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

December 6, 2016

SPECIAL MEETING (CEREMONIAL SWEARING-IN) – 6:00 PM

City Council Study Sessions
Second Tuesday of each month – 6:00 p.m.
City Council Meetings
Special Presentations – 5:30 P.M.
First & Third Tuesday of each month – 6:00 p.m.
City Council Closed Session
Will be scheduled as needed at 4:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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

THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS

**SPECIAL MEETING (CEREMONIAL SWEARING-IN) – 6:00 PM
DECEMBER 6, 2016**

CALL TO ORDER

PRESENTATION OF COLORS
Rancho Verde High School Color Guard

PLEDGE OF ALLEGIANCE

POSTING OF COLORS
Rancho Verde High School Color Guard

NATIONAL ANTHEM
Moreno Valley Master Chorale

INVOCATION
Father Arnel Macabio, M.S., St. Christopher Catholic Church

AMERICA THE BEAUTIFUL
Moreno Valley Master Chorale

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS FOR ONLY THOSE ITEMS LISTED ON THE AGENDA AT THIS TIME
There is a three-minute time limit per person. Please complete and submit a LAVENDER speaker slip to the Bailiff.

A. SPECIAL ORDER OF BUSINESS

A.1. RESOLUTION NO. 2016-76 RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE OFFICIAL RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW (Report of: City Clerk)

Recommendation: That the City Council:

1. Adopt Resolution No. 2016-76, a Resolution of the City Council of the City of Moreno Valley, California, reciting the fact of the General Municipal Election held on November 8, 2016, declaring the results and such other matters as provided by law.

A.2. ADOPTION OF ORDINANCE NO. 918 SETTING NEW TRANSIENT OCCUPANCY TAX RATE (Report of: City Attorney)

Recommendations: That the City Council:

1. By motion, adopt Ordinance No. 918, an Ordinance of the City Council of the City of Moreno Valley, California, amending Section 3.24.030 of the Moreno Valley Municipal Code changing the City's Transient Occupancy Tax Rate from 8% to13%.

B. RECOGNITION OF OUTGOING CITY OFFICIALS

- City Council Comments/Presentations
  1. D. LaDonna Jempson
  2. Jesse L. Molina
  3. George E. Price

C. PRESENTATION OF THE CERTIFICATES OF ELECTION AND ADMINISTRATION OF THE OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS

- District 1 - Victoria Baca

- District 3 - David Marquez

- Mayor - Dr. Yxstian A. Gutierrez

D. RECOGNITION OF NEWLY ELECTED CITY OFFICIALS BY THE CITY COUNCIL AND/OR OTHER PUBLIC OFFICERS

ADJOURN TO RECEPTION IN THE MAIN LOBBY

NOTICE IS HEREBY GIVEN that pursuant to CA Government Code §54956(a), the Mayor has called a Special Meeting of the Moreno Valley City Council, 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 to be held at 6:00 p.m. on Tuesday, December 6, 2016 at the Moreno Valley City Hall, 14177 Frederick Street, Moreno Valley, California. The purpose of the meeting is to discuss and consider action on the following item(s):

1. **RESOLUTION NO. 2016-76 RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE OFFICIAL RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

2. **ADOPTION OF ORDINANCE NO. 918 SETTING NEW TRANSIENT OCCUPANCY TAX RATE**

3. **RECOGNITION OF OUTGOING CITY OFFICIALS**

4. **PRESENTATION OF THE CERTIFICATES OF ELECTION AND ADMINISTRATION OF THE OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS**

5. **RECOGNITION OF NEWLY ELECTED CITY OFFICIALS BY THE CITY COUNCIL AND/OR OTHER PUBLIC OFFICERS**

Dr. Ypstian Liliérez

_____   December 1, 2016
              Mayor   Date

ATTEST:

Mani Mani

_____
      Interim City Clerk

I CERTIFY THAT A COPY OF THE SPECIAL MEETING NOTICE FOR THE MEETING OF DECEMBER 6, 2016 WAS DELIVERED TO THE MAYOR AND CITY COUNCIL, VIA EMAIL AND HARD COPY ON DECEMBER 1, 2016

Mani Mani

_____
      Interim City Clerk

CERTIFICATION

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

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Marie Macias, MMC
Interim City Clerk

Date Posted: December 1, 2016

Report to City Council

TO:	Mayor and City Council
FROM:	Marie Macias, Interim City Clerk
AGENDA DATE:	December 6, 2016
TITLE:	RESOLUTION NO. 2016-76 RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE OFFICIAL RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

RECOMMENDED ACTION

Recommendation: That the City Council:

1. Adopt Resolution No. 2016-76, a Resolution of the City Council of the City of Moreno Valley, California, reciting the fact of the General Municipal Election held on November 8, 2016, declaring the results and such other matters as provided by law.

SUMMARY

Pursuant to Sections 10262 and 10263 of the California Elections Code, the elections official shall certify the results to the governing body and the governing body shall adopt a resolution reciting the fact of the election, declaring the official results and such other matters as provided by law, no later than the next regularly scheduled City Council meeting following presentation of the canvass, or at a special meeting called for that purpose. The official canvass of the election was received on _____. Adoption of the proposed resolution will comply with these requirements.

DISCUSSION

On Tuesday, November 8, 2016, the City of Moreno Valley conducted a General Municipal Election for the purpose of electing Council Members in Districts 1 and 3, and one Mayor, to be elected City-wide. In addition, Ballot Measure L was submitted to the voters asking to increase the City's existing Transient Occupancy Tax from 8% to 13%.

The Riverside County Registrar of Voters has completed the canvass of the election as

provided in Chapter 4 of the California Elections Code, which is attached hereto as Exhibit A.

NOTIFICATION

Publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By: Department Head Approval:
Marie Macias   Marie Macias
Interim City Clerk   Interim City Clerk

CITY COUNCIL GOALS

None

CITY COUNCIL STRATEGIC PRIORITIES

1. **Economic Development**
2. **Public Safety**
3. **Library**
4. **Infrastructure**
5. **Beautification, Community Engagement, and Quality of Life**
6. **Youth Programs**

ATTACHMENTS

1. Resolution 2016-76_Canvass of Election

APPROVALS

Budget Officer Approval   ✓ Approved   11/22/16 7:14 AM
City Attorney Approval   ✓ Approved   11/22/16 2:44 PM
City Manager Approval   ✓ Approved   11/29/16 2:32 PM

RESOLUTION NO. 2016-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Moreno Valley, California, on Tuesday, November 8, 2016 as required by law; and

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

WHEREAS, the Riverside County Registrar of Voters canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Exhibit "A";

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

SECTION 1. That the whole number of votes (ballots) cast in the City except *vote by mail* voter ballots and provisional ballots was _____. That the whole number of *vote by mail* voter ballots cast in the City was _____, making a total of _____ votes (ballots) cast in the City.

SECTION 2. That the names of persons and the offices for which they were voted for at the election are as follows:

<u>For Mayor at Large (Two Year Term)</u>   <u>Votes</u>

James Silvas
George E. Price
Darrell A. Peeden
Yxstian Gutierrez
Joe Garcia
Denise Fleming
Keri A. Then
Jesse L. Molina

1
Resolution No. 2016-76
Date Adopted: December 6, 2016

<u>For Member of the City Council District 1 (Four Year Term)</u>   <u>Votes</u>

Donovan Saadiq
Norberto Perez
Edgar Garcia
Gerardo Mercado
Victoria Baca
Christopher Baca
D. LaDonna Jempson

<u>For Member of the City Council District 3 (Four Year Term)</u>   <u>Votes</u>

Brian Robert Lowell
David Lara-Tellez
David Marquez
Mildred Milly Bailey

That the measure voted upon at the election is as follows: Measure L

Moreno Valley Safety/Vital Services/Fiscal Stability Measure: To maintain community safety/quality neighborhoods by retaining police, firefighters, youth/senior services, drug/gang prevention, library, parks, street maintenance/other city services; shall an ordinance be adopted updating Moreno Valley's existing transient occupancy tax (hotel tax) from 8% to 13%, paid only by overnight hotel/lodging guests, providing $650,000 annually, that can only be ended by voters; requiring independent audits, financial oversight committee and all funds used locally?

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates, and for and against the measure were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that Yxstian Gutierrez was elected as Mayor for a full term of two years; that Victoria Baca was elected as a Member of the City Council for District 1 for a full term of four years; and that David Marquez was elected as a Member of the City Council for District 3 for a full term of four years.

That as a result of the election, a majority of the voters voting on Measure L relating to a proposed increase from 8% to 13% to the City's existing transient occupancy tax (hotel tax) did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 5. That the City Clerk shall enter on the records of the City Council of the City, a statement of the results of the election showing: (1) the whole number of votes (ballots) cast in the City; (2) the names of the persons voted for; (3) the measure

voted upon; (4) for what office each person was voted for; (5) the number of votes given at each precinct to each person, and for and against the measure; (6) the total number of votes given to each person, and for and against the measure.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 6th day of December, 2016.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA   )

COUNTY OF RIVERSIDE   ) ss.

CITY OF MORENO VALLEY   )

      I, Marie Macias, MMC, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-76 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 6th day of December, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
      CITY CLERK

     (SEAL)

Report to City Council

TO:	Mayor and City Council
FROM:	Martin Koczanowicz, City Attorney
AGENDA DATE:	December 6, 2016
TITLE:	ADOPTION OF ORDINANCE NO. 918 SETTING NEW TRANSIENT OCCUPANCY TAX RATE

RECOMMENDED ACTION

Recommendations: That the City Council:

1. By motion, adopt Ordinance No. 918, an Ordinance of the City Council of the City of Moreno Valley, California, amending Section 3.24.030 of the Moreno Valley Municipal Code changing the City's Transient Occupancy Tax Rate from 8% to13%.

DISCUSSION

At the August 4, 2016 Council meeting, City Council adopted Resolution 2016-59 submitting a change of Transient Occupancy Tax (TOT) rate to the voters (Measure L). Attached to that Resolution was an Ordinance which would become effective if the voters approved the TOT rate increase by a majority vote. City Council just certified the election results which showed that Measure L passed by over 70%.

In accordance with California Elections Code 9217, Ordinance 918, once acted upon by the Council will become effective 10 days following certification of the election results by the Council.

Since the Ordinance did pass by majority vote of the electorate, Council should by motion adopt Ordinance 918, thus formalizing the Moreno Valley Municipal Code amendment to reflect the new TOT rate for the City.

NOTIFICATION

This ordinance was included with the election materials for the November 8, 2016 Moreno Valley General Municipal Election and the agenda was posted in accordance of

the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By: Department Head Approval:
Martin Koczanowicz   Martin Koczanowicz
City Attorney   City Attorney

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.

CITY COUNCIL STRATEGIC PRIORITIES

1. **Economic Development**
2. **Public Safety**
3. **Library**
4. **Infrastructure**
5. **Beautification, Community Engagement, and Quality of Life**
6. **Youth Programs**

ATTACHMENTS

1. Ordinance No. 918

APPROVALS

Budget Officer Approval	✓ Approved	11/23/16 1:59 PM
City Attorney Approval	✓ Approved	11/22/16 2:41 PM
City Manager Approval	✓ Approved	12/01/16 5:37 PM

ORDINANCE NO. 918

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 3.24.030 "TAX IMPOSED" OF CHAPTER 3.24 "TRANSIENT OCCUPANCY TAX" OF THE MORENO VALLEY MUNICIPAL CODE INCREASING THE AMOUNT OF TRANSIENT OCCUPANCY TAX RATE FROM EIGHT PERCENT (8%) TO THIRTEEN PERCENT (13%) FOR THE PURPOSE OF FUNDING LOCAL GENERAL MUNICIPAL SERVICES

THE PEOPLE OF THE CITY OF MORENO VALLEY ORDAIN AS FOLLOWS:

Section 1.   **ELECTIONS CODE SECTION 13119 STATEMENT**

That the increase in the Transient Occupancy Tax rate from 8% to 13% is expected to produce an additional $650,000 annually in General Fund revenue and the five percent (5%) increase in the Transient Occupancy Tax rate will remain in place unless subsequently repealed by the voters.

Section 2.   **METHOD OF COLLECTION**

That the method of collection of Transient Occupancy Taxes shall be the same as set forth in Moreno Valley Municipal Code, Chapter 3.24 Transient Occupancy Tax, Sections 3.24.070 Returns and Remittances; and 3.24.080 Reporting and Remitting.

Section 3.   **LOCAL USE OF PROCEEDS**

That the additional revenue produced by the increase in the Transient Occupancy Tax rate from 8% to 13% may be used for any local general municipal purpose including, but not limited to, retaining police, firefighters, providing youth/senior services, implementing drug/gang prevention programs, expanding library services, and maintaining and improving any of the streets and parks within the City of Moreno Valley.

Section 4.   **ANNUAL INDEPENDENT AUDITS**

That the financial records, accounting practices and internal controls related to the collection, deposit and expenditure Transient Occupancy Tax revenue shall be examined by means of an annual audit conducted by an independent auditor whose services shall be retained by the City through a contract for services as an independent contractor.

Section 5.   FINANCIAL OVERSIGHT COMMITTEE

That Transient Occupancy Tax collections and expenditures shall be subject to the periodic review and evaluation of a financial oversight committee that shall be established by the City Council with the members being appointed by the City pursuant to the City's appointment procedures related to the appointment of members of boards, commissions, and committees of the City of Moreno Valley.

Section 6.   INCREASE IN TRANSIENT OCCUPANCY TAX

That Section 3.24.030 "Tax Imposed" of Chapter 3.24 "Transient Occupancy Tax" of the Moreno Valley Municipal Code is hereby amended as follows:

3.24.030 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to, and shall pay a tax in the amount of ~~eight~~ *thirteen* percent *(13%)* of the rent charged by the operator or otherwise payable by the transient. Insofar as the transient is concerned, the tax constitutes a debt owed by the transient to the operator or to the city. For the purposes of this section, the rent deemed payable on account of time-share occupancy by a transient shall be the rental value of the unit or room(s) which accommodated such occupancy, which rental value shall be computed by determining the pro rata share of the total purchase price of the time-share right or entitlement (whether or not involving an estate or any ownership in real property), which share is allocable to the period of transient occupancy currently involved, and adding thereto the total applicable operating costs including, but not limited to, the applicable real and personal property taxes, plus the total amount of any and all fees, assessments, charges and expenses (not including the previously referred to taxes) charged by the operator as attributable to the timeshare occupancy of the transient by whatever name such fees, assessments, charges or expenses may be denominated, whether "occupying fee," "maintenance or operations charge," "per diem fee," "management fee" or like name or otherwise. In making the computation referred to above of the pro rata share of the total purchase price, in any case wherein the time-share right or entitlement is in perpetuity or for life or otherwise not for a definite or ascertainable term, such pro ration shall be made upon an assumed term of forty (40) years.

Section 7.   SEVERABILITY

That should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 8.   REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this ordinance are hereby repealed.

Section 9.   **CERTIFICATION**

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

Section 10.   **EFFECTIVE DATE**

That this ordinance shall take effect ten (10) days following the City Council's certification of the results of the November 8, 2016 election.

PASSED AND ADOPTED by the People of the City of Moreno Valley at a general municipal election held on November 8, 2016.

_____
Mayor

ATTESTED BY:

_____
City Clerk

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA   )

COUNTY OF RIVERSIDE   ) ss.

CITY OF MORENO VALLEY   )

      I, Marie Macias, MMC, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 918 was duly adopted by the majority of voters of the City of Moreno Valley at the General Municipal Election held on November 8, 2016 and Certified by the Riverside County Registrar of Voter's Office and the City Council of the City of Moreno Valley at a regular meeting thereof held on the 6th day of December, 2016, by the following vote:

      AYES:

      NOES:

      ABSENT:

      ABSTAIN:

      (Council Members, Mayor Pro Tem and Mayor)

_____
        CITY CLERK

        (SEAL)