013

Ms. Shirley Medina  
Director of Planning and Programming  
Riverside County Transportation Commission  
4080 Lemon Street, 3rd Floor  
Riverside, CA 92502

**Subject:** Application for 2013 Multi-Funding Call for Projects  
**Applicant:** City of Moreno Valley  
**Project:** Cactus Avenue Widening Eastbound 3<sup>rd</sup> Lane from Veterans Way to Heacock Street  
**Revised Request:** \$1,527,500 in Grant Funds

Dear Ms. Medina:

I am pleased to offer an additional \$470,000 in local matching funds toward our application for the 2013 Multi-Funding Call for Projects for the Cactus Avenue Widening Eastbound 3<sup>rd</sup> Lane from Veterans Way to Heacock Street, and will recommend the same to the Moreno Valley City Council for ratification. Originally, the City had requested \$1,997,500 in grant funds for the construction phase of this significant project, with a local match amount of \$352,500. As one of the City's highest priority applications, the City now offers to increase the local match as necessary from \$352,500 to \$822,500. In summary, the total project cost for the construction phase is \$2,350,000. The amount of funds requested from RCTC could be reduced to \$1,527,500, with the City match amount being increased to as much as \$822,500, from the original 15% to 35%.

This important project will provide arterial capacity enhancements and improvements, signal modification and synchronization, and an improved bicycle route. As one of the City's highest priority projects, it will greatly improve circulation along Cactus Avenue and around March Air Reserve Base and the increased match evidences the City's commitment to funding this critical improvement.

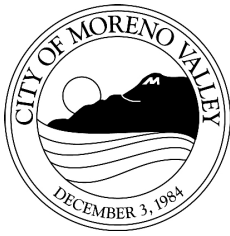
If you have any questions, please do not hesitate to contact Guy Pegan, the Senior Engineer for the project, at 951.413.3115. The City looks forward to your favorable review of our request.

Sincerely,

  
Michelle Dawson  
City Manager

CC: Ahmad R. Ansari, Public Works Director / City Engineer  
Prem Kumar, Deputy Public Works Director/Assistant City Engineer  
Guy Pegan, Senior Engineer, P.E.  
File

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk, CMC

**AGENDA DATE:** January 28, 2014

**TITLE:** CERTIFICATION OF SUFFICIENCY PETITION FOR RECALL OF COUNCIL MEMBER TOM OWINGS, DISTRICT 3

---

### **RECOMMENDED ACTION**

Recommendations:

1. Accept the City Clerk's Certificate of Sufficiency for the recall petition of Council Member Tom Owings, District 3.

### **SUMMARY**

According to Election Code 11227, if the Election Official finds the signatures on the recall petition to be sufficient, the Election Official shall submit a certificate as to the sufficiency of the recall petition to the governing body (City Council) at its next regular meeting.

### **DISCUSSION**

On June 24, 2013, proponents filed a valid Notice of Intention with the City Clerk's office. The City Clerk approved the petition format on August 8, 2013. Based on the Secretary of State's registration totals, the proponents needed to collect 3,544 signatures by December 5, 2013.

The proponents filed the recall petition on December 5, 2013. The City Clerk's office also received withdrawal signature cards and petitions from voters indicating their names were to be withdrawn during the signature gathering. The City Clerk requested that the Riverside County Registrar of Voters Office verify each signature submitted (a process commonly referred to as 100% Verification).

Certificate of Sufficiency

The Riverside County Registrar of Voters Office had 30 days to verify signatures, excluding Saturdays, Sundays, and holidays. The City Clerk was notified by the Riverside County Registrar of Voters office on January 16, 2014 that the petition to recall Council Member Tom Owings was sufficient. The number of valid signatures required to qualify the petition is 3,544. The number of valid signatures on the petition submitted by the proponents totaled 4,452.

Total number of signatures submitted for said petition.....	5,632
Total number of signatures checked.....	5,632
Total number of sufficient signatures on said petition.....	4,452
Total number of insufficient signatures on said petition.....	1,180

**ALTERNATIVE**

There is no alternative according to Election law.

**FISCAL IMPACT**

The cost of the election for District 3 will be approximately \$13,000 if conducted on the scheduled election date of June 3, 2014 and a cost of \$3,250 for signature verification. The related budget appropriation actions will be finalized with the mid-year budget to be presented to City Council in March 2014.

**NOTIFICATION**

Posting of agenda.

**ATTACHMENTS**

- Attachment 1 – Registrar of Voters Certificate of Sufficiency
- Attachment 2 – City of Moreno Valley’s Certificate of Sufficiency

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



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CITY CLERK'S CERTIFICATE OF SUFFICIENCY TO RECALL PETITION

I, Jane Halstead, City Clerk of the City of Moreno Valley, do hereby certify:

That the Petition for the recall of Tom Owings from the office of Member of the City Council of the City of Moreno Valley was left with this office for checking the validity of signatures.

That each section contained signatures purported to be the signatures of District 3 registered voters within the City of Moreno Valley.

At the time of the Notice of Intent was published, the County Clerk's Official Report of Registration to the Secretary of State showed 17,717 District 3 registered voters in the City of Moreno Valley.

Twenty percent (20%) of said registration requires 3,544 valid signatures of District 3 to qualify the recall Petition.

That said Petition has been examined; and, as a result of such examination, it has been confirmed that the Petition has been signed by the requisite number of voters.

In addition, the following has been determined:

- 1. Total number of signatures submitted for said petition was..... 5,632
- 2. Total number of signatures checked was..... 5,632
- 3. Total number of sufficient signatures on said petition is..... 4,452
- 4. Total number of insufficient signatures on said petition is..... 1,180

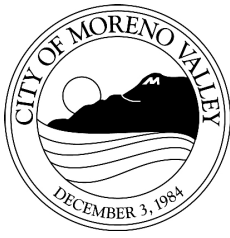
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Moreno Valley this 28<sup>th</sup> day of January, 2014.

---

Jane Halstead, CMC  
City Clerk  
City of Moreno Valley

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** January 28, 2014

**TITLE:** CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

---

### RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of January 8 – 21, 2014.

<i>Reports on Reimbursable Activities</i>			
January 8 – 21, 2014			
Council Member	Date	Meeting	Cost
Victoria Baca		None	
Yxstian A. Gutierrez		None	
Jesse L. Molina		None	
Tom Owings	1/15/14	Student of the Month	\$15.00
	1/21/14	NAIOP Rexie Awards	\$65.00
Richard A. Stewart		None	

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

Department Head Approval:  
Jane Halstead  
City Clerk

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**MINUTES – SPECIAL MEETING OF JANUARY 7, 2014 (Report  
of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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**MINUTES – REGULAR MEETING OF JANUARY 14, 2014  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.3**

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**MINUTES – SPECIAL MEETING OF JANUARY 7, 2014 (Report  
of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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**MINUTES – REGULAR MEETING OF JANUARY 14, 2014  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.3**

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**MINUTES – SPECIAL MEETING OF JANUARY 7, 2014 (Report  
of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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**MINUTES – REGULAR MEETING OF JANUARY 14, 2014  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.3**

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**SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FINANCING  
AUTHORITY (MVPFA)**

December 10, 2013

**CALL TO ORDER**

Special Meeting of the Moreno Valley Public Financing Authority was called to order at 6:37 p.m. by Chairman Tom Owings in the Council Chamber located at 14177 Frederick Street.

**ROLL CALL**

Council:

Tom Owings	Chairperson
Jesse L. Molina	Vice Chairperson
Richard A. Stewart	Board Member
Yxstian Gutierrez	Board Member
Victoria Baca	Board Member

**PUBLIC COMMENTS ON ANY SUBJECT ON THE SPECIAL MEETING  
AGENDA**

Chairperson Tom Owings opened the agenda item for public comments; there being none, public comments were closed.

**G. REPORTS**

G.1 ADOPTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE REFUNDING BONDS TO REFUND OUTSTANDING BONDS; APPROVING THE FORMS OF A MASTER TRUST AGREEMENT, A MASTER FACILITIES LEASE, A MASTER FACILITIES SUBLEASE AND A BOND PURCHASE AGREEMENT; APPROVING AN OFFICIAL STATEMENT DESCRIBING SAID BONDS; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS

(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

That the Board of Directors of the Moreno Valley Public Financing Authority adopt Resolution No. MVPFA 2013-01, authorizing the issuance and sale of Lease Revenue Refunding Bonds to refund outstanding bonds; approving the forms of a Master Trust Agreement, a Master Facilities Lease, a Master Facilities Sublease and a Bond Purchase Agreement;

approving an Official Statement describing said Bonds; and authorizing execution of documents and the taking of all necessary actions relating to the issuance of the Bonds.

**That the Board of Directors of the Moreno Valley Public Financing Authority adopt Resolution No. MVPFA 2013-01, authorizing the issuance and sale of Lease Revenue Refunding Bonds to refund outstanding bonds; approving the forms of a Master Trust Agreement, a Master Facilities Lease, a Master Facilities Sublease and a Bond Purchase Agreement; approving an Official Statement describing said Bonds; and authorizing execution of documents and the taking of all necessary actions relating to the issuance of the Bonds by m/Board Member Yxstian Gutierrez, s/Vice Chairperson Jesse L. Molina**

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

**ADJOURNMENT OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA) at 6:46 p.m.**

Submitted by:

---

Jane Halstead, City Clerk, CMC  
Secretary, Moreno Valley Public Financing Authority

Approved by:

---

Tom Owings, Mayor  
Chairperson, Moreno Valley Public Financing Authority





APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk, CMC

**AGENDA DATE:** January 28, 2014

**TITLE:** APPOINTMENT TO THE PLANNING COMMISSION

---

### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2015.
2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

### **BACKGROUND**

On August 26 and October 21, 2013, the City Clerk's Office posted Notice of Opening for the Planning Commission one term expiring March 31, 2015. Appropriate time frames with respect to noticing vacancies were followed.

On December 12, 2013, the following nine applicants were interviewed: Jeffrey M. Barnes, Robin Gilbert, Omorefe Igbinosa, Luis Mojica, Cindy Nguyen-Tran, Chris Prudome, Richard Tegley, Thomas Thornsley, and Carla Thornton.

Following the interviews, the City Council ranked the applicants from 1 to 9 with number "1" being the first choice, and number "9" the last choice. The applicant receiving the least number of points will be selected for the one vacant position with a term expiring March 31, 2015. In the case of a tie, the position will be decided by a flip of a coin by the City Clerk or the City Attorney.

The City Clerk tallied the council members' ranked order of preference, and the results will be announced at the January 28, 2014 City Council meeting. The ballots will be

available for review after the conclusion of the January 28, 2014 Council meeting.

**ALTERNATIVES**

The Planning Commissioners consider matters pertaining to development and zoning within the City and have decision-making authority pursuant to the Government Code of the State of California. Choosing not to appoint members to the Planning Commission would result in decreased participation from residents, and it would adversely affect the Commission’s ability to function and to maintain a quorum at meetings. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley’s future. Therefore, staff recommends that the City Council make the recommended appointments.

**NOTIFICATION**

1. Posting of Notices of Opening
2. Publication of the agenda
3. Report mailed to final candidates

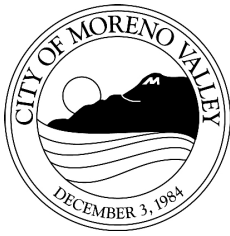
**ATTACHMENTS**

None

Prepared By:  
Ewa Lopez  
Deputy City Clerk, CMC

Department Head Approval:  
Jane Halstead  
City Clerk, CMC

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



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk, CMC

**AGENDA DATE:** January 28, 2014

**TITLE:** APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate.
2. Appoint those applicants who received majority vote by the City Council.
3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

### **BACKGROUND**

Applications were accepted by the City Clerk's Office to fill vacancies for the various City Council Boards and Commissions.

Appropriate time frames with respect to posting notices of vacancies were followed.

As provided in the City's Municipal Code, the appointees will serve without compensation for designated terms.

Per the Council-adopted policy, prospective applicants are required to attend at least one meeting of their desired board or commission prior to appointment. Carrie Kleckner

attended one Library Commission meeting. Sara W. Anderson, Vonzetta Fielding, Linda D. Moore and Delanna Townsend attended Senior Citizens' Board meetings.

Pursuant to Municipal Code Subsection 2.06.010(e), "Unless otherwise specifically provided by the action establishing the body or appointing its initial members, no person shall be at the same time a member of more than one citizens' advisory body created by ordinance or resolution of the City Council." This section of the code is waived for members of the Accessibility Appeals Board.

The commissions, boards, applicants, and vacancies to be filled are as follows:

**ACCESSIBILITY APPEALS BOARD**

One (1) term expiring June 30, 2014  
Construction Representative

Kenneth A. Maddocks  
Toya Vick

**LIBRARY COMMISSION**

Two (2) terms expiring June 30, 2015

Margie Yumul  
Jennifer Baca  
Carrie Kleckner  
Karen Singleton  
Toya Vick

**SENIOR CITIZENS' BOARD**

One (1) terms expiring June 30, 2015  
Two (2) terms expiring June 30, 2014

Sara W. Anderson  
Vonzetta Fielding  
Linda D. Moore  
Delanna Townsend  
Toya Vick

**ALTERNATIVES**

Members of the Council appointed boards and commissions serve in an advisory capacity to the City Council. Choosing not to appoint members to the above-mentioned boards and commissions would result in decreased participation from residents. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointments.

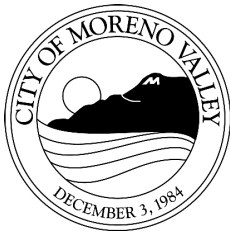
**NOTIFICATION**

1. Posting of Notice of Openings
2. Publication of the agenda
3. Report and agenda mailed to applicants

Prepared By:  
Ewa Lopez  
Deputy City Clerk, CMC

Department Head Approval:  
Jane Halstead  
City Clerk, CMC

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## **Report to City Council**

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**TO:** Mayor and City Council

**FROM:** Chris Paxton, Administrative Services Director

**AGENDA DATE:** January 28, 2014

**TITLE:** MONTHLY REPORT: MORENO VALLEY ANIMAL SHELTER ADOPTION RATE

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Receive and file the Monthly Report: Moreno Valley Animal Adoption Rate for the periods of November 1, 2013 to November 30, 2013 and December 1, 2013 to December 31, 2013.

### **SUMMARY**

The City Council has challenged staff to increase adoptions and decrease the euthanasia rate at the Moreno Valley Animal Shelter. Ongoing evaluation of programs and services, along with increasing public awareness will remain key elements to our success in increasing adoptions of homeless pets from our shelter.

### **DISCUSSION**

As a follow up to the December 18, 2012 City Council Study Session on Animal Shelter operations, Mayor Owings asked that monthly staff reports be prepared to keep the public informed of the City's progress and the ongoing need to increase pet adoptions and other programs to reduce the number of homeless animals euthanized.

The November and December 2013 reports reveal a Placement (Return to Owners, Transfers and Adoptions) Rate of 54% for November and 60% for December, representing an increase over last year's Placement Rate by 11% for November and 17% for December. Other factors which are noteworthy include:

- The number of dogs taken in at the Shelter during November 2013 declined as compared to November 2012 by 11%, and during December 2013 the number of dogs taken in declined by 18% as compared to December 2012;
- The number of dog adoptions during November 2013 increased by 29% as compared to November 2012, while in December 2013 dog adoptions increased by 48% as compared to December 2012;
- The number of cats taken in at the Shelter during November 2013 increased by 30% as compared to November 2012 and during December 2013 the number of cats taken in declined by 6% as compared to December 2012;
- The number of cat adoptions increased by 40% in November 2013 as compared to November 2012, while in December 2013 cat adoptions remained flat with no increase or decrease realized;
- The number of dogs euthanized decreased in November 2013 by 54% when compared to November 2012 while in December 2013 the number of dogs euthanized decreased by 38% as compared to December 2012;
- The number of cats euthanized increased in November 2013 by 45% compared to November 2012, while in December 2013 the number of cats euthanized decreased by 15% as compared to December 2012.

### **Upcoming Events**

Future events for 2014:

- Low Cost Rabies Vaccination and Dog Licensing Clinics
- On-site and Off-site Pet Adoption Events
- Application to participate in the 2014 ASPCA Rachael Ray \$100K Challenge (this is the last year the ASPCA will conduct this national event) was submitted and city staff has been interviewed by the ASPCA with notification of acceptance to be announced by the ASPCA on January 24, 2014.

### **CITY COUNCIL GOALS**

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

### **ATTACHMENTS**

Attachment 1 – Moreno Valley Animal Shelter Intake/Disposition Report – November 2013  
Attachment 2 – Moreno Valley Animal Shelter – November 2013 – Euthanasia Statistics  
Attachment 3 – Moreno Valley Animal Shelter Intake/Disposition Report – December 2013  
Attachment 4 – Moreno Valley Animal Shelter – December 2013 – Euthanasia Statistics

Prepared By:  
Steve Fries  
Animal Services Division Manager

Department Head Approval:  
Chris Paxton  
Administrative Services Director



**Moreno Valley Animal Shelter**  
**Intake / Disposition Report –November 2013**  
 Report Date 12/1/2013

<b>Intake</b>	<b>Dogs</b>	<b>Cats</b>	<b>Other</b>	<b>Total</b>
Owner Surrender	43	21	1	65
Live Stray	378	166	8	552
Confiscated (Cruelty/Neglect/Aggressive)	15	2	0	17
Returns	2	7	0	9
Quarantine	6	0	0	6
DOAs	42	37	8	87
On-Hand at Shelter 11/1/13	163	58	9	230
<b>Total</b>	<b>649</b>	<b>291</b>	<b>26</b>	<b>966</b>

<b>Disposition</b>	<b>Dogs</b>	<b>Cats</b>	<b>Other</b>	<b>Total</b>
On – Hand At Shelter 12/1/13	157	44	2	203
Escaped/Stolen	0	3	0	3
DOAs	42	37	8	87
Died in Kennel	0	0	0	0
Died at Vet	4	0	0	4
Foster	12	4	0	16
Euthanized	130	161	7	298*
Transfer	0	0	4	4**
Return to Owners	93	1	0	94**
Adopted	211	41	5	257**
<b>Total</b>	<b>649</b>	<b>291</b>	<b>26</b>	<b>966</b>

Summary Statistics: The statistics below reflect outcomes on the number of pets placed vs. those which could not be adopted. Figures are based upon the total number of pets available for placement, and does not reflect the number of animals which remained on-hand, or those which were deceased upon arrival and/or while under care. These categories are marked with \* above. For the month of November 2013, the number of pets upon which statistics are calculated totaled: 653

\*Euthanasia Rates: 46% (298) See Detailed Report  
 Unadopted: 2% (5)  
 Contagious Disease 39% (116)  
 Medical/Behavioral/Other: 59% (177)

\*\*Placement Rate: 54% (355) Reflects Return to Owners, Transfer, Adopted

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**Moreno Valley Animal Shelter**  
**November 2013 – Euthanasia Statistics**

<b>Outcome Sub-Type</b>	<b>Dogs</b>	<b>Cats</b>	<b>Others</b>	<b>Total</b>
Medical/Vet Rec.	38	19	6	63
Owner Requested	5	0	0	5
Contagious Disease	62	54	0	116
Feral	0	64	1	65
Aggressive Behavior Observed	25	0	0	25
Not Adopted*	0	5	0	5
Other**	0	19	0	19
<b>Total</b>	<b>130</b>	<b>161</b>	<b>7</b>	<b>298</b>

\*Not Adopted: euthanized for considerations such as placement potential, time in shelter, humane considerations.

\*\* Other-Cats/Dogs/Others: too young/newborns-impounded w/o their mothers per Food & Agricultural Code 17006.

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**Moreno Valley Animal Shelter  
Intake / Disposition Report –December 2013  
Report Date 1/1/2014**

<b>Intake</b>	<b>Dogs</b>	<b>Cats</b>	<b>Other</b>	<b>Total</b>
Owner Surrender	52	5	1	58
Live Stray	386	112	11	509
Confiscated (Cruelty/Neglect/Aggressive)	19	2	0	21
Returns	16	2	0	18
Quarantine	3	0	0	3
DOAs	41	44	6	91
On-Hand at Shelter 12/1/13	157	44	2	203
<b>Total</b>	<b>674</b>	<b>209</b>	<b>20</b>	<b>903</b>

<b>Disposition</b>	<b>Dogs</b>	<b>Cats</b>	<b>Other</b>	<b>Total</b>
On – Hand At Shelter 1/1/14	142	22	0	164
Escaped/Stolen	1	0	0	1
DOAs	41	44	6	91
Died in Kennel	0	2	2	4
Died at Vet	0	0	0	0
Foster	6	4	0	10
Euthanized	153	99	3	255*
Transfer	0	0	5	5**
Return to Owners	71	2	0	73**
Adopted	260	36	4	300**
<b>Total</b>	<b>674</b>	<b>209</b>	<b>20</b>	<b>903</b>

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Summary Statistics: The statistics below reflect outcomes on the number of pets placed vs. those which could not be adopted. Figures are based upon the total number of pets available for placement, and does not reflect the number of animals which remained on-hand, or those which were deceased upon arrival and/or while under care. These categories are marked with \* above. For the month of December 2013, the number of pets upon which statistics are calculated totaled: 633

\*Euthanasia Rates: 40% (255) See Detailed Report  
 Unadopted: 0% (0)  
 Contagious Disease 46% (118)  
 Medical/Behavioral/Other: 54% (137)

\*\*Placement Rate: 60% (378) Reflects Return to Owners, Transfer, Adopted

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**Moreno Valley Animal Shelter**  
**December 2013 – Euthanasia Statistics**

<b>Outcome Sub-Type</b>	<b>Dogs</b>	<b>Cats</b>	<b>Others</b>	<b>Total</b>
Medical/Vet Rec.	26	7	3	36
Owner Requested	4	1	0	5
Contagious Disease	82	36	0	118
Feral	0	44	0	44
Aggressive Behavior Observed	41	1	0	42
Not Adopted*	0	0	0	0
Other**	0	10	0	10
<b>Total</b>	<b>153</b>	<b>99</b>	<b>3</b>	<b>255</b>

\*Not Adopted: euthanized for considerations such as placement potential, time in shelter, humane considerations.

\*\* Other-Cats/Dogs/Others: too young/newborns-impounded w/o their mothers per Food & Agricultural Code 17006.

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** January 28, 2014

**TITLE:** 2014 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

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 Victoria Baca 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 Richard A. Stewart to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).
5. Appoint Council Member Jesse L. Molina 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 Council Member Jesse L. Molina 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 Victoria Baca 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 Victoria Baca 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 2014 Council Committee Participation – Mayor's Recommendations list.

### **SUMMARY**

Mayor Owings compiled the 2014 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 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. 2014 Council Committee Participation – Mayor's Recommendations List
2. 2014 Meeting Schedule

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

Department Head Approval:  
Jane Halstead  
City Clerk

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**CITY COUNCIL  
2014 COUNCIL COMMITTEE PARTICIPATION  
Mayor's Recommendations**

**CITY COUNCIL ADVISORY COMMISSIONS/ BOARDS:**

	<i>Primary</i>	<i>Alternate</i>
Arts Commission	GUTIERREZ	STEWART
Environmental and Historical Preservation Board	STEWART	GUTIERREZ
Library Commission	BACA	GUTIERREZ
Parks & Recreation Commission	GUTIERREZ	BACA
Recreational Trails Board	MOLINA	GUTIERREZ
Senior Citizens' Board	MOLINA	BACA
Traffic Safety Commission	GUTIERREZ	STEWART

**CITY COUNCIL SUBCOMMITTEES:**

Economic Development Subcommittee	OWINGS/BACA	MOLINA
Finance Subcommittee	OWINGS/BACA	MOLINA
Public Safety Subcommittee	OWINGS/MOLINA	BACA

**INTER-AGENCY:**

March Joint Powers Commission (JPC)	OWINGS/BACA	MOLINA
School Districts/City Joint Task Force	MOLINA/STEWART	BACA
*Riverside County Habitat Conservation Agency (RCHCA)	STEWART	MOLINA
*Riverside County Transportation Commission (RCTC)	OWINGS	MOLINA
*Riverside Transit Agency (RTA)	MOLINA	BACA
*Western Riverside Council of Governments (WRCOG)	OWINGS	BACA
*Western Riverside County Regional Conservation Authority (RCA)	MOLINA	STEWART

\* Mayor participation or designee

Approved:

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## 2014 MEETING SCHEDULE

Appointing Authority	Committee	Meeting Time	Meeting Schedule	Meeting Location	Meeting Address	Stipend
<b>CITY ADVISORY BOARDS/COMMISSIONS</b>						
Mayor	Arts Commission	6:30 p.m.	4th Wednesday 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	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	Recreational Trails Board	5:00 p.m.	4th Wednesday 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
<b>COUNCIL SUBCOMMITTEES</b>						
Mayor	Economic Development Subcommittee	2:00 p.m.	1st Thurs. of each month	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
<b>INTER-AGENCIES</b>						
Mayor	<i>League of California Cities (LCC) Riverside County Division</i>	6:00 p.m.	2nd Monday of odd numbered month	Varies	Varies	N/A
Mayor	<i>Riverside County Habitat Conservation Agency (RCHCA)</i>	10:00 a.m.	Quarterly, 3rd Thursday Feb., May, Sept., Nov.	County Admin Center	4080 Lemon St., 1st Floor Board Chamber, Riverside	\$100 per meeting
Mayor	<i>Western Riverside County Regional Conservation Authority (RCA)</i>	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	<i>School Districts/City Joint Task Force</i>	12:00 p.m. - 1:00 p.m.	About every six weeks,	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	<i>March Joint Powers Commission (MJPC)</i>	8:30 a.m.	3rd Wed. of each month	JPA Conference Center	23533 Meyer Drive, Riverside	\$100 per meeting
		8:30 a.m.	1st Wed. of each month Study Session	JPA Conference Center	23533 Meyer Drive, Riverside	\$100 per meeting
Mayor	<i>Riverside Transit Agency (RTA)</i>	2:00 p.m.	4th Thursday of each month	County Admin Center	4080 Lemon St., 1st Floor Board Chamber, 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

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Item No. G.4

## 2014 MEETING SCHEDULE

Jointing Authority	Committee	Meeting Time	Meeting Schedule	Meeting Location	Meeting Address	Stipend
<b>INTER-AGENCIES (cont.)</b>						
or	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
CTC	Mid County Parkway		as needed basis	County Admin Center	4080 Lemon St., 3rd Floor Riverside	\$100 per day, 4 days a month max
CTC	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	San Jancinto Branch Line		as needed basis	County Admin Center	4080 Lemon St., 3rd Floor Riverside	\$100 per day, 4 days a month max
RCTC	State Route 91 Corridor Improvement Project Property		as needed basis	County Admin Center	4080 Lemon St., 3rd Floor Riverside	\$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	12:15p.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