



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**

October 16, 2018

REGULAR MEETING – 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.

Dr. Yxstian A. Gutierrez, Mayor

Victoria Baca, Mayor Pro Tem

David Marquez, Council Member

Ulises Cabrera, Council Member

Jeffrey J. Giba, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
October 16, 2018

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Business Spotlight
2. Recognition of MVPD Classified of Employee of the Quarter, Crime Analyst Kimberly Shaw
3. Recognition of MVPD Officer of the First Quarter, Mario Chavez Recognition of MVPD Officer of the Second Quarter, Michael Buelna
4. Recognition of MVPD Reserve Officer Erick Wolf on his Retirement
5. Proclamation recognizing National Animal Shelter Appreciation Week

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

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

**REGULAR MEETING – 6:00 PM
OCTOBER 16, 2018**

CALL TO ORDER

Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item.

PLEDGE OF ALLEGIANCE

INVOCATION

Pastor Troy Shedeed, Generations Church

ROLL CALL

INTRODUCTIONS

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

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

Those wishing to speak should complete and submit a BLUE speaker slip to the Sergeant-at-Arms. 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.

JOINT CONSENT CALENDARS (SECTIONS A-D)

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

A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- A.2. MINUTES - CITY COUNCIL - CLOSED SESSION - OCT 2, 2018 4:00 PM

Recommendation: Approve as submitted.

- A.3. MINUTES - CITY COUNCIL - REGULAR MEETING - OCT 2, 2018 6:00 PM

Recommendation: Approve as submitted.

- A.4. AUTHORIZATION TO AWARD BID FOR THE FURNISHING OF CISCO FIELD HARDENED FIBER OPTIC NETWORK SWITCHES TO ITECH SOLUTION (Report of: Public Works)

Recommendations:

1. Award the bid to Itech Solution, the lowest responsible bidder, for the purchase of Cisco IE3000 field-hardened fiber optic network switches and ancillary equipment; and
2. Authorize the issuance of a Purchase Order to Itech Solution for the Intelligent Transportation System (ITS) Deployment Phase 1B in the amount of \$112,750 for the purchase of the equipment.

- A.5. PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D18-002 FOR STREET AND ASSOCIATED IMPROVEMENTS LOCATED ALONG INDIAN STREET AND SANTIAGO DRIVE. DEVELOPER: MPLC LEGACY 75 ASSOCIATES, LP (Report of: Public Works)

Recommendation:

Approve the Development Impact Fee Improvement Credit Agreement #D18-002 (DIF Agreement) with MPLC Legacy 75 Associates, LP for PEN16-0095 (Tract 36760) improvements and authorize the City Manager to execute the DIF Agreement.

- A.6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RATIFYING THE ATTESTATION OF VERACITY OF THE REVISED 2017 POWER SOURCE DISCLOSURE PROGRAM ANNUAL REPORT (Report of: Financial & Management Services)

Recommendation:

1. Approve Resolution No. 2018-XX. A Resolution of the City Council of the city of Moreno Valley, California, Ratifying the Attestation of Veracity submitted to the California Energy Commission for the revised 2017 Power Source Disclosure Program Annual Report.

- A.7. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.8. AUTHORIZATION TO AWARD BID FOR THE FURNISHING OF TRAFFIC SIGNAL CONTROLLERS AND CABINETS TO MCCAIN, INC. (Report of: Public Works)

Recommendations:

1. Award the bid to McCain, Inc., the lowest responsible bidder, for the purchase of traffic signal controllers and cabinets; and
2. Authorize the issuance of a Purchase Order to McCain Inc. for the Intelligent Transportation System (ITS) Deployment Phase 1B in the amount of \$349,057 for the purchase of traffic signal controllers and cabinets.

- A.9. APPROVAL OF THE OPERATING AND CAPITAL CARRYOVERS FROM FISCAL YEAR 2017/18 (Report of: Financial & Management Services)

Recommendations: That the City Council:

1. Adopt Resolution No. 2018-XX. A resolution of the City Council of the City of Moreno Valley, California, adopting the revised operating and capital budgets for Fiscal Year (FY) 2018/19.

Recommendations: That the CSD:

1. Adopt Resolution No. CSD 2018-XX. A resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, adopting the revised operating budget for FY 2018/19.

- A.10. APPROVE 2019 ANNUAL SYSTEM RESOURCE ADEQUACY PLAN FOR MORENO VALLEY UTILITY (Report of: Financial & Management Services)

Recommendation:

1. Approve the Annual System Resource Adequacy Plan for 2019.

- A.11. PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) - AMENDMENT NO. 30 (Report of: Public Works)

Recommendation:

1. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2018-__, a Resolution of the City Council of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and approving the amended map for said District.

- A.12. PAYMENT REGISTER - AUGUST 2018 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- B.2. MINUTES - CLOSED SESSION OF Oct 2, 2018 4:00 PM (See A.2)

Recommendation: Approve as submitted.

- B.3. MINUTES - REGULAR MEETING OF Oct 2, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

- B.4. APPROVE SIXTH AMENDMENT TO THINK TOGETHER, INC. CONTRACT FOR OPERATION OF THE CITY'S AFTER SCHOOL EDUCATION AND SAFETY (ASES) EXPANDED LEARNING PROGRAM (Report of: Parks & Community Services)

Recommendations:

1. Authorize the City Manager to execute a contract amendment with THINK Together, Inc. to allocate \$103,849.20 in additional funding awarded by the California Department of Education (CDE) for increased services in the ASES expanded learning program.
2. Authorize budget adjustments as set forth in the Fiscal Impact section of this report. These budget adjustments bring appropriations to current award levels of \$5,651,100, including \$103,849.20 in additional funding for FY 2018/19 for the ASES expanded learning program.

- B.5. APPROVE THE PUBLIC FACILITIES FEE CREDIT AGREEMENT WITH MPLC LEGACY 75 ASSOCIATES, LP, FOR PARKLAND AND PARKLAND IMPROVEMENTS IN TRACT 36760 (Report of: Parks & Community Services)

Recommendation:

Approve the Public Facilities Fee Credit Agreement with MPLC Legacy 75 Associates, LP, for parkland and parkland improvements in Tract 36760.

- B.6. AGREEMENT FOR PRINTING AND DISTRIBUTION OF THE CITY OF MORENO VALLEY SOARING ACTIVITY GUIDE (Report of: Parks & Community Services)

Recommendation:

1. Approve the Professional Services Agreement with Southwest Offset Printing Co, Inc. to print and distribute the tri-annual Moreno Valley Soaring Activity Guide and flip book for one-year from the date of the agreement execution, with the option to extend four additional one-year terms of its expiration date with an annual contract price of \$43,053; and
2. Authorize the City Manager, or his designee, to execute all necessary documents to implement the Agreement, and extend the Agreement for four additional one-year terms.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- C.2. MINUTES - CLOSED SESSION OF Oct 2, 2018 4:00 PM (See A.2)

Recommendation: Approve as submitted.

- C.3. MINUTES - REGULAR MEETING OF Oct 2, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- D.2. MINUTES - CLOSED SESSION OF Oct 2, 2018 4:00 PM (See A.2)

Recommendation: Approve as submitted.

- D.3. MINUTES - REGULAR MEETING OF Oct 2, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Sergeant-at-Arms.

E.1. PUBLIC HEARING FOR ONE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDING (Report of: Public Works)

Recommend that the City Council:

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceeding(s) for the National Pollutant Discharge Elimination System (NPDES) Common Interest, Commercial, Industrial, and Quasi-Public Use maximum Regulatory Rate to be applied to two property tax bill(s);
2. Direct the City Clerk to open and count the returned NPDES ballot(s);
3. Verify and accept the results of the mail ballot proceeding(s) as maintained by the City Clerk on the Official Tally Sheet;
4. Receive and file the Official Tally Sheet with the City Clerk's office; and,
5. If approved, set the rate and impose the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate on the Assessor's Parcel Number(s) as mentioned.

E.2. PA14-0027 – 39 UNIT APARTMENT COMPLEX – ADOPTION OF THE PROPOSED RESOLUTION FOR THE VACATION OF A PORTION OF THE NORTH SIDE OF HEMLOCK AVENUE LOCATED WEST OF HEACOCK STREET. OWNER: OM MACARTHER, LLC (Report of: Public Works)

Recommendations:

1. Conduct a public hearing and accept public testimony for the vacation proceedings for a portion of Hemlock Avenue.
2. Adopt Resolution No. 2018-XX. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Vacation of a Portion of the North Side of Hemlock Avenue located West of Heacock Street.

3. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

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

G. GENERAL BUSINESS

- G.1. INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER 5.05 COMMERCIAL CANNABIS REGULATIONS AND ORDINANCE ___ AMENDING CHAPTER 9.09 RELATED TO COMMERCIAL CANNABIS BUSINESSES CONDITIONAL USE PERMITS; ADOPTION OF RESOLUTION 2018-___ DEFINING CERTAIN PROCESSES; AND ADOPTION OF A RESOLUTION ESTABLISHING THE NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS (Report of: Financial & Management Services)

Recommendations: That the City Council:

1. Introduce and conduct the first reading of Ordinance ___, amending Chapter 5.05 Commercial Cannabis Activity and schedule the second reading and adoption for the next regular Council meeting.
2. Introduce and conduct the first reading of Ordinance ___, amending Title 9, Chapter 9.09, Section 9.09.293 relating to the number of conditional use permits allowed for Commercial Cannabis Businesses and schedule the second reading and adoption for the next regular Council meeting.
3. Adopt Resolution 2018-_____, defining certain processes for Commercial Cannabis Business Permits.
4. Adopt a Resolution establishing the maximum number of Commercial Cannabis Business Permits and conditional use permits allowed pursuant to the Moreno Valley Municipal Code.

H. REPORTS

H.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC)

Riverside County Habitat Conservation Agency (RCHCA)

Riverside County Transportation Commission (RCTC)

Riverside Transit Agency (RTA)

Western Riverside Council of Governments (WRCOG)

Western Riverside County Regional Conservation Authority (RCA)

School District/City Joint Task Force

H.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

H.3. CITY ATTORNEY'S REPORT

(Informational Oral Presentation - not for Council action)

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

ADJOURNMENT

PUBLIC INSPECTION

The contents of the agenda packet are available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Any written information related to an open session agenda item that is known by the City to have been distributed to all or a majority of the City Council less than 72 hours prior to this meeting will be made available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

CERTIFICATION

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, certify that 72 hours prior to this Regular Meeting, the City Council Agenda was posted on the City's website at: www.moval.org and in the following three public 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

Pat Jacquez-Nares, CMC & CERA
City Clerk

Date Posted: October 11, 2018

TO:

FROM: Pat Jacquez-Nares, City Clerk

AGENDA DATE: October 16, 2018

TITLE: BUSINESS SPOTLIGHT

RECOMMENDED ACTION

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

None

APPROVALS

TO:

FROM: Pat Jacquez-Nares, City Clerk

AGENDA DATE: October 16, 2018

TITLE: RECOGNITION OF MVPD CLASSIFIED OF EMPLOYEE
OF THE QUARTER, CRIME ANALYST KIMBERLY SHAW

RECOMMENDED ACTION

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

None

APPROVALS

TO:

FROM: Pat Jacquez-Nares, City Clerk

AGENDA DATE: October 16, 2018

TITLE: RECOGNITION OF MVPD OFFICER OF THE FIRST QUARTER, MARIO CHAVEZ RECOGNITION OF MVPD OFFICER OF THE SECOND QUARTER, MICHAEL BUELNA

RECOMMENDED ACTION

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

None

APPROVALS

TO:

FROM: Pat Jacquez-Nares, City Clerk

AGENDA DATE: October 16, 2018

TITLE: RECOGNITION OF MVPD RESERVE OFFICER ERICK WOLF ON HIS RETIREMENT

RECOMMENDED ACTION

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

None

APPROVALS

TO:

FROM: Pat Jacquez-Nares, City Clerk

AGENDA DATE: October 16, 2018

TITLE: PROCLAMATION RECOGNIZING NATIONAL ANIMAL
SHELTER APPRECIATION WEEK

RECOMMENDED ACTION

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

None

APPROVALS

**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**

**CLOSED SESSION – 4:00 PM
October 2, 2018**

CALL TO ORDER

The Closed Session 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, and Housing Authority was called to order at 4:01 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

Mayor Gutierrez announced that the City Council receives a separate stipend for CSD meetings.

ROLL CALL

Council:	Dr. Yxstian A. Gutierrez	Mayor
	Victoria Baca	Mayor Pro Tem
	David Marquez	Council Member
	Ulises Cabrera	Council Member
	Jeffrey J. Giba	Council Member

PUBLIC COMMENTS ON MATTERS ON THE AGENDA ONLY

Mayor Gutierrez opened the public comments portion of the meeting for items listed on the agenda only. There being no members of the public to come forward to speak, he closed the public comments.

CLOSED SESSION

City Attorney Koczanowicz announced that the City Council would recess to Closed Session to discuss the items as listed on the agenda and that staff did not anticipate any reportable action.

Minutes Acceptance: Minutes of Oct 2, 2018 4:00 PM (CONSENT CALENDAR-CITY COUNCIL)

The Closed Session will be held pursuant to Government Code:

- 1 SECTION 54956.9(d)(4) - ANTICIPATED LITIGATION 1 case
- 2 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	APN 487-470-022 APN 487-470-030 APN 487-470-031
City Negotiator:	Thomas DeSantis
Negotiating Party:	MVUSD
Under Negotiation:	Price, Terms and Conditions of Acquisition

Mayor Gutierrez recessed the Council to the City Manager's Conference Room, second floor, City Hall, for their Closed Session at 4:02 p.m.

Mayor Gutierrez reconvened the City Council in the Council Chamber from their Closed Session at 5:28 p.m.

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

City Attorney Koczanowicz announced there was no reportable action taken in Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the Closed Session at 5:29 p.m.

Minutes Acceptance: Minutes of Oct 2, 2018 4:00 PM (CONSENT CALENDAR-CITY COUNCIL)

Submitted by:

Pat Jacquez-Nares, CMC & CERA, City Clerk,
 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:

Dr. Yxstian A. Gutierrez
 Mayor
 City of Moreno Valley
 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
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
October 2, 2018

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. Business Spotlight
 - a) Mountain Mike's Pizza
2. Proclamation recognizing October 7 through 13 as Public Power Week
3. Proclamation recognizing October 7 through October 13 as Fire Prevention Week
4. Proclamation recognizing the month of October as National Community Planning Month

**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
October 2, 2018**

CALL TO ORDER

The Joint Meeting of the City Council, 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 6:01 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Wright.

INVOCATION

Reverend Mark Krom, Moreno Valley United Methodist Church

ROLL CALL

Council:	Dr. Yxstian A. Gutierrez	Mayor
	Victoria Baca	Mayor Pro Tem
	Ulises Cabrera	Council Member
	Jeffrey J. Giba	Council Member
	David Marquez	Council Member

INTRODUCTIONS

Staff:	Pat Jacquez-Nares	City Clerk
	Angel Migao	Executive Assistant to the Mayor and City Council
	Marshall Eyerman	Chief Financial Officer/City Treasurer
	Martin Koczanowicz	City Attorney
	Tom DeSantis	City Manager

Minutes Acceptance: Minutes of Oct 2, 2018 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

Mike Lee
 Rick Sandzimier
 David Kurylowicz
 Mark Williams
 Kathleen Sanchez
 Patti Solano
 Michael Wolfe

Economic Development Director
 Community Development Director
 Chief of Police
 Battalion Chief Fire Department
 Human Resources Director
 Parks and Community Services Director
 Public Works Director/City Engineer

Mayor Gutierrez thanked staff for their work.

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

Brandon Carn

1. Upset with the campaign tactics employed by representatives of Mayor Gutierrez and other candidates on school premises.
2. Questioned why the Study Session which included an item to discuss the addition of a sixth council district was canceled.
3. Encouraged voters in District four to research candidate Barnard.

Rafael Bruqueras

1. Refuted the previous speaker's comments regarding the campaigning at schools.
2. Suggested that speed dots be installed on Pigeon Pass Road to curb speeding drivers.

Sandra Murphy

1. Congratulated the City Council on instituting the Moreno Learn program.
2. Thanked Mayor Gutierrez for his leadership.

Bob Palomarez

1. Rebutted comments made by Council Member Marquez at the September 18th City Council meeting.

Louise Palomarez

1. Disagreed with comments made by Council Member Marquez at the September 19th City Council meeting.

Roy Bleckert

1. Expressed his desire for the City to be more welcoming to incoming businesses.
2. Encouraged the City Council to fast track the General Plan Amendment.

Jason Hunter

1. Accused City Manager DeSantis of misappropriating funds for the Amphitheatre and Skate Park.
2. Reminded the City Council of their fiduciary responsibility and urged them to investigate.

Council Member Marquez

1. Council Member Marquez requested that City Attorney Koczanowicz to disclose the contents of a letter composed by the Montebello Chief of Police.
2. City Attorney Koczanowicz attested that the letter indicated Council Member Marquez retired from the Montebello Police Department.

JOINT CONSENT CALENDARS (SECTIONS A-D)

Council Member Giba requested that the vote result for Item No. A.7 reflect an abstention on his part.

Council Member Marquez requested clarification on Item No. A.7.

Council Member Cabrera remarked on Item No. A.8.

Mayor Gutierrez opened the Consent Agenda items for public comments, which were received from Rafael Brugueras (Supports Item No. A.7), Bob Palomarez (Supports Item No. A.7), and Louise Palomarez (Supports Item No. A.7).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victoria Baca, Mayor Pro Tem
SECONDER:	David Marquez, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera, Jeffrey J. Giba

A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- A.2. City Council - Closed Session - Sep 18, 2018 4:30 PM

Recommendation: Approve as submitted.

- A.3. City Council - Regular Meeting - Sep 18, 2018 6:00 PM

- A.4. 2018-145: BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE (RESO NOS. 2018-75, SA 2018-05, CSD 2018-22, AND HA 2018-02) (Report of: City Clerk)

Recommendations:

1. That the City Council adopt a Resolution, of the City Council of the City of Moreno Valley, California, Adopting an Amended Conflict of Interest Code by Reference to the Fair Political Practices Commission's Standard Model Conflict of Interest Code, And

Repealing All Prior Enactments on the Same Subject

2. That the City Council serving as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley adopt a Resolution, adopting an amended Conflict of Interest Code to amend the list of designated employees having filing requirements, and repeal all prior enactments on the same subject.
3. That the City Council serving as Community Services District of the City of Moreno Valley adopt a Resolution, adopting an amended Conflict of Interest Code by reference to the fair political practices commission's standard model conflict of interest code, and repealing all prior enactments on the same subject.
4. That the City Council serving as the Housing Authority of the City of Moreno Valley adopt a Resolution, adopting an amended Conflict of Interest Code by reference to the fair political practices commission's standard model conflict of interest code, and repealing all prior enactments on the same subject.

A.5. LIST OF PERSONNEL CHANGES (Report of: Human Resources)

Recommendation:

1. Ratify the list of personnel changes as described.

A.6. AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT TO E. E. ELECTRIC, INC. FOR THE ALESSANDRO CROSTOWN TIE IMPROVEMENTS, PROJECT NO. 805 0044 (AGMT. NO. 2018-401) (Report of: Financial & Management Services)

Recommendations:

1. Award the construction contract to E. E. Electric, Inc., PO Box 465, Mira Loma, CA 91752, the lowest responsible bidder, for the Alessandro Crosstown Tie Project.
2. Authorize the City Manager to execute a contract with E. E. Electric, Inc.
3. Authorize the issuance of a Purchase Order to E. E. Electric, Inc. for the amount of \$3,015,312 (\$2,622,010 bid amount plus 15% contingency) when the contract has been signed by all parties.
4. Authorize the Chief Financial Officer/City Treasurer to execute any subsequent related minor change orders to the contract with E. E. Electric, Inc. up to, but not exceeding, the 15% contingency amount of \$393,302, subject to the approval of the City Attorney.

5. Amend the FY 2017/2018 & 2018/2019 Adopted Capital Improvement Plan and Appropriate \$526,000 from the Moreno Valley Utility Fund (Account No. 6011 30 80 80005 720199) to cover the construction and administrative costs.

A.7. APPROVE PROFESSIONAL CONSULTANT SERVICES AGREEMENTS WITH PARSONS TRANSPORTATION GROUP FOR THE STATE ROUTE 60/MORENO BEACH DRIVE PHASE 2 INTERCHANGE IMPROVEMENTS AND SR-60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECTS (AGMT. NOS. 2018-402 - 2018-403) (Report of: Public Works)

Council Member Marquez queried how the proposed improvements will be funded.

City Manager DeSantis stated that the funds will not be appropriated from the General Fund but rather the Transportation Uniform Mitigation Fee, Developer Impact Fee, and Capital Projects Reimbursement Funds.

Recommendations:

1. Approve an Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons) to provide environmental and specified engineering design services in the amount of \$600,000 for the SR-60/Moreno Beach Drive Phase 2 Interchange project;
2. Approve a separate Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons) to provide professional engineering services in the amount of \$60,000 for the SR-60/Nason Street Overcrossing Improvements project;
3. Authorize the City Manager to execute the agreements with Parsons, subject to the approval by the City Attorney;
4. Authorize the issuance of a Purchase Order to Parsons for the SR-60/Moreno Beach Drive Phase 2 Interchange Improvements in the amount of \$600,000 and authorize the issuance of a Purchase Order to Parsons for the SR-60/Nason Street Overcrossing Improvements in the amount of \$60,000 when the agreements have been signed by all parties; and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the Agreements for Professional Consultant Services with Parsons, not to exceed the Purchase Order amounts, subject to the approval by the City Attorney.

- A.8. AUTHORIZATION TO AWARD MAINTENANCE AND ENHANCEMENT CONTRACT FOR THE CITYWIDE CAMERA SYSTEM TO HITACHI VANTARA – RFP NO. 2018-024 (AGMT. NO. 2018-404) (Report of: City Manager)

Council Member Cabrera noted his support of Item No. A.8.

Recommendations:

1. Award contract to Hitachi Vantara, 2845 Lafayette Street, MS3208, Santa Clara, CA 95050, the highest qualified proposal for the maintenance and enhancement of the Citywide Camera System.
 2. Authorize the City Manager to execute a contract with Hitachi Vantara.
 3. Authorize the issuance of Purchase Orders to Hitachi Vantara according to the annual schedule in the Fiscal Impact section below (the five-year total is not-to-exceed the amount of \$1,029,821.63 (\$936,201.63 in maintenance and \$93,620 (10%) in contingency) when the contract has signatures from all parties.
 4. Authorize the City Manager to execute any subsequent related amendments to the contract with Hitachi Vantara during the life of the contract, subject to approval by the City Attorney.
 5. Authorize the City Manager to execute any subsequent purchases for system enhancements with Hitachi Vantara during the life of the contract up to a 10% contingency amount of (\$93,620) according to the discounts competitively obtained through this process, with budgeted funding and statements of work approved by the City Attorney.
- A.9. APPROVE THE SECOND AMENDMENT TO AGREEMENT WITH DATA TICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES (AGMT. NO. 2018-102-02) (Report of: Community Development)

Recommendations:

1. Approve the Second Amendment to Agreement with Data Ticket, Inc. for Parking Control program services.
2. Authorize the City Manager, or his designee, to execute the second amendment with Data Ticket, Inc. subject to the approval as to form by the City Attorney.

- A.10. ACCEPTANCE OF THE TRANSFORMATIVE CLIMATE COMMUNITIES GRANT AWARD AND AUTHORIZATION TO AWARD TO MIG, INC., A PROJECT-RELATED SERVICES AGREEMENT FOR THE PREPARATION OF A DISADVANTAGED COMMUNITIES OUTREACH TOOLBOX, ENGAGE MOVAL (AGMT. NO. 2018-405) (Report of: Community Development)

Recommendations:

1. Accept the Transformative Climate Communities Planning grant award of \$93,960 from the Strategic Growth Council.
 2. Authorize the City Manager, or his designee, to execute on behalf of the City of Moreno Valley, applications and other related documents required by the Strategic Growth Council for participation in the Transformative Climate Communities Program as well as for the purpose of obtaining funding assistance provided by the State Department of Conservation.
 3. Approve and award a Project-Related Services Agreement with a "Not-to-Exceed" fee with MIG, Inc., to complete an outreach toolbox targeted to disadvantaged communities.
 4. Authorize the City Manager, or his designee, to execute a Project-Related Services Agreement with MIG, Inc., subject to the approval as to form by the City Attorney.
 5. Authorize the Chief Financial Officer, or his designee, to approve a purchase order in the amount of \$93,795 to MIG, Inc., in accordance with approved terms of the Agreement.
 6. Authorize the Chief Financial Officer, or his designee, to make any necessary budget adjustments as stated in the Fiscal Impact section.
- A.11. Second Reading and consideration of Adoption of Ordinance No. 943 authorizing a Change of Zone for the property located at the northwest corner of Brodiaea Avenue and Heacock Street (Report of: Community Development)

Recommendation:

That the City Council adopt Ordinance No. 943.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- B.2. MINUTES of Sep 18, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- B.3. MINUTES of Sep 18, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- C.2. MINUTES of Sep 18, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- C.3. MINUTES of Sep 18, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- D.2. MINUTES of Sep 18, 2018 4:30 PM (See A.2)

Recommendation: Approve as submitted.

- D.3. MINUTES of Sep 18, 2018 6:00 PM (See A.3)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS - NONE

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

G. GENERAL BUSINESS

- G.1. 3269: APPROVE CALTRANS ADOPT-A-HIGHWAY AGREEMENT (AGMT. NO. 2018-406) (RESO NO. 2018-76) (Report of: Public Works)

Public Works Director/City Engineer Wolfe provided the report.

Mayor Gutierrez requested clarification on the purpose of the second Resolution.

Public Works Director/City Engineer Wolfe explained the intention of the second Resolution.

Council Member Cabrera asked for explanation regarding encroachment permits.

Public Works Director/City Engineer Wolfe described the permit process.

Council Member Giba questioned the term of and when the pilot program will be evaluated to determine its effectiveness.

Public Works Director/City Engineer Wolfe stated that the pilot program runs annually and that Public Works staff will evaluate the successfulness of the program.

Recommendations:

1. Approve Agreement for California Department of Transportation (Caltrans) Adopt-a-Highway program with Adopt-a-Highway Litter Removal Services of America, Inc. (AAH-LRSA) for litter removal and vegetation control on State Route (SR) 60 Frederick/Pigeon Pass interchange in the amount of \$43,600 and authorize the City Manager to execute the Agreement; and
2. Adopt Resolution No. 2018-76, a Resolution of the City Council of the City of Moreno Valley, California, authorizing the City Manager to execute agreements, amendments, encroachment permits, and associated documents, subject to the City Attorney's approval, with Caltrans and Contracted Sponsors for the Adopt-a-Highway program, up to \$175,000 per project, per year, dependent upon the availability of funds in the City Council approved budget, and in accordance with Purchasing policies and applicable regulations.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Marquez, Council Member
SECONDER:	Ulises Cabrera, Council Member
AYES:	Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera, Jeffrey J. Giba

Rafael Bruqueras

1. Expressed his support of the project.
2. Believes the program will control drifters entering the City.
3. Encouraged residents not to contribute to these individuals.

Sandra Murphy

1. Commended City staff for their work.
2. Supports the item.

Louise Palomarez

1. Complimented staff on their work.

Roy Bleckert

1. Remarked that attacks don't solve problems.
2. Urged the City Council, City staff, and residents to not encourage drifters.
3. Persuaded residents to be more involved in their communities.

Council Member Cabrera expressed his gratitude to staff for their work on the project. He noted his preference to equip the homeless with skills rather than provide money. Mentioned his desire for the City to one-day hold freeway cleanup events.

Council Member Marquez conveyed his pleasure with the agreement enabling the City to maintain portions of the freeway belonging to Caltrans. He thanked staff for negotiating the agreement.

Mayor Pro Tem Baca communicated her delight with the program which will help to clear the City of debris and looks forward to a similar program which will manage the flood channels. She acknowledged staff for their effort.

H. REPORTS

H.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC)

Mayor Pro Tem Baca reported the following:

The Commission approved the second amendment to the March LifeCare Campus Disposition and Development Agreement. Approval of this amendment

implements the Performance Schedule and reduces the agency note by \$2,040,750.

We also approved an Assignment and Assumption Agreement to enter into a ground lease with Truck Terminal Properties. This agreement assigns a ground lease to Truck Terminal Properties for truck and trailer storage needs on a 13-acre parcel, northwest of Heacock Street and San Michele Road.

Riverside County Habitat Conservation Agency (RCHCA)

Council Member Marquez reported the following:

- Stephens Kangaroo Rat fee transfers for Moreno Valley through June 30, 2018 are approximately \$146,000 and include nearly 15% of the total fees collected by the RCHCA.
- The RCHCA will conduct its annual “Celebrating Endangered Species” program on October 16 - 18, 2018 from 9:00 a.m. to 3:00 p.m. at Sycamore Highland Park in Riverside.
- The RCHCA Board of Directors have agreed to commence on a study that will determine the feasibility of installing small scale solar projects on RCHCA surplus lands for potential renewable energy revenue generation.

Riverside County Transportation Commission (RCTC)

Mayor Pro Tem Baca reported the following:

RCTC is encouraging motorists to participate in Rideshare Week, October 1-5. Commuters who make a pledge at [iecommuter.org](http://www.iecommuter.org) <<http://www.iecommuter.org/>> to rideshare at least once during Rideshare Week, are eligible to win great prizes. The IE Commuter program is intended to reduce traffic and improve air quality throughout the region. For further information, please call 1-866-RIDESHARE.

Riverside Transit Agency (RTA)

Council Member Marquez reported the following:

At the September 27 meeting, the Board renewed an agreement with La Sierra University extending their University Pass (U-Pass) program, allowing students to ride all RTA fixed-routes for free. The U-Pass Program is part of the RTA’s successful college and university pass programs. The estimated ridership of 5,400 trips annually directly translates to reduced congestion and improved air quality around the university.

Western Riverside Council of Governments (WRCOG)

Mayor Gutierrez reported the following:

- The WRCOG Executive Committee approved a policy revision to provide a change to the 3,000 square foot reduction policy for service and retail uses. Anchor tenants at or greater than 20,000 square feet would not be eligible for the reduction/exemption.
- The WRCOG Executive Committee approved the new TUMF Calculation Policy that would have WRCOG staff calculate fees rather than the local jurisdiction. The option is still available where a city can continue calculating TUMF fees.

Western Riverside County Regional Conservation Authority (RCA)

Council Member Giba reported the following:

- The August 2018 MSHCP Fee Collection Report for Moreno Valley indicates approximately \$223,000 was collected for residential and commercial/industrial projects. Four properties were approved for acquisition.

School District/City Joint Task Force - None

H.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

City Manager DeSantis responded to comments made earlier. He advised residents that every Monday in October the "M" on Box Springs Mountain will be illuminated pink in observance of Breast Cancer Month. He praised the participants of the Community Day of Service for making the event a success.

H.3. CITY ATTORNEY'S REPORT - None

(Informational Oral Presentation - not for Council action)

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

Council Member Giba

1. Reminded the City Council that residents are still waiting on an agenda item to discuss the addition of a sixth district.
2. Requested the adoption of a General Plan Amendment.
3. Motioned for a future agenda to include a review of the video policy. Council Member Marquez seconded.

Council Member Marquez - NoneCouncil Member Cabrera

1. Called for the number of days that a restaurant is allowed to sell food outside of their business to be increased. Mayor Gutierrez moved to place the item on a future Study Session Agenda.
2. Participated in the Community Day of Service.
3. Announced that the Police Substation on Iris and LaSalle is operational.
4. Mentioned that the food pantry has donated furniture available for the Police Substation.
5. Reminded residents that the food pantry is open the first and third Saturday of every month.
6. Indicated that the road improvements are more than halfway complete.
7. Additional improvements should include Moreno Beach Drive and Redlands Boulevard.
8. The golf course greens are improving.
9. The Zone four meeting was productive.
10. Raised concerns of potholes and a lack of lighting on Gilman Springs on behalf of a resident.
11. Expressed his gratitude to residents in attendance and those watching the video for engaging in local government.

Mayor Pro Tem Baca

1. Encouraged everyone to vote.
2. Stated any disruptions at schools would have been relayed to her as she has a close relationship with Superintendent Kedziora.
3. Excited about the Caltrans agreement.
4. Looks forward to a similar relationship with the Riverside County Flood Control District.
5. Announced that the Amphitheatre ground breaking would take place on Wednesday, October 3, 2018.
6. Extended thanks to City Clerk Jacques-Nares and Executive Assistant to the Mayor and City Council Migao.

Mayor Gutierrez

1. Recognized the importance of breast cancer awareness.
2. Invited everyone to the Amphitheatre ground breaking on Wednesday, October 3, 2018.
3. Urged residents to attend the Senior Center rededication.
4. Excited about the Adopt a Highway program.
5. Congratulated staff on a successful Community Day of Service.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting at 7:23 p.m.

Submitted by:

Pat Jacquez-Nares, CMC & CERA
 City Clerk
 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:

Dr. Yxstian A. Gutierrez
 Mayor
 City of Moreno Valley
 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



Report to City Council

TO: Mayor and City Council

FROM: Michael L. Wolfe, P.E., Public Works Director/City Engineer

AGENDA DATE: October 16, 2018

TITLE: AUTHORIZATION TO AWARD BID FOR THE FURNISHING OF CISCO FIELD HARDENED FIBER OPTIC NETWORK SWITCHES TO ITECH SOLUTION

RECOMMENDED ACTION

Recommendations:

1. Award the bid to Itech Solution, the lowest responsible bidder, for the purchase of Cisco IE3000 field-hardened fiber optic network switches and ancillary equipment; and
2. Authorize the issuance of a Purchase Order to Itech Solution for the Intelligent Transportation System (ITS) Deployment Phase 1B in the amount of \$112,750 for the purchase of the equipment.

SUMMARY

This report requests authorization to purchase certain materials for the ITS Deployment Phase 1B project (Project 808 0015). The equipment will be tested, configured, and supplied to the contractor for installation as part of the upcoming Capital Improvement Program (CIP) project.

DISCUSSION

In 2014, Moreno Valley was awarded federal funding to add 55 intersections to the City's Advanced Traffic Management System (ATMS), which is operated in the City's Transportation Management Center (TMC) located adjacent to the front entrance of City Hall. The federal environmental clearance process was completed in 2017 and authorization to proceed with construction through the California Department of Transportation (Caltrans) review process was received in July 2018.

A Request For Quotes (RFQ) was prepared to procure the traffic signal controllers and cabinets as part of the public bidding process. The RFQ was advertised on PlanetBids, the City's online bidding portal, from September 6 to September 20, 2018. The engineer's estimate was \$115,000. Eleven bids were received:

Bidder	Bid Amount
Itech Solution	\$112,750.00
Total Communications, Inc.	\$112,792.35
DI Technology Group	\$113,451.25
Netxperts	\$115,852.00
CDW	\$116,004.35
Alternative Information Systems	\$124,859.90
Technet Partners, Inc.	\$125,730.00
Western Systems	\$128,996.45
California Computer Options	\$131,849.85
Mvation Worldwide Inc.	\$146,025.00
TheGregGroup, Inc.	\$149,380.00

The bids include taxes and shipping. The materials recommended for purchase by this staff report require testing and configuration by City staff prior to deployment. Direct purchase provides staff with more time to test and configure the equipment, reduces coordination effort with the construction contractor (yet to be determined), and eliminates the contractor's markup for the equipment.

Approval of the recommended actions will support Objective 4.9 of the Momentum MoVal Strategic Plan, "Expand upon existing Intelligent Transportation Systems."

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the timely completion of the TMC ITS Phase 1B project, thereby improving mobility and incident response for Moreno Valley's constituents.*
2. Do not approve staff's recommended actions. *This alternative will delay project delivery and potentially jeopardize project grant funding.*

FISCAL IMPACT

The equipment cost will be funded by the Congestion Mitigation Air Quality (CMAQ) federal program. The design cost, as well as the local match for City-furnished

equipment and construction, is provided by DIF Signals and Measure A. There is no impact to the General Fund.

AVAILABLE FUNDS FOR CONSTRUCTION:

Capital Projects Grants (Account No. 2301-70-76-80008, Project No. 808 0015)	\$ 2,194,182
Total	\$ 2,194,182

ESTIMATED PROJECT-RELATED COSTS:

Cost to complete design phase	\$ 30,000
Project administration*	\$ 120,000
City-Furnished Equipment.....	\$ 462,000
Construction	\$ 1,582,000
Total	\$2,194,000

**Includes inspection, plans and bidding documents review and approval, printing, and other miscellaneous costs.*

ANTICIPATED PROJECT SCHEDULE:

Complete Design.....	November 2018
Complete Construction.....	October 2019

NOTIFICATION

Publication of agenda

PREPARATION OF STAFF REPORT

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Michael L. Wolfe, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
Transportation Division Manager/City Traffic Engineer

CITY COUNCIL GOALS

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

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

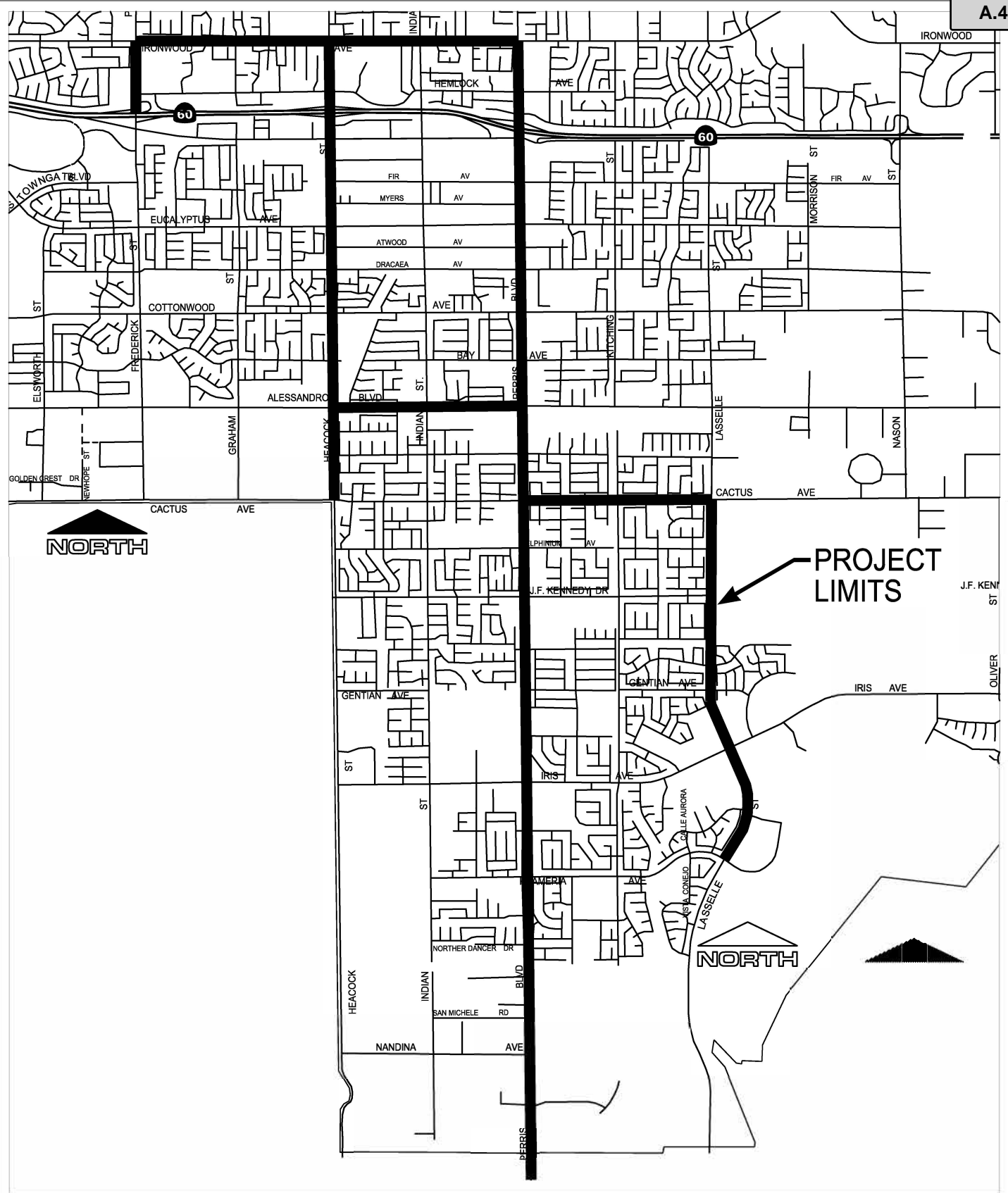
Objective 4.9: Expand upon existing Intelligent Transportation Systems.

ATTACHMENTS

- 1. Location map

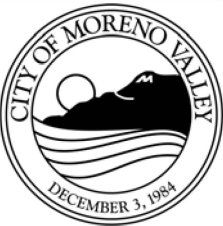
APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/08/18 1:13 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/18 4:41 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 5:34 PM



PROJECT LIMITS

LOCATION MAP



Public Works Department
Transportation Division

ITS DEPLOYMENT PHASE 1B

ATTACHMENT 1

Attachment: Location map (3280 : AUTHORIZATION TO AWARD BID FOR THE FURNISHING OF CISCO FIELD HARDENED FIBER OPTIC



Report to City Council

TO: Mayor and City Council

FROM: Michael L. Wolfe, P.E., Public Works Director/City Engineer

AGENDA DATE: October 16, 2018

TITLE: PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D18-002 FOR STREET AND ASSOCIATED IMPROVEMENTS LOCATED ALONG INDIAN STREET AND SANTIAGO DRIVE. DEVELOPER: MPLC LEGACY 75 ASSOCIATES, LP

RECOMMENDED ACTION

Recommendation:

Approve the Development Impact Fee Improvement Credit Agreement #D18-002 (DIF Agreement) with MPLC Legacy 75 Associates, LP for PEN16-0095 (Tract 36760) improvements and authorize the City Manager to execute the DIF Agreement.

SUMMARY

As part of the project conditions of approval, the developer will be constructing required Development Impact Fee (DIF) related public improvements. Section 3.38.150 of the City's Municipal Code allows the developer to receive credits for qualifying public improvements. Indian Street is a designated street in the City's DIF Nexus Study, the traffic signal at Perris Boulevard and Santiago Drive is identified in the City's DIF Nexus Study, and the upgrade of storm drain Line M-3 will serve the City's Corporate Yard located on Santiago Drive. The developer's maximum credit amount is based on the lower of the DIF Nexus Study Costs, the Engineer's Cost Estimate, and the DIF Fee Obligation.

DISCUSSION

MPLC Legacy 75 Associates, LP has an approved Tentative Tract Map 36760 to construct 221 single family residential units on approximately 53 acres located at the

southeast corner of Indian Street and Gentian Avenue. Once the project is completed, the tract will encompass the entire area on the south side of Gentian Avenue between Indian Street and the Department of Water Resources Aqueduct. A vicinity map is attached to this staff report as Attachment 1.

The City's Municipal Code, Chapter 3.38, "Residential Development Impact Fees" requires the developer to pay DIF. A component of the DIF covers the developer's fair share of the costs to construct improvements that help mitigate the impacts and burdens generated by the project.

As part of the project conditions of approval, the developer will be constructing required DIF related public improvements. Section 3.38.150 of the City's Municipal Code allows the developer to receive credits for qualifying public improvements. The proposed improvements along Indian Street from Gentian Avenue to Santiago Drive are identified in the City's DIF Nexus Study and includes new curb, gutter, and street pavement. The proposed improvements also include the traffic signal located at the intersection of Perris Boulevard and Santiago Drive. Furthermore, the storm drain upgrade to the Sunnymead Master Drainage Plan Line M-3 located along Santiago Drive between Patricia Street and the Kitching Channel will serve the City's Corporate Yard. The developer is required to construct these public improvements and is eligible to enter into an agreement with the City for DIF credits, as outlined in Attachment 2. As noted in the DIF Improvement Credit Agreement, the developer has entered a cost-sharing agreement with Wal-Mart to share in the construction costs and DIF credits. The proposed entitled Wal-Mart project is located immediately east of the Department of Water Resources Aqueduct between Gentian Avenue and Santiago Drive.

Per the DIF Improvement Credit Agreement, the initial credit is the least of the DIF Nexus Study Costs, Engineer's Cost Estimate provided by the developer, and DIF Fee Obligation. The DIF Improvement Credit Agreement is attached to this Staff Report as Attachment 2. The maximum DIF Credit for this project is \$537,693.00 for the Arterial Street, Traffic Signal, and Public Facilities components of the DIF, as outlined in Exhibit C of the Agreement.

ALTERNATIVES

1. Approve the recommended actions as presented in this staff report. *Staff recommends this alternative to help achieve the construction goals as identified within the DIF Nexus Study.*
2. Do not approve the recommended actions as presented in this staff report. *Staff does not recommend this alternative as it would result in not achieving the construction goals as identified within the DIF Nexus Study.*

FISCAL IMPACT

There is no fiscal impact to the General Fund.

NOTIFICATION

Publication of agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Michael D. Lloyd, P.E.
Engineering Division Manager/Assistant City Engineer

Department Head Approval:
Michael L. Wolfe, P.E.
Public Works Director/City Engineer

CITY COUNCIL GOALS

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

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

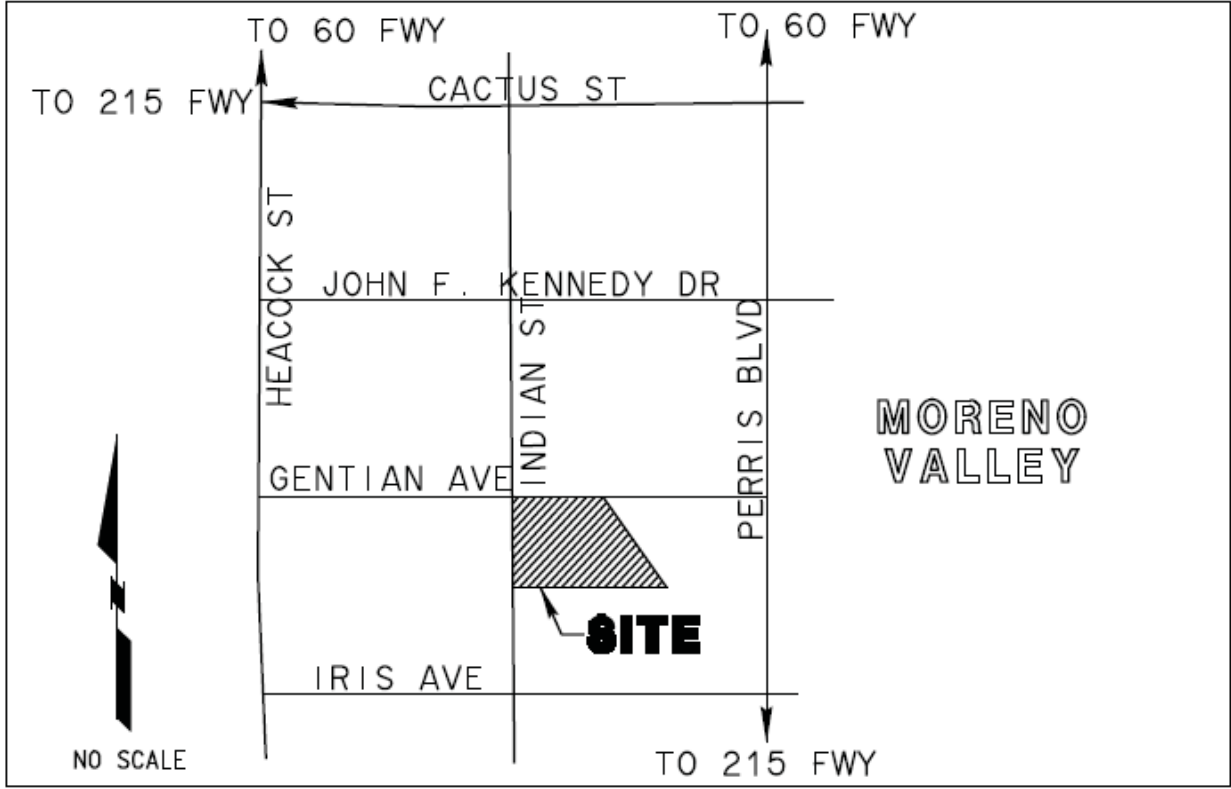
Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

ATTACHMENTS

- 1. Vicinity Map - PEN16-0095 (TR 36760) DIF
- 2. DIF Credit Improvement Agreement #D18-002

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/08/18 6:12 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/18 5:37 PM
City Manager Approval	<u>✓ Approved</u>	10/09/18 3:03 PM



VICINITY MAP

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT
LAND DEVELOPMENT DIVISION

PEN16-0095 (TR 36760)

Attachment: Vicinity Map - PEN16-0095 (TR 36760) DIF (3275 : PEN16-0095 (TRACT 36760) - APPROVE DEVELOPMENT IMPACT FEE (DIF)

**DEVELOPMENT IMPACT FEES
IMPROVEMENT CREDIT AGREEMENT
NUMBER D18-002
TM 36760**

This Development Impact Fees Improvement Credit Agreement is made and entered into as of the date the City signs this Agreement, by and between the **CITY OF MORENO VALLEY**, a municipal corporation, hereinafter referred to as "City" and **MPLC LEGACY 75 ASSOCIATES, LP** a Delaware limited Partnership, hereinafter referred to as "Developer."

RECITALS

WHEREAS, Developer has entered a cost-sharing agreement with Wal-Mart hereinafter referred to as "Cost-share Agreement", and is attached as Attachment 1. The Cost-share Agreement outlines the Developer's commitments to install improvements and share any credits; and

WHEREAS, Developer and City will enter into Agreements for Public Improvements (Engineer's estimate attached hereto as Exhibit "A" identifies those improvements that are subject to this Credit Agreement) consistent with Municipal Code requirements, which agreements for Public Improvements will set forth all obligations of the Developer for Public Improvements that are a condition of approval for the above-

titled development (hereinafter referred to as the "Project"), some of which may be eligible for Development Impact Fees (hereinafter referred to as "DIF") Credit under this Agreement; and

WHEREAS, the City of Moreno Valley Municipal Code Chapter 3.38 "Residential Development Impact Fees" and Chapter 3.42 "Commercial and Industrial Development Impact Fees" requires Developer to pay the DIF for projects identified in the most recently adopted DIF study (hereinafter referred to as "DIF Obligation") which covers the Project's fair share of the costs to construct improvements that help mitigate the impacts and burdens on the City's local systems generated by the Project and that are necessary to provide City services and protect the safety, health, and welfare of residential and non-residential users; and

WHEREAS, certain improvements set forth in the Agreement for Public Improvements are also identified in the City's DIF Program as improvements that are to be funded from DIF, which identified improvements are set forth in Exhibit B attached hereto and hereby incorporated by reference and are hereinafter referred to as the DIF Improvements; and

WHEREAS, if the City or some other third party constructs the DIF improvements set forth in the Agreement for Public Improvements prior to Developer, then this Improvement Credit Agreement shall become null and void and the Developer shall be required to pay the full DIF Obligation of the Project; and

WHEREAS, the City and Developer now desire to enter into this Improvement Credit Agreement to provide a means by which the Developer may receive a Credit for required DIF improvements actually constructed by the Developer for the subject Project subject to the terms and limitations set forth in this Agreement.

NOW, THEREFORE, for the purposes set forth herein, and for good and valuable consideration, the adequacy of which is hereby acknowledged, Developer and City hereby agree as follows:

1.0 General Provisions.

1.1 Incorporation of Recitals. The Parties hereby affirm the facts and provisions set forth in the above Recitals and agree to their incorporation herein as though set forth in full.

1.2 Incorporation of the Agreement for Public Improvements. The Parties hereby affirm the terms, conditions and requirements set forth in the Agreement for Public Improvements (Exhibit "A") and agree to their incorporation herein as though set forth in full.

2.0 DIF Obligation.

2.1 Developer's DIF Obligation. Developer hereby agrees and accepts that, as of _____, the Developer is obligated to pay DIF for the Project

to City in the amount of one million nine hundred sixty four thousand six hundred ninety dollars (\$1,964,690) (hereinbefore and hereinafter referred to as the "DIF Obligation").

2.2 Effect of Agreement. Notwithstanding anything in this Agreement, Developer acknowledges that the DIF Obligation is established by the provisions of the City of Moreno Valley Municipal Code Chapter 3.38 "Residential Development Impact Fees," or Chapter 3.42 "Commercial and Industrial Development Impact Fees," and that this Agreement does not alter, limit, increase or reduce the obligations under those code sections nor prevent City from adjusting or correcting the DIF Obligation amount to conform to the requirements of the Municipal Code.

3.0 DIF Credit Limitations.

3.1 Calculation of DIF Credit. Pursuant to City of Moreno Valley Municipal Code Sections 3.38.150 "Credit for Improvements Provided by Developers" (residential), or 3.42.110 "Credit for Improvements Provided by Developers" (commercial and industrial), and in accordance with the City's Development Impact Fee Credit and Reimbursement Policy, as adopted by the City Council on August 26, 2008, (the "Credit and Reimbursement Policy") and in consideration of Developer's obligations under the Conditions of Approval for the Project and the Agreement for Public Improvements to construct the DIF improvements, the maximum amount of DIF Credit that shall be applied by City to offset the DIF Obligation shall be as defined in Sections 4.0 of this Agreement and the Credit and Reimbursement Policy.

3.2 Effect of Agreement. Notwithstanding the foregoing, Developer acknowledges that the amounts of DIF Credits are established by the provisions of the City of Moreno Valley Municipal Code and the DIF Credit and Reimbursement Policy and this Agreement shall not prevent City from adjusting or correcting the DIF Credit amounts set forth in this Agreement to conform to the requirements of the Municipal Code and the Credit and Reimbursement policy.

4.0 DIF Credit

4.1 Maximum DIF Credit. City shall apply DIF Credit to offset, in whole or in part, the Project's DIF Obligation. The maximum amount of DIF Credit that shall be applied by City to offset the DIF Obligation shall be equal to the least of: (A) the City Engineer's Estimate of the actual cost of the DIF Improvements (hereinafter collectively referred to as "Engineer's Estimate"), or (B) project costs as identified in the DIF study in effect at the time of the issuance of a building permit, or (C) the actual DIF Obligation. In no event shall a DIF Credit exceed the actual DIF Obligation.

4.2 DIF Credit Offset to DIF Obligation. The DIF Credit shall be applied at the time DIF obligation is due and payable. If the project is to be developed by phases, by specific units, or by specific buildings, DIF Credit shall be applied according to a Public Improvements Phasing Schedule approved by the City and attached and incorporated to this agreement.

4.3 Submittal Timeframe. The Developer shall submit to the City Engineer any and all documentation the Developer deems relevant in substantiating the claim for DIF Credit for the DIF Qualifying Improvements to be constructed by the Developer. Such documentation may include contracts, bids, estimates, or any other relevant documents pertaining to the actual cost of the Qualifying Improvements. The City Engineer shall take into consideration, but shall not be bound by, any such documentation submitted by the Developer in formulating the Engineer's Estimate. All such documentation shall be submitted by the Developer to the City Engineer no later than ninety (90) calendar days prior to the date for payment of DIF for the project. The City Engineer will use his or her best efforts and professional judgment in formulating an Engineer's Estimate and shall endeavor to provide said estimate to the Developer in writing within sixty (60) calendar days after submittal of the last document submitted by the Developer.

4.4 DIF Credit Calculation *(completed by City)*.

As of the date hereof, the amount of DIF Credit for which Developer is potentially eligible is set forth in Exhibit C "DIF Credit Calculation Table" attached hereto and hereby incorporated by reference.

4.5 Reconciliation - Final DIF Credit. If the dollar amount of the actual DIF Credit is less than the amount of the actual unpaid DIF Obligation (hereinafter referred to as "DIF Balance"), the City shall notify the Developer in writing of the amount of the DIF Balance and Developer shall pay the DIF Balance to fully satisfy the DIF Obligation at the time DIF payments are due. If the dollar amount of the actual

DIF Credit exceeds the amount of the actual DIF Obligation, Developer will be deemed to have fully satisfied the DIF Obligation. If the Developer has actually paid DIF and completed DIF Improvements, but has not received full DIF Credit for which the Developer would have been otherwise eligible under the DIF Credit and Reimbursement Policy, the Developer may be eligible for a Reimbursement Agreement, to the extent applicable, as provided in a separate Development Impact Fees Improvement Reimbursement Agreement.

4.6 Credit Transfer for Unfunded DIF Reimbursement Eligibility.

To the extent that Developer has Reimbursement Eligibility Amounts which are both unpaid and unfunded by the City and which have not expired under the ten (10) year limitation set forth in the Development Impact Fee Credit and Reimbursement Policy No. 3.24, Section F – Time Limitation, Developer may apply to receive partial or full DIF Credits for the same component of DIF on another development project within the City owned or controlled by that Developer and which has received all necessary approvals, on a dollar for dollar basis. Written application shall be made to the City and Developer shall provide any and all documentation and other information the City may reasonably request. The City shall not unreasonably withhold approval of such a Credit Transfer.

5.0 No Interest. Developer shall not be entitled to any interest, or any other cost or time value adjustment, for DIF paid to the City whether or not subsequently credited under Section 4.6 or reimbursed.

6.0 Term of Agreement. For purposes of Reimbursement Eligibility and Credit Transfer, this Agreement shall remain in effect for a period not to exceed ten (10) years from the date of execution by the City.

7.0 General.

7.1 Assignment. Except as specifically set forth in this Agreement, this Agreement shall not be assigned by any Party without the prior written consent of the non-assigning Party, which consent shall not be unreasonably withheld. All assignees and successors in interest shall assume and become obligated to perform all obligations and be entitled to all benefits of the original Party.

7.2 Amendment. This Agreement may only be amended in writing signed by the Parties.

7.3 Law, Venue and Jurisdiction. This Agreement shall be governed by the laws of the State of California. Venue and Jurisdiction of all matters arising out, pertaining to, or in any way related to this Agreement shall be vested in the Superior Court of the State of California, in and for the County of Riverside, California.

7.4 Notices. Any notices to be given pursuant to this Agreement shall be in writing and delivered by First Class Mail addressed to the Parties as follows:

City: City Engineer
City of Moreno Valley
Post Office Box 88005
Moreno Valley, California 92552-0805

Developer: MPLC Legacy 75 Associates, LP
4100 Newport Place Suite 480
Newport Beach, CA 92660

7.5 Entire Agreement. This Agreement is the final, complete and exclusive statement of the Agreement of the Parties with respect to the subject matter hereof and supersedes and replaces any prior oral or written agreements between the Parties addressing the same subject matter.

(SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, the Parties hereto have caused their authorized representatives to execute this Agreement.

CITY OF MORENO VALLEY,
a California municipal corporation

MPLC LEGACY 75 ASSOCIATES, LP a
Delaware limited partnership

By: _____
Thomas M. DeSantis
City Manager

By: Mission Pacific Land Company,
a Delaware limited liability company
Its: General Partner

Its: _____

By: Randall C. Luce
Randall C. Luce
Managing Director

Date: _____

Date: October 2, 2018

ATTEST: _____
City Clerk

Date: _____

APPROVED AS TO FORM:

City Attorney

Date: _____

SIGNING INSTRUCTION TO THE DEVELOPER:

All signatures on the Contract Agreement on behalf of the Developer must be acknowledged before a notary public. In the event that the Developer is a corporation, the president or vice-president plus the secretary of/or an assistant secretary of the corporation must sign. Corporate seal may be affixed hereto.

Attachment: DIF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On October 2, 2018 before me, Maryellen LaCasto, Notary Public, personally appeared Randall C. Luce

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Maryellen LaCasto, Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Development Impact Fees Improvement Credit Agrmt

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian of Conservator
Other:
Signer Is Representing:

ATTACHMENT 1

Moreno Valley, California
Store #4059

**DEVELOPMENT COORDINATION AGREEMENT
[LEGACY 75]**

This Development Coordination Agreement ("Agreement") is entered into this ____ day of December, 2012, by and between WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory business trust ("Walmart"), and MPLC LEGACY 75 ASSOCIATES, LP, a Delaware limited partnership ("MPLC").

RECITALS

WHEREAS, Walmart is the owner of certain real property in Riverside County, California in the location generally depicted on Exhibit "A", attached hereto and incorporated herein by reference ("Site Plan"), and as specifically described in Exhibit "B", attached hereto and incorporated herein by reference, said tract of land being hereinafter referred to as the "Walmart Tract";

WHEREAS, MPLC is the owner of certain real property in Riverside County, California in the location generally depicted on the Site Plan, and as more specifically described in Exhibit "C", attached hereto and incorporated herein by reference, said tract of land being hereinafter referred to as the "MPLC Tract";

WHEREAS, concurrently with the execution of this Agreement, Walmart has acquired the Walmart Tract from MPLC pursuant to that certain Purchase Agreement dated June 11, 2012 (as the same may be amended, "Purchase Agreement"), between MPLC and Walmart;

WHEREAS, Walmart and MPLC have determined that (i) certain improvements will benefit both the Walmart Tract and MPLC Tract upon the development by either Walmart of the Walmart Tract or MPLC of the MPLC Tract (neither party having any obligation to develop their respective tracts) and (ii) the development of the Walmart Tract and MPLC Tract are dependent upon the completion of such certain improvements;

WHEREAS, Walmart and MPLC are desirous of entering into this Agreement to provide for the coordination of the Sitework that may be undertaken by either Walmart or MPLC at such time as it commences development of its respective tract.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the foregoing Recitals, which Recitals are incorporated herein by this reference, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

1. **Sitework.** MPLC and Walmart hereby agree that the following construction work has some benefit to both the Walmart Tract and MPLC Tract ("Sitework"). In this regard,

Walmart and MPLC agree to coordinate the construction of such Sitework and share the cost of such Sitework, as set forth herein. The Sitework includes:

(a) **Santiago Drive Work.** The construction of the roadway improvements in the portion of Santiago Drive between Perris Boulevard and the DWR Easement (as defined below), as depicted on the Site Plan ("Santiago Drive Work"); and

(b) **Storm Drain Line.** Construction of an approximately 2,930 linear foot drainage line between the southwest corner of the Walmart Tract and the existing Riverside County Flood Control and Water Conservation District Master Drainage Facility Line M-2 located in Iris Avenue, in the location shown on the Site Plan (the "Storm Drain Line").

Nothing in this Agreement shall be deemed to be a covenant by Walmart to construct or open a Walmart store on the Walmart Tract, or to construct any of the Sitework.

2. **Santiago Drive Dedication.** Walmart agrees, within thirty (30) days of a request by MPLC, to dedicate to the City of Moreno Valley that portion of Santiago Drive lying between the Department of Water Resources Aqueduct Easement (the "DWR Easement") and the southeastern corner of the Walmart Tract, as shown on the Site Plan, for street right of way purposes, and construction of the roadway improvements thereon in accordance with the terms of this Agreement.

3. **Commencement of Sitework.** At such time as either party (such party, the "Constructing Party") elects to proceed with development of its respective tract, such party shall deliver notice thereof ("Notice to Proceed") to the other, notifying such other party of its intent to commence construction. The Notice to Proceed shall provide that the Constructing Party intends to construct all portions of the Sitework. In the event that MPLC delivers a Notice to Proceed, Walmart shall have the right, within sixty (60) days of the receipt of such notice from MPLC, to provide MPLC notice of its election to be the Constructing Party, in which event Walmart shall be the Constructing Party. Walmart's failure to timely exercise the above right to provide MPLC notice of its election to be the Constructing Party shall be deemed Walmart's irrevocable waiver of such right. The date upon which the Constructing Party is selected pursuant to the terms of this Agreement (i.e., Walmart elects to be the Constructing Party or MPLC elects to be the Constructing Party and Walmart waives (or is deemed to have waived) its right to take over such position) shall be deemed to be the "Constructing Party Determination Date" for all purposes of this Agreement.

4. **Plans and Specifications.** Following the date of this Agreement, MPLC shall cause plans and specifications to be prepared for the Sitework ("Plans and Specifications") according to the following procedure:

(a) Within two hundred seventy (270) days after the earlier of (i) issuance by the City of site plan approval for the Walmart Tract or (ii) issuance by the City of a tentative map for the development of the MPLC Tract, MPLC shall submit to Walmart a complete set of Plans and Specifications ("Proposed Plans");

(b) Within fifteen (15) business days of receipt of the Proposed Plans, Walmart shall deliver to MPLC any comments that Walmart may have to the Proposed Plans. Within ten (10) business days of receipt of such comments to the Proposed Plans (if any), the parties shall meet in person and/or confer by telephone to resolve any disapproved items shown on the Proposed Plans;

(c) Within ten (10) business days after said meeting and/or telephone conference or the resolution of any disapproved items shown on the Proposed Plans, whichever occurs later, MPLC shall submit to Walmart a revised set of Proposed Plans incorporating any agreed upon changes, and Walmart shall have ten (10) business days to approve and confirm the incorporation of its collective comments in the revised Proposed Plans, which approval shall not be unreasonably withheld, conditioned or delayed. Failure of Walmart to comment on the Proposed Plans, or the revised Proposed Plans, shall be deemed approval of the Proposed Plans by Walmart. Upon approval by Walmart, MPLC shall submit such revised Proposed Plans to the City and/or the applicable governing authority for approval, if necessary;

(d) Within twenty (20) business days of receipt of comments, if any, from the City and/or the applicable governing authority, MPLC shall, only if necessary, further revise said Proposed Plans and submit the same to Walmart for its approval pursuant to Section 4(b) above; and

(e) If the parties (despite using their good faith efforts) are unable to resolve all disapproved items shown on the Proposed Plans within ten (10) business days of the above described meeting and/or telephone conference, then the parties agree (i) that such disapproved items shall be submitted to arbitration by a mutually selected civil engineer practicing for at least ten (10) years in the southern California area, which civil engineer shall present a resolution of such disapproved items within ten (10) business days after his or her appointment, and (ii) to be bound by such civil engineer's resolution of such disapproved items.

(f) When approved by the City and/or the applicable governing authority, the Proposed Plans, as revised and approved pursuant to the above procedure, shall be described as the Plans and Specifications on Exhibit "D", and Exhibit "D" shall be deemed incorporated herein by reference.

Notwithstanding anything to the contrary contained herein, each party hereby acknowledges and agrees that certain changes may be required of the Plans and Specifications because of site conditions and/or requirements of governmental agencies with jurisdiction over the Walmart Tract and the MPLC Tract ("Mandated Changes"). MPLC and Walmart hereby approve of such Mandated Changes.

In the event that Walmart is the Constructing Party, MPLC shall assign to Walmart, as its tenant in common, MPLC's right, title and interest in and to the Plans and Specifications; provided, however, that MPLC shall continue to be exclusively responsible for all compensation, salary and any other remuneration due to the party who prepared and processed the Plans and Specifications. Because the cost of the Plans and Specifications will not be included in the calculation of the Total Cost if Walmart is the Constructing Party, MPLC shall receive a credit against the reimbursement obligations of MPLC, as the non-Constructing Party,

under Section 11 of this Agreement in an amount equal to the MPLC Portion of the cost of the Plans and Specifications. MPLC shall pay such party who prepared and processed the Plans and Specifications all costs therefor as such amounts become due, and shall indemnify Walmart for any default by MPLC on its payment obligations to such party.

5. Licenses to Enter. Each party hereby (a) licenses to the other party and its contractors and other agents to enter and use the Walmart Tract and MPLC Tract, as the case may be, and as may be reasonably necessary to construct or cause to be constructed the Sitework and to otherwise carry out the intent of this Agreement, and (b) agrees to execute any other documentation reasonably required to evidence the above described license rights within a reasonable time after written request therefor. Upon completion of all work necessary to carry out the intent of this Agreement, the above-mentioned licenses shall automatically expire. Any such entry shall be during the periods of construction set forth in Section 10 below and in accordance with a mutually agreed upon construction schedule, or such other times as may be identified by either party on ten (10) days notice to the other party. In connection with any such entry, each of Walmart and MPLC hereby indemnifies, defends and holds the other harmless from any claims, liabilities, or damages arising out of such entry, except to the extent arising out of the acts or omissions of the indemnified party.

6. Contractors to Construct. The Constructing Party shall cause the Sitework to be constructed by a general contractor ("General Contractor") and/or subcontractors and suppliers and lower tier subcontractors and suppliers (collectively, "Subcontractors," and, collectively with the General Contractor, the "Contractors"), licensed by the State of California, and shall enter into contracts with the General Contractor ("General Contract") and/or the Subcontractors (collectively with the General Contract, the "Construction Contracts"), as applicable, for the construction of such Sitework with such Contractors. The Constructing Party shall cause its General Contractor to sign a "Consent" in the form of Exhibit "E", attached hereto and incorporated herein by reference, concurrently with the execution of the General Contract.

7. Sitework Bid Approval. The Constructing Party shall put the Sitework out to open bid to at least three (3) contractors within thirty (30) days of the Constructing Party Determination Date but in no event before the approval of the Plans and Specifications by both parties and all applicable governmental authorities. Each portion of the Sitework may be bid together or separately to the applicable contractors. All of the contractors on the bid list shall be approved by MPLC and Walmart (not to be unreasonably withheld, conditioned or delayed). Prior to award, the Constructing Party shall submit the low bid for the Sitework, in a form that lists the costs and quantities of all items relating to the applicable Sitework (i.e., the unit prices therefor and the number of units required) to the non-Constructing Party for approval. Such approval shall either be granted or reasonably withheld by the non-Constructing Party within ten (10) business days following submission of such low bid for the Sitework. Failure of the non-Constructing Party to timely approve or reasonably withhold its approval shall be deemed the non-Constructing Party's approval of such applicable bid but only if such bid does not exceed the amount for the applicable Sitework set forth on the estimated budget attached hereto as Exhibit "T" and incorporated herein ("Estimated Budget"). Within ten (10) days after such approval, the Constructing Party shall enter into a contract with the low bidder for the Sitework (unless some reason for disqualification has occurred); provided, however, if the Constructing

Party elects to enter a contract with a contractor that is not the low bidder for the Sitework, then for all purposes of determining the non-Constructing Party's contribution to the cost of such applicable Sitework, the cost to perform the applicable Sitework shall be deemed to be the price previously submitted by the qualified low bidder for the Sitework. If the non-Constructing Party reasonably disapproves the bid, the parties agreeing that it shall be reasonable to disapprove a bid that is materially inconsistent with the Estimated Budget, MPLC and Walmart shall work together to reduce the cost with, if requested by either MPLC or Walmart, the Sitework being rebid in the manner set forth above. Upon approval of the bid for the Sitework by both parties, the Constructing Party shall submit a revised budget for the Total Costs (as hereinafter defined) of constructing the Sitework.

In the event that change order(s) are required or are requested by MPLC or Walmart, such change order(s) shall be subject to the non-Constructing Party's prior approval if the change order(s) would result in costs that exceed the Estimated Budget for the applicable Sitework by ten percent (10%).

8. Allocation of Costs. MPLC and Walmart agree that the total cost of constructing the Sitework (collectively with all costs incurred by MPLC in connection with performing its obligations under Section 4 above, the "Total Costs"), shall be allocated between MPLC (MPLC's allocation shall be referred to herein as, the "MPLC Portion") and Walmart (Walmart's allocation shall be referred to herein as, the "Walmart Portion") as follows:

(a) With respect to the Santiago Drive Work, MPLC's pro-rata share shall be fifty percent (50%) of the Total Cost of such Sitework, and Walmart's pro-rata share shall be fifty percent (50%) of the Total Cost of such Sitework; and

(b) With respect to the Storm Drain Line, MPLC's pro-rata share shall be fifty-seven percent (57%) of the Total Cost of such Sitework, and Walmart's pro-rata share shall be forty-three percent (43%) of the Total Cost of such Sitework.

9. Manner of Construction. The Contractors shall be responsible for constructing the Sitework in a good and workmanlike manner and in accordance with the Plans and Specifications and with all applicable permits and approvals and applicable laws. Without limiting the effect of the foregoing, MPLC and Walmart each agrees to promptly notify the other of any non-conformity in the Sitework performed by a Contractor that may be recognized by such party, provided that neither party has a duty to ascertain whether the Sitework performed by a Contractor is in accordance with the Plans and Specifications, applicable laws, ordinances or codes, and neither party shall have any liability for failing to identify any errors, inconsistencies or omissions by a Contractor in performing such Sitework.

(a) **Contractor Indemnity.** The Constructing Party's Construction Contracts will provide, among other provisions, that its Contractors shall indemnify, defend and hold the non-Constructing Party and its successors and permitted assignees harmless from (i) any and all damage resulting or arising from the construction by its Contractors or its agents of the Sitework, (ii) any and all mechanic's and materialmen's liens that may be filed as a result of its Contractors' (including any subcontractors and materialmen) activity on the Walmart Tract and/or the MPLC Tract, and (iii) any and all claims, damages, costs and expenses (including,

without limitation, reasonable attorneys' fees) resulting or arising from the construction by its Contractors, or its agents, of the Sitework or any other of its activities on the Walmart Tract and/or the MPLC Tract, pursuant to the terms of this Agreement or otherwise. In the event that MPLC is the Constructing Party, Walmart shall have the right to post on the Walmart Tract notices of non-responsibility or such other notices that Walmart may deem to be proper for the protection of Walmart's interest in the Walmart Tract. MPLC shall give to Walmart thirty (30) days' prior notice of its intention to commence any construction, so that Walmart may post such notices.

(b) **Insurance.** Each party shall require its Contractors and all of their subcontractors to carry insurance written by companies authorized to do business in California, with a general policy holder's rating of not less than "A-" and a financial rating of not less than Class "VII" as rated in the most current available "Best's Key Rating Guide", naming Walmart and MPLC as named insureds in no less than the following amounts:

<u>TYPE</u>	<u>MINIMUM LIMITS</u>	
<u>Workers Compensation</u>		
Contractor and Subcontractors	Statutory Amount	
<u>Contractors General Liability</u>		
Bodily Injury (including death)	Per Occurrence	\$ 1,000,000
	General Aggregate	\$ 2,000,000
Property Damage	Per Occurrence	\$ 1,000,000
	General Aggregate	\$ 2,000,000
Umbrella/Excess Coverage		\$ 5,000,000
<u>Subcontractors General Liability</u>		
Bodily Injury (including death)	Per Occurrence	\$ 1,000,000
	General Aggregate	\$ 2,000,000
Property Damage	Per Occurrence	\$ 1,000,000
	General Aggregate	\$ 2,000,000
Umbrella/Excess Coverage		\$ 5,000,000

10. **Construction Schedule; Force Majeure.** Subject to the receipt of all necessary permits and approvals (including the lapse of any and all applicable appeal periods) (the "Sitework Approvals") required for the construction of the applicable Sitework (each party agreeing to use commercially reasonable efforts to obtain the same in a timely manner), the Constructing Party shall commence the applicable Sitework by that date which is one hundred twenty (120) days after the Constructing Party Determination Date, and shall complete the applicable Sitework within twelve (12) months after the commencement of construction. Each party shall be excused for the period of any delay in the performance of its obligations hereunder, when prevented from so doing by any cause beyond its reasonable control including, but not limited to, labor unrest, litigation, unavailability of material, weather, war, acts of God, and refusal or failure of governmental authorities to grant necessary approvals and permits for construction of the Sitework in the manner contemplated herein ("Force Majeure"). Completion of the applicable Sitework shall be evidenced by a certification from the Constructing Party (or

its Contractor) to the non-Constructing Party that the applicable Sitework has been completed in accordance with the Plans and Specifications.

11. Reimbursement. The non-Constructing Party shall pay all amounts due the Constructing Party as provided in this Agreement upon the earlier of: (i) thirty (30) days after issuance of the first building permit by the City for development of the non-Constructing Party's Tract, or (ii) sixty (60) months after completion of the Sitework, subject to the following:

(a) Upon completion of the Sitework, the Constructing Party agrees to provide to the non-Constructing Party the following: (i) certification from a civil engineer of completion of the Sitework in accordance with the Plans and Specifications (as they may have been revised by agreement between Walmart and MPLC), (ii) a copy of the notice of completion to the extent recorded by the Constructing Party, (iii) unconditional lien waivers provided by all Contractors, and (iv) evidence of final approval and acceptance of the Sitework prior to any mandatory or standard maintenance period required by the City or applicable governmental authority. Upon written request from the non-Constructing Party, the Constructing Party agrees to provide the non-Constructing Party (without warranty) with copies of all other documents, reports, surveys, investigations and other reports relating to the applicable Sitework.

(b) If either party fails to pay any amount due the other party hereunder within ten (10) business days following the defaulting party's receipt of written notice of such monetary default, such late amount will accrue interest at the lesser of the rate of twelve percent (12%) per annum or the highest legally permissible rate. Such interest shall be paid on such amount from the date such amount becomes due until such amount is paid.

12. Default. In the event that MPLC defaults on its payment obligations or construction obligations under this Agreement and fails to cure in the manner and within the time period provided herein or does not properly perform its portion of the Sitework as described herein, Walmart shall have its rights and remedies it may have pursuant to this Agreement or at law or in equity, including, without limitation, its rights pursuant to Section 23 below.

13. Amendment and Inurement. This Agreement may not be amended except by an instrument in writing signed by the parties hereto and this Agreement shall bind and inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, that without the other party's prior written approval, which written approval may be withheld in such other party's reasonable discretion, neither party may not assign its rights or delegate its obligations under this Agreement.

14. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of California.

15. Severability. If any clause or provision of this Agreement is held to be illegal, invalid and unenforceable, or the application thereof to any person or circumstance shall to any extent be illegal, invalid or unenforceable, under present or future laws effective during the term hereof, then and in any such event, it is the express intention of such clause or provision other

than to those as to which it is held illegal, invalid or unenforceable, shall not be affected thereby, and each clause or provision of this Agreement and the application thereof shall be legal, valid and enforceable to the fullest extent permitted by law.

16. **Notice.** All notices and other communications required or permitted to be given hereunder shall be in writing and shall be sent by: (i) certified or registered mail, postage prepaid, return receipt requested, (ii) personal delivery, or (iii) a recognized overnight carrier that provides proof of delivery, and shall be addressed as follows:

(a) Prior to Opening for Business. For any period of time prior to the date that Walmart opens a store on the Property (Walmart having no obligation to do so), all notices and other communications shall be sent to the following addresses:

If to Walmart:

Wal-Mart Real Estate Business Trust
Attn: Real Estate Director
(Ref: Moreno Valley, California
Store No. 4059)
2001 SE 10th Street
Bentonville, AR 72716-0550

If to MPLC:

MPLC Legacy 75 Associates, LP
c/o Mission Pacific Land Company
4100 Newport Place, Suite 400
Newport Beach, CA 92660
Attn: Randall C. Luce

With a Copy to:

Gresham Savage Nolan & Tilden
Attn: J. Matthew Wilcox, Esq.
(Ref: Moreno Valley, California
Store No. 4059)
550 E. Hospitality Lane, Suite 300
San Bernardino, CA 92408-4205

With a Copy to:

Allen Matkins Leck Gamble
Mallory & Natsis LLP
1900 Main Street, 5th Floor
Irvine, CA 92614
Attn: Brad H. Nielsen, Esq.

With a Copy to:

Wal-Mart Real Estate Business Trust
Attn: George J. Bacso, Esq.
(Ref: Moreno Valley, California
Store No. 4059)
2001 SE 10th Street
Bentonville, AR 72716-0550

(b) After Opening for Business. For any period of time after Walmart has opened a store on the Property (Walmart having no obligation to do so), all notices and other communications shall be sent to the following addresses:

If to Walmart:

Wal-Mart Real Estate Business Trust
Attn: Realty Manager
(Ref: Moreno Valley, California
Store No. 4059)
2001 SE 10th Street
Bentonville, AR 72716-0550

With a Copy to:

Wal-Mart Real Estate Business Trust
Attn: President
(Ref: Moreno Valley, California
Store No. 4059)
2001 SE 10th Street
Bentonville, AR 72716-0550

If to MPLC:

MPLC Legacy 75 Associates, LP
c/o Mission Pacific Land
Company
4100 Newport Place, Suite 400
Newport Beach, CA 92660
Attn: Randall C. Luce

With a Copy to:

Allen Matkins Leck Gamble
Mallory & Natsis LLP
1900 Main Street, 5th Floor
Irvine, CA 92614
Attn: Brad H. Nielsen, Esq.

Notices shall be deemed effective upon receipt or rejection only.

17. **Time of Essence.** Time is of the essence of this Agreement and each and every term and provision hereof.

18. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto, and they shall not rely upon any statement, promise or representation not herein expressed, and this Agreement once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by this document.

19. **Survival.** All warranties, representations and covenants herein shall survive the execution and delivery of this Agreement.

20. **Further Acts.** Each party shall, whenever and as often as it shall be requested to do so by the other party, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, any and all such further conveyances, assignments, approvals, consents and any and all other documents and do any and all other acts as may be necessary to carry out the intent and purpose of this Agreement.

21. **Waiver.** A waiver by either party hereto of a breach of any of the covenants or agreements hereof to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof.

22. **Effective Date.** This Agreement shall become effective on the date this Agreement is executed and delivered by the last of the persons required to bind the parties hereto as set forth opposite their respective signatures below.

23. Security.

(a) **Deed of Trust.** Concurrently with the execution of this Agreement, MPLC shall provide a first priority lien deed of trust recorded and secured against the MPLC Tract in an amount equal to 110% of the MPLC Portion ("Secured Deed of Trust"). Such Secured Deed of Trust shall be in the form attached hereto as Exhibit "J" and incorporated herein. MPLC shall have the right to substitute such Secured Deed of Trust with a Letter of Credit (as hereinafter defined). Walmart agrees to execute a reconveyance of the Secured Deed of Trust within twenty (20) days of: (i) replacement of the Secured Deed of Trust with a Letter of Credit, (ii) receipt of payment from MPLC as required hereby, or (iii) MPLC's completion of the Sitework pursuant to this Agreement. Notwithstanding anything to the contrary, in the event that MPLC is the Constructing Party and MPLC does not install a traffic light at the intersection of Santiago Drive and Perris Boulevard as part of the Santiago Drive Work (which traffic light is not yet required by the City), then all of the security hereunder shall be released as aforesaid except for an amount equal to 110% of the MPLC Portion for such traffic light (i.e., \$165,000), which remaining portion shall be promptly released in the event that such traffic light is not required by the City at the time a building permit is issued for the development of the non-Constructing Party's tract, but otherwise within twenty (20) days of receipt of payment or replacement Letter of Credit from MPLC for the MPLC Portion for such traffic light.

(b) **Alternative Security.** As an alternative to providing such Secured Deed of Trust, MPLC may elect to provide a letter of credit from an Acceptable Financial Institution in an amount equal to 110% of the MPLC Portion, in form and content acceptable to Walmart (the "Letter of Credit") which is callable by Walmart in the event MPLC defaults on its reimbursement obligations under this Agreement. Walmart approves of the form of Letter of Credit attached hereto as Exhibit "L". Provided, however, that in the event that such Letter of Credit is insufficient to cover amounts payable to Walmart hereunder, Walmart does not waive, and expressly reserves, its right to pursue any claims at law or in equity.

(i) An "Acceptable Financial Institution" shall be a financial institution approved by Walmart that has had a credit worthiness and financial rating ("Rating") of not less than C+ from the Subscription Rating Service of the Kroll Bond Rating Agency for at least the two calendar quarters immediately preceding the date of this Agreement and maintains that rating as of the date of the issuance of the Letter of Credit.

(ii) If at any time prior to completion of the Sitework and performance of all of MPLC's obligations under this Agreement the institution which issued the Letter of Credit is given a Rating of less than C+ then MPLC shall be obligated to immediately satisfy one of the following requirements:

(A) Obtain a substitute letter of credit in place of the original Letter of Credit from a different financial institution that meets the definition of an Acceptable Financial Institution and in a face amount equal to the original Letter of Credit unless Walmart, in its sole discretion, consents to a lower face amount; or

(B) Deposit into an escrow with an escrow company acceptable to Walmart to be deposited with a bank acceptable to Walmart, immediately

available funds in a sum equal to the face amount of the original Letter of Credit unless Walmart, in its sole discretion, consents to a lower amount, which escrow shall be pursuant to an escrow agreement satisfactory to Walmart and executed by Walmart, MPLC and the escrow agent allowing Walmart to draw on the escrowed funds for any reason that Walmart would be authorized to draw on the Letter of Credit; or

(C) Keep the Letter of Credit in full force and effect and also post payment and performance bonds in a form and amount and issued by a surety satisfactory to Walmart for all work constituting the Sitework.

24. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

25. Attorneys' Fees. In the event of any dispute between the parties hereto concerning this Agreement or the subject matter hereof, the losing party shall pay the reasonable attorneys' fees and costs incurred by the prevailing party in connection with such dispute.

26. Assignment. MPLC, without obtaining Walmart's consent, but upon prior written notice to Walmart, shall have the right to assign its rights and obligations hereunder to any party which acquires all of the MPLC Tract, provided that such assignee covenants in writing that it will not challenge any permits or approvals for, or otherwise impede, Walmart's development of the Walmart Tract. MPLC shall be released of all of its obligations hereunder upon the effective date of such assignment.

27. DIF/ADP Credits. The parties acknowledge and agree, provided each party has paid its respective portion of the Total Cost of the Sitework, that MPLC and Walmart may be entitled to receive certain development impact fee credits ("DIF Credits") and/or certain area drainage plan fee credits ("ADP Credits") relating to portions of the Sitework subject of this Agreement, including the traffic light described in Section 23(a) above. In this regard, MPLC and Walmart agree that any such DIF Credits shall be divided between them as follows: each of MPLC and Walmart shall be allocated fifty percent (50%) of any such DIF Credits; and any such ADP Credits shall be divided between them as follows: fifty-seven percent (57%) of the ADP Credits shall be allocated to MPLC and forty-three percent (43%) of the ADP Credits shall be allocated to Walmart. Walmart and MPLC covenant and agree that each will cooperate (in a timely manner) with the other, to enter into a tri-party agreement with the City, Riverside County Flood Control District and/or any other governmental or quasi-governmental entity involved with the transfer of fee credits, as applicable, at each party's sole cost and expense, to provide for the fee credits to be assigned, transferred and/or available to the appropriate party and/or its affiliates such that the fee credits are allocated between MPLC and Walmart in the portions set forth herein, including, without limitation, providing information and/or executing documents reasonably requested by the other party, the City, Riverside County Flood Control District and/or any other governmental or quasi-governmental entity involved with such transfer of the fee credits.

Signatures follow...

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

"MPLC"

MPLC LEGACY 75 ASSOCIATES, LP, a Delaware limited partnership

By: MISSION PACIFIC LAND COMPANY, a Delaware limited liability company, its General Partner

By: Randall C. Luce
Name: Randall C. Luce
Its: Managing Director
Date: 12.11.12

"WALMART"

WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By: _____
Name: _____
Its: Vice President of Real Estate
Date: _____

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

"MPLC"

MPLC LEGACY 75 ASSOCIATES, LP, a Delaware limited partnership

By: MISSION PACIFIC LAND COMPANY, a Delaware limited liability company, its General Partner

By: _____
Name: Randall C. Luce
Its: Managing Director
Date: _____

"WALMART"

WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By: Brian Hopper
Name: Brian Hopper
Its: Vice President of Real Estate
Date: 12/21/12

EXHIBIT "A"

SITE PLAN

W1969-Morano_VaBey_CA;_Stom_#83313 - 1018789.1

Attachment: DIF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

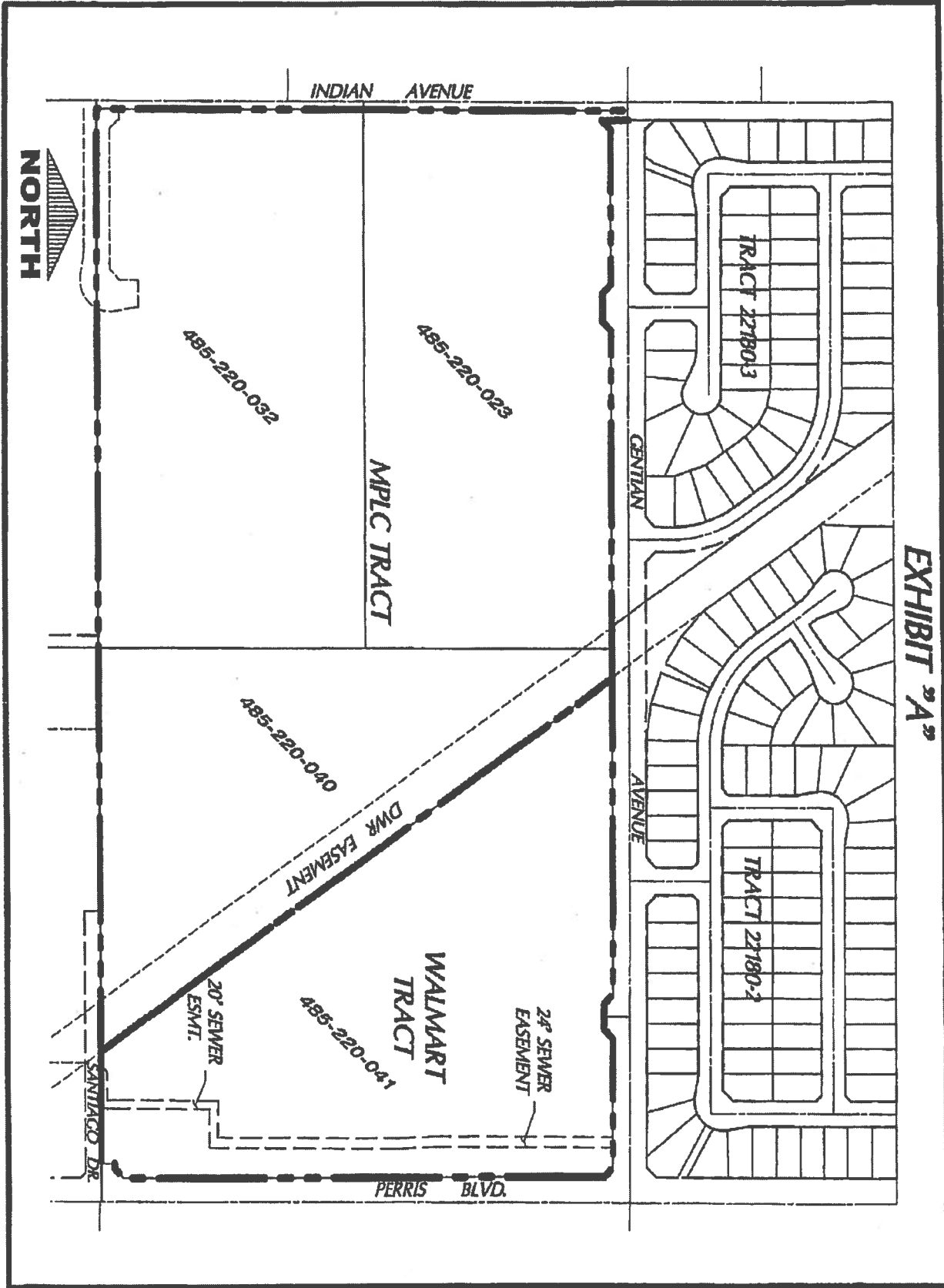


EXHIBIT 2A

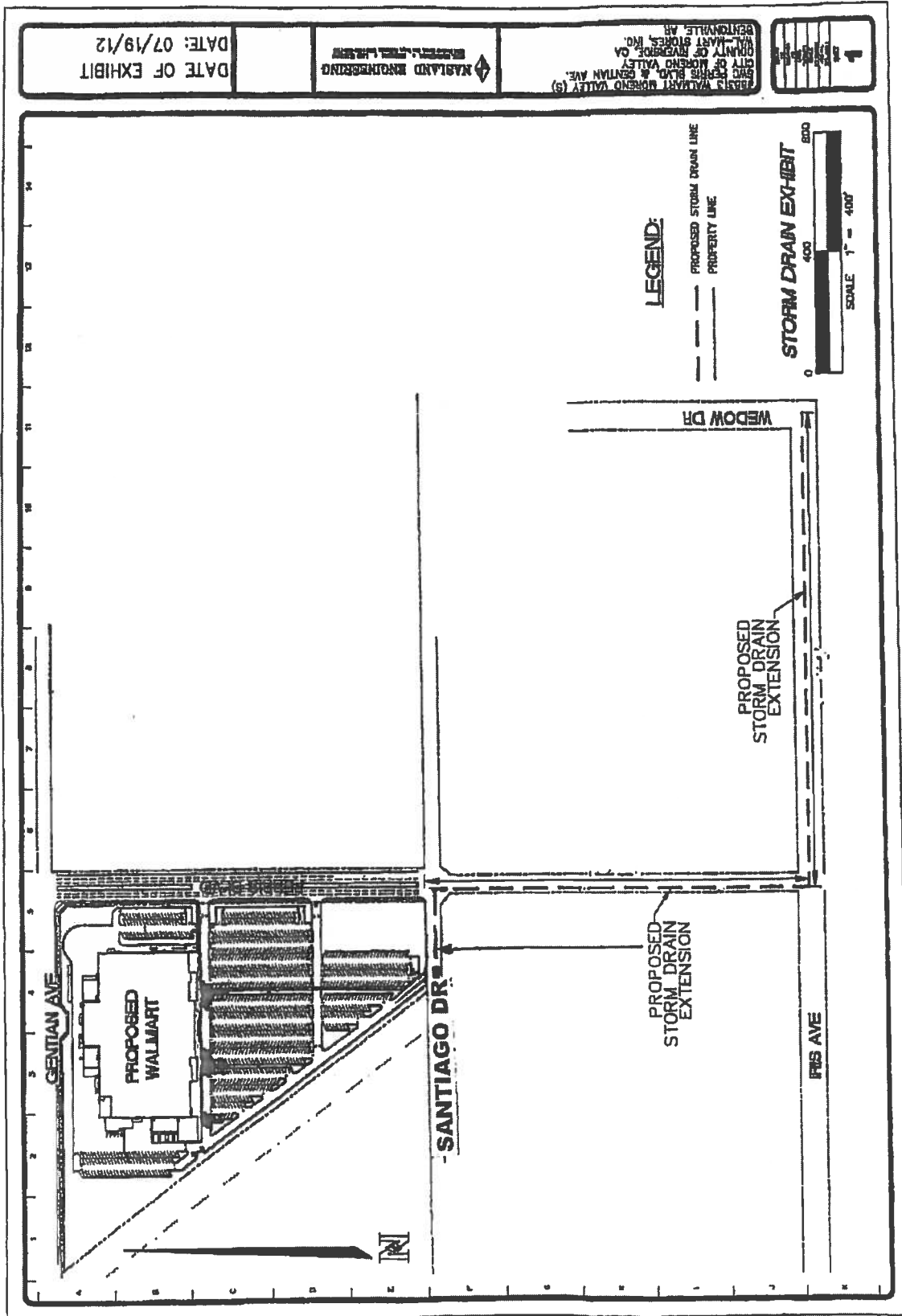


EXHIBIT "B"**WALMART TRACT**

ALL THAT CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 17 AND 24 IN BLOCK 3 OF RIVERSIDE ALFALFA ACRES, AS SHOWN BY MAP ON FILE IN BOOK 8, PAGE 21, OF MAPS, RIVERSIDE COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 24, SAID POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF PERRIS BOULEVARD, BEING 30 FEET (HALF WIDTH) FROM THE CENTERLINE OF SAID PERRIS BOULEVARD;

THENCE NORTH 00°09'29" WEST, ALONG THE EAST LINES OF SAID LOTS 24 AND 17, A DISTANCE OF 1,236.23 FEET;

THENCE SOUTH 89°50'31" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER CUTBACK OF PERRIS BOULEVARD AND GENTIAN AVENUE AS SHOWN BY TRACT 22180-2, RECORDED IN MAP ON FILE IN BOOK 207, PAGES 97-103, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 45°08'39" WEST, ALONG SAID CUTBACK, A DISTANCE OF 32.53 FEET TO THE SOUTH RIGHT OF WAY LINE OF GENTIAN AVENUE AS SHOWN ON SAID TRACT MAP;

THENCE SOUTH 89°52'11" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 302.00 FEET;

THENCE SOUTH 47°14'34" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 33.96 FEET;

THENCE SOUTH 89°52'11" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 60.00 FEET;

THENCE NORTH 47°31'44" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 33.98 FEET;

THENCE SOUTH 89°52'11" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 755.21 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY OF THE CALIFORNIA AQUEDUCT AS SHOWN ON SAID TRACT 22180-2, SAID POINT BEING 70.15 FEET FROM THE INTERSECTION OF SAID SOUTH RIGHT OF WAY AND THE WEST LOT LINE OF SAID LOT 17;

THENCE SOUTH 35°32'24" EAST, ALONG SAID AQUEDUCT, A DISTANCE OF 1,547.15 FEET TO THE SOUTH LINE OF SAID LOT 24, SAID POINT BEING 324.37 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 24;

THENCE NORTH 89°33'33" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 324.37 FEET TO THE POINT OF BEGINNING.

SAID LAND IS ALSO SHOWN AS LOT 1 ON THE CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT NO. 996, RECORDED MARCH 25, 2009 AS INSTRUMENT NO. 09-144742, OFFICIAL RECORDS.

APN: 485-220-041

END OF LEGAL DESCRIPTION

W1969-Mereno_Valley_CA_Store_#85313 -- 1018789.2

Attachment: DIF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

EXHIBIT "C"**MPLC TRACT**

ALL THAT CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

A PORTION OF LOTS 17 AND 24 IN BLOCK 3 OF RIVERSIDE ALFALFA ACRES, AS SHOWN BY MAP ON FILE IN BOOK 8, PAGE 21 OF MAPS, RIVERSIDE COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 24, SAID POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF PERRIS BOULEVARD BEING 30 FEET (HALF WIDTH) FROM THE CENTERLINE OF SAID PERRIS BOULEVARD;

THENCE SOUTH 89° 33' 33" WEST, ALONG THE SOUTH LINE OF SAID LOT 24, A DISTANCE OF 324.37 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY OF THE CALIFORNIA AQUEDUCT AS SHOWN BY TRACT 22180-2, RECORDED AS MAP ON FILE IN BOOK 207, PAGES 97-103 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 35° 32' 24" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 1,547.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF GENTIAN AVENUE AS SHOWN ON SAID TRACT MAP 22180-2, SAID POINT BEING 70.15 FEET FROM THE INTERSECTION OF SAID SOUTH RIGHT OF WAY AND THE WEST LOT LINE OF SAID LOT 17;

THENCE SOUTH 89° 52' 11" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 70.15 FEET TO THE WEST LINE OF SAID LOT 17;

THENCE SOUTH 00° 09' 15" EAST, ALONG SAID WEST LINE AND THE WEST LINE OF SAID LOT 24, A DISTANCE OF 1,256.21 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24;

THENCE NORTH 89° 33' 33" EAST, ALONG THE SOUTH LINE OF SAID LOT 24, A DISTANCE OF 966.08 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

SAID LAND IS ALSO SHOWN AS LOT 2 ON THE CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT NO. 996, RECORDED MARCH 25, 2009 AS INSTRUMENT NO. 09-144742, OFFICIAL RECORDS.

PARCEL 2:

LOTS 18 AND 23 IN BLOCK 3 OF RIVERSIDE ALFALFA ACRES, AS SHOWN BY MAP ON FILE IN BOOK 8, PAGE 21 OF MAPS, RIVERSIDE COUNTY RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN TRACT NO. 22180-2 AS PER MAP RECORDED IN BOOK 207 OF MAPS, PAGES 97 THROUGH 103, INCLUSIVE, RIVERSIDE COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN TRACT NO. 22180-3 AS PER MAP RECORDED IN BOOK 208, OF MAPS, PAGES 1 THROUGH 6, INCLUSIVE, RIVERSIDE COUNTY RECORDS.

END OF LEGAL DESCRIPTION

EXHIBIT "D"
PLANS AND SPECIFICATIONS
[to be attached pursuant to Section 4]

W1969-Moreno_Valley_CA_Store_#83313 - 1018789.1

Attachment: DIF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

EXHIBIT "E"

CONSENT

The undersigned (hereinafter, "General Contractor") hereby consents and agrees to be bound by the provisions of that certain Development Coordination Agreement dated as of _____, 2012 ("Development Agreement"), by and between Wal-Mart Stores, Inc., a Delaware corporation, hereinafter referred to as "Walmart", and MPLC Legacy 75 Associates, LP, a Delaware limited partnership ("MPLC"), for purposes of performing the obligations of Walmart thereunder which require a general contractor's license ("Licensed Acts"). Walmart and MPLC shall have all remedies available at law or in equity under or related to the California Contractors License Law and all related statutes. General Contractor agrees to perform all such obligations in accordance with the terms and conditions of the Development Agreement, and agrees that MPLC and Walmart may each rely on this Consent.

General Contractor:

By: _____
Its: _____

EXHIBIT "F"

[Intentionally Deleted.]

EXHIBIT "G"

[Intentionally Deleted.]

EXHIBIT "H-1"

[Intentionally Deleted.]

EXHIBIT "H-2"

[Intentionally Deleted.]

EXHIBIT 'T'
ESTIMATED BUDGET

W1969-Moreno_Valley_CA1_Store_#85313 -- 1018789.2

Attachment: DJF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

LEGACY PARK - MORENO VALLEY
SHARED COSTS MPLC 75, COMMERCIAL SITE
IMPROVEMENT COST ESTIMATE

Date: 12/20/2012

ITEMS			
<i>Offsite Improvements</i>	<i>Total</i>	<i>MPLC</i>	<i>Buyer</i>
Street Improvements - Santiago*	\$ 159,406	\$ 79,703	\$ 79,703
Potential Traffic Signal - Santiago***	\$ 300,000	\$ 150,000	\$ 150,000
Storm Drain - Line M2**	\$ 1,532,248	\$ 873,382	\$ 658,867
Total Improvements	\$ 1,991,654	\$ 1,103,085	\$ 888,570

NOTES

*Santiago Improvements shared 50/50

**Fair share based on estimate of Allowable flows tributary to Line M2 per Table 1 Line M2 Technical Memo prepared by JLC Engineering;

MPLC Site = 31.3 cfs (57%)

Commercial Site = 23.4 cfs (43%)

***Traffic Signal costs shall not be part of the security except as provided in Section 23

The quantities shown are approximate and derived from preliminary plans which currently have not been reviewed by County and/or City and are subject to change. The unit prices are approximate. The unit prices have been obtained from builder's and developer's past bid results. All agency fees are calculated to the best of our knowledge and are subject to change and interpretation by the Agencies, especially any potential fee credits for work completed. All quantities, fees and unit prices are subject to change and shall be verified prior to any purchase, bidding or construction. Dry utilities costs and refunds should be verified by a utility consultant.

EXHIBIT "J"
FORM OF DEED OF TRUST

Recording Requested by and
When Recorded Return To:

(Space above this line for recorder's use only)

DEED OF TRUST
with Assignment of Rents

This **DEED OF TRUST**, made _____, 20__, between
_____, a _____, herein called **TRUSTOR**,
whose address is _____,
_____, a _____, herein called
TRUSTEE, and _____, a _____,
herein called **BENEFICIARY**,

WITNESSETH: That Trustor grants to Trustee in trust, with power of sale, that property in the
City of Moreno Valley, County of Riverside, State of California, described as:

See Exhibit "A" attached hereto

together with the rents, issues and profits thereof, subject, however, to the right, power and
authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents,
issues and profits for the purpose of securing payment of the sum of \$ _____
with interest thereon according to the terms of that certain Development Coordination
Agreement of even date herewith entered into between Trustor and Beneficiary.

To protect the security of this Deed of Trust, and with respect to the property above described,
Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be
bound by each and all of the terms and provisions set forth in subdivision A, and it is mutually
agreed that each and all of the terms and provisions set forth in subdivision B of the fictitious
deed of trust recorded in Orange County August 17, 1964, and in all other counties August 18,
1964, in the book and at the page of Official Records in the office of the county recorder of the
county where said property is located, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE

Alameda	1288	556	Kings	858	713	Placer	1028	379	Sierra	38	187
Alpine	3	130-31	Lake	437	110	Plumas	166	1307	Siskiyou	506	762
Amador	133	438	Lassen	192	367	Riverside	3778	347	Solano	1287	621
Butte	1330	513	Los Angeles	T-3878	874	Sacramento	5039	124	Sonoma	2067	427
Calaveras	185	338	Madera	911	136	San Benito	300	405	Stanislaus	1970	56
Colusa	323	391	Merced	1849	122	San Bernardino	6213	768	Sutter	655	585
Contra Costa	4684	1	Mariposa	90	453	San Francisco	A-804	596	Tahama	457	183
Del Norte	101	549	Mendocino	667	99	San Joaquin	2855	283	Trinity	108	595
El Dorado	704	635	Merced	1660	753	San Luis Obispo	1311	137	Tulare	2530	108
Fresno	5032	623	Modoc	191	93	San Mateo	4778	175	Tuolumne	177	160
Gleann	469	76	Mono	69	302	Santa Barbara	2063	881	Ventura	2607	237
Humboldt	801	83	Monterey	357	239	Santa Clara	6626	664	Yolo	769	16
Imperial	1189	701	Napa	704	742	Santa Cruz	1638	607	Yuba	398	693
Inyo	163	672	Nevada	363	94	Shasta	800	633			
Kern	3756	690	Orange	7182	18	San Diego	SERIES 5 Book 1964, Page 149774				

shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivision A and B, (identical in all counties, and printed on pages 1 and 2 hereof) are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed the maximum allowed by law.

Executed to be effective as of the date first set forth above.

TRUSTOR:

a _____

By: _____

Its: _____

STATE OF _____)
)
COUNTY OF _____)

On _____, 20__, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

**EXHIBIT "A"
LEGAL DESCRIPTION**

All that certain real property located in the City of Moreno Valley, County of Riverside, State of California, as more particularly described as follows:

Attachment: DIF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

The following is a copy of Subdivisions A and B of the fictitious Deed of Trust recorded in each county in California as stated in the foregoing Deed of Trust and incorporated by reference in said Deed of Trust as being a part thereof as if set forth at length therein.

A. To protect the security of this Deed of Trust, Trustor agrees:

1) To keep said property in good condition and repair, not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2) To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Trustor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3) To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear, and in any suit brought by Beneficiary to foreclose this Deed.

4) To pay, at least ten days before delinquency all taxes and assessments affecting said property, including assessments on appurtenant water stock; when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Trustor and without releasing Trustor from any obligation hereof, may, make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, pay necessary expenses, employ counsel and pay his reasonable fees.

5) To pay immediately and without demand all sums so expended by Beneficiary or Trustee, with interest from date of expenditures at the amount allowed by law in effect at the date hereof, and to pay for any statement provided for by law in effect at the date hereof regarding the obligation secured hereby any amount demanded by the Beneficiary not to exceed the maximum allowed by law at the time when said statement is demanded.

B. It is mutually agreed:

1) That any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such monies received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2) That by accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3) That at any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon, or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4) That upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention or other disposition as Trustee in its sole discretion may choose and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in such reconveyance of any matters or facts shall be conclusive proof of the truthfulness thereof. The Grantee in such reconveyance may be described as "the person or persons legally entitled thereto".

5) That as additional security, Trustor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Trustor the right, prior to any default by Trustor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues, and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collecting of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6) That upon default by Trustor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, Beneficiary may declare all sums secured hereby immediately due and payable by delivery to Trustee of written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property, which notice Trustee shall cause to be filed for record. Beneficiary also shall deposit with Trustee this Deed, said note and all documents evidencing expenditures secured hereby.

After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of sale having been given as then required by law, Trustee, without demand on Trustor, shall sell said property at the time and place fixed by it in said

EXHIBIT "A"

W1969-Morano Valley_CA_Store #45113 - 1018789.2

notice of sale, either as a whole or in separate parcels, and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee may postpone sale of all or any portion of said property by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time fixed by the preceding postponement. Trustee shall deliver to such purchaser its deed conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Trustor, Trustee, or Beneficiary as hereinafter defined, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including costs of evidence of title in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the amount allowed by law in effect at the date hereof; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7) Beneficiary, or any successor in ownership of any indebtedness secured hereby, may from time to time, by instrument in writing, substitute a successor or successors to any Trustee named herein or acting hereunder, which instrument, executed by the Beneficiary and duly acknowledged and recorded in the office of the recorder of the county or counties where said property is situated shall be conclusive proof of proper substitution of such successor Trustee or Trustees, who shall, without conveyance from the Trustee predecessor, succeed to all its title, estate, rights, powers and duties. Said instrument must contain the name of the original Trustor, Trustee and Beneficiary hereunder, the book and page where this Deed is recorded and the name and address of the new Trustee.

8) That this Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the owner and holder, including pledgees, of the note secured hereby, whether or not named as Beneficiary herein. In this Deed, whenever the context so requires the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

9) That Trustee accepts this Trust when this Deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Trustor, Beneficiary or Trustee shall be a party unless brought by Trustee.

EXHIBIT "A"

W1969-Moreno_Valley_CA_Store_#83313 - 1018789.2

EXHIBIT "K"

[Intentionally Deleted.]

EXHIBIT "L"

FORM OF LETTER OF CREDIT

ISSUING BANK:
(BANK NAME)
(STREET ADDRESS)
(CITY, STATE, ZIP CODE)

ISSUE DATE: _____

IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____

APPLICANT:
(NAME) _____
(ADDRESS) _____
(CITY, STATE, ZIP) _____

BENEFICIARY:
WAL-MART STORES, INC
ATTN: LETTER OF CREDIT MANAGER DEPT. 8902
1301 SE 10TH ST
BENTONVILLE, AR 72716-0655

TELEPHONE NUMBER

AMOUNT: US \$0.00
ZERO AND NO/100'S US DOLLARS

EXPIRY DATE: _____ (ONE YEAR FROM ISSUE DATE)

GENTLEMEN:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____ IN YOUR FAVOR, AS BENEFICIARY, BY ORDER AND FOR ACCOUNT OF (APPLICANT) UP TO THE AGGREGATE SUM OF _____ ZERO AND NO/100'S US DOLLARS, (US \$0.00 _____), EXPIRING ON (ONE YEAR FROM ISSUE DATE) EXCEPT AS FURTHER STATED, AT THE COUNTERS OF (BANK NAME), AVAILABLE BY PAYMENT AGAINST YOUR DRAFT(S) DRAWN ON US AT SIGHT ACCOMPANIED BY:

- 1. A STATEMENT PURPORTEDLY SIGNED BY AN AUTHORIZED OFFICER OF _____, SWORN TO BEFORE A NOTARY PUBLIC STATING THAT:
 - A. "WE HEREBY CERTIFY THAT THE FUNDS DRAWN UNDER LETTER OF CREDIT NO. _____ ISSUED BY (BANK NAME) ARE DUE BY REASON OF (APPLICANT'S NAME) FAILURE TO COMPLETE (DESCRIBE WHAT LOC COVERS), FOR (STORE #) IN (CITY, STATE). (APPLICANT NAME) FAILED TO COMPLETE THE FOLLOWING: (LIST WHAT APPLICANT FAILED TO COMPLETE)"; OR

B. "WE HEREBY CERTIFY THAT WE HAVE RECEIVED A NOTICE OF NON-RENEWAL OR TERMINATION OF THIS LETTER OF CREDIT PRIOR TO THE CURRENT EXPIRATION DATE OF _____, THAT (APPLICANT NAME)'S OBLIGATIONS TO _____ REMAIN OUTSTANDING AND THAT WE HAVE NOT RECEIVED A REPLACEMENT LETTER OF CREDIT IN A FORM ACCEPTABLE TO US."; OR

2. THE ORIGINAL OF THIS LETTER OF CREDIT.

SPECIAL CONDITIONS:

PARTIAL DRAWINGS ARE ACCEPTABLE.

ANY DRAFT DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED "DRAWN UNDER IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____ ISSUED BY (BANK NAME)."

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR ONE (1) YEAR FROM THE PRESENT OR ANY FUTURE EXPIRATION DATE UNLESS SIXTY (60) DAYS PRIOR TO SUCH EXPIRATION DATE YOU ARE NOTIFIED VIA OVERNIGHT COURIER SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, THAT WE ELECT NOT TO CONSIDER THIS LETTER OF CREDIT RENEWED FOR ANY SUCH PERIOD.

WE HEREBY ENGAGE WITH YOU THAT ANY DRAFT DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED ON THE PRESENTATION AT OUR OFFICE AT (BANK'S STREET ADDRESS, CITY, STATE AND ZIP CODE), VIA COURIER SERVICE OR REGISTERED MAIL, ON OR BEFORE THE EXPIRATION DATE AS SPECIFIED ABOVE.

THIS LETTER OF CREDIT IS ISSUED SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES 1998 (ISP98), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590.

(BANK NAME)

BANK OFFICER

***NOTE: IF THERE ARE ANY QUESTIONS IN REGARD TO ANY OF THE INFORMATION THAT IS REQUIRED WITHIN THE LETTER OF CREDIT, PLEASE CONTACT THE LETTER OF CREDIT DEPARTMENT AT (479) 204-0337.

EXHIBIT "A"

ENGINEER'S ESTIMATE

(ATTACHED BEHIND THIS PAGE)

**Improvement Cost Estimate
TM 36760
DIF Eligible Facilities**

Date: 9/12/2018

	Qty	Unit	Unit Price	Total Cost
<u>INDIAN AVENUE STREET IMPROVEMENTS</u>				
0.45" AC over 0.75' AB - Indian Ave.	30,055	SF	\$3.20 \$	96,176
Sawcut, Grind, & Overlay 0.1' D x 1.0' W	1,200	SF	\$1.32 \$	1,584
Grind & Overlay 0.1' D	2,806	SF	\$1.05 \$	2,946
Subgrade Preparation/Balance (Indian Ave.)	30,055	SF	\$0.16 \$	4,809
8" PCC C&G	1,193	LF	\$14.25 \$	17,000
C&G Grade & Balance - Indian Ave.	1,193	LF	\$1.00 \$	1,193
Traffic Control	1	LS	\$2,500.00 \$	2,500
Roadway Excavation - Indian Ave.	3,000	CY	\$5.00 \$	15,000
			TOTAL INDAIN AVENUE \$	141,208
<u>TRAFFIC SIGNAL @ PERRIS BLVD./SANTIAGO DRIVE</u>				
4-way Traffic Signal @ Santiago/Perris	1	LS	\$300,000.00 \$	300,000
			TOTAL TRAFFIC SIGNAL \$	300,000
<u>LINE M3 STORM DRAIN</u>				
Upsize existing 36" RCP to 42" RCP in Santiago Dr.	1	LS	\$260,000.00 \$	260,000
			TOTAL LINE M3 UPSIZING \$	260,000
			TOTAL DIF ELIGIBLE FACILITEIS \$	701,208

Attachment: DIF Credit Improvement Agreement #D18-002 (3275 : PEN16-0095 (TRACT 36760) – APPROVE DEVELOPMENT IMPACT FEE (DIF)

EXHIBIT "B"
DIF IMPROVEMENTS

DIF Improvements

- Traffic Signal at intersection of Perris Blvd. and Santiago Drive
- Indian Avenue Street Improvements along project frontage
- Line M3 upsizing existing storm drain from 36" RCP to 42" RCP

EXHIBIT "C" – DIF Credit Calculation Table

Item	Process for DIF Credit Calculation	Streets*	Traffic Signals	Police	Fire	Libraries	Parks	Community/ Rec Centers	Public Facilities*	Interchange Imp.	Total
1	Engineer's Estimate	\$271,208	\$300,000						\$130,000		\$701,208
2	Project costs as identified in DIF study	\$374,400	\$292,600						N/A		\$760,344
3	Actual DIF Obligation	\$248,625	\$169,065						\$120,003		\$537,693
4	Developer's Credit Amount** - Least of Lines 1, 2, & 3	\$248,625	\$169,065						\$120,003		\$537,693

*Includes upgrade to Sunnymead MDP Line M-3 to serve City Yard and Perris Blvd.

** credit amount shall not exceed obligation.



Report to City Council

TO: Mayor and City Council

FROM: Marshall Eyerman, Chief Financial Officer

AGENDA DATE: October 16, 2018

TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RATIFYING THE ATTESTATION OF VERACITY OF THE REVISED 2017 POWER SOURCE DISCLOSURE PROGRAM ANNUAL REPORT

RECOMMENDED ACTION

Recommendation:

1. Approve Resolution No. 2018-XX. A Resolution of the City Council of the city of Moreno Valley, California, Ratifying the Attestation of Veracity submitted to the California Energy Commission for the revised 2017 Power Source Disclosure Program Annual Report.

SUMMARY

Staff recommends that the City Council ratify the submission to the California Energy Commission (CEC) of an attestation of the veracity of the revised 2017 Power Source Disclosure Program Annual Report. This attestation of veracity is required under Senate Bill 1305.

DISCUSSION

On May 15, 2018, the City Council approved Resolution 2018-30, ratifying the submission to the CEC of an attestation of the veracity of the 2017 Power Source Disclosure Program Annual Report. After City Council approval, MVU was notified of a revision in the amount of energy procured in 2017 from the Whitney Point Solar Project from 6,513 MWh to 8,318 MWh. Staff submitted the revised amount to the CEC by the required date of June 1. The CEC is requesting that the City Council ratify the attestation of veracity for the revised 2017 Power Source Disclosure Program Annual Report.

The Power Source Disclosure Program Annual Report is required under state law (Public Utilities Code Sections 398.4 and 398.5), as is the ratification of the attestation of veracity.

A copy of the revised 2017 Power Source Disclosure Program Annual Report as submitted to the CEC is attached to Resolution No. 2018-XX as Exhibit A.

ALTERNATIVES

1. Approve Resolution No. 2018-XX, ratifying the attestation of veracity submitted to the CEC for the revised 2017 Power Source Disclosure Program Annual Report. *Approval of this Resolution complies with the requirements of California Public Utilities Code Sections 398.4 and 398.5.* Staff recommends this alternative.
2. Do not approve Resolution No. 2018-XX, ratifying the attestation of veracity submitted to the CEC for the 2017 Power Source Disclosure Program Annual report. *This will not comply with the requirements of California Public Utilities Code Sections 398.4 and 398.5.* Staff does not recommend this alternative.

FISCAL IMPACT

There is no cost to the City for approval of the Resolution.

NOTIFICATION

Publication of the Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Jeannette Olko
Electric Utility Division Manager

Department Head Approval:
Marshall Eyeran
Chief Financial Officer/City Treasurer

CITY COUNCIL GOALS

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

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

Objective 4.1: Develop a Moreno Valley Utility Strategic Plan to prepare for the 2020 expiration of the ENCO Utility Systems agreement.

ATTACHMENTS

- 1. Resolution Power Source Disclosure 10162018
- 2. MVU PCL 2017 Final

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/03/18 4:41 PM
City Attorney Approval	<u>✓ Approved</u>	10/03/18 4:43 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:47 PM

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RATIFYING THE ATTESTATION OF VERACITY TO BE SUBMITTED TO THE CALIFORNIA ENERGY COMMISSION FOR THE REVISED 2017 POWER SOURCE DISCLOSURE PROGRAM ANNUAL REPORT

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized under various provisions of the California Constitution and the general laws of California (including specifically, Article XI, Section 9(a) of the California Constitution, Public Utilities Code ("PUC") Section 10004, and Government Code Section 39732(a) to establish, purchase, and operate a public utility to furnish its inhabitants with, among other things, electricity; and

WHEREAS, the City operates a municipal electric utility ("Moreno Valley Utility" or "MVU"); and

WHEREAS, as a municipal electric utility, MVU is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities ("POUs"); and

WHEREAS, Senate Bill 1305, as amended by Assembly Bill 162, requires retail suppliers of electricity to disclose sources of energy being used to the California Energy Commission ("CEC") and to consumers in the form of the Power Source Disclosure Program Annual Report and the Annual Power Content Label; and

WHEREAS, the revised 2017 Power Source Disclosure Program Annual Report and Annual Power Content Label was submitted to the CEC by June 1, 2018, and the Annual Power Content Label is posted on the City's website for consumers to review; and

WHEREAS, the revised 2017 Power Source Disclosure Program Annual Report includes an attestation from an authorized agent of the City, under penalty of perjury, confirming the accuracy of the information provided.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

1. The City Council hereby ratifies the revised 2017 Power Source Disclosure Program Annual Report, attached to this Resolution as Exhibit A (incorporated herein by reference).
2. The City Clerk shall certify to the adoption of this Resolution.
3. The Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 16th day of October 2018.

 Mayor of the City of Moreno Valley

ATTEST:

 City Clerk

APPROVED AS TO FORM:

 City Attorney

2
 Resolution No. 2018-XX
 Date Adopted: October 16, 2018

Attachment: Resolution Power Source Disclosure 10162018 (3274 : A RESOLUTION RATIFYING ATTESTATION OF VERACITY OF REVISED

RESOLUTION JURAT

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

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2018-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 16th day of October 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2018-XX³
Date Adopted: October 16, 2018

Attachment: Resolution Power Source Disclosure 10162018 (3274 : A RESOLUTION RATIFYING ATTESTATION OF VERACITY OF REVISED



**ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION:
Power Source Disclosure Program
Schedule 1 and 2, applicable to: Load Serving Entities
For the Year Ending December 31, 2017**

Load serving entities are required to use the posted template and are not allowed to make edits to this format.
Please fill out the company name and contact information.

GENERAL INSTRUCTIONS

COMPANY NAME	
	City of Moreno Valley
PRODUCT NAME (If Multiple Products Offered)	
CONTACT INFORMATION	
Name	Jeannette Olko
Title	Electric Utility Division Manager
Mailing Address	14331 Frederick St. Suite 2
City, State, Zip	Moreno Valley, CA 92552
Phone	951-413-3502
E-mail	jeannetteo@moval.org
Website for PCL Posting	www.moval.org

Please fill out the schedules that apply to your company's filing requirements. Provide the annual report and attestation together in PDF format and the annual report in an excel file by email to PSDprogram@energy.ca.gov. Remember to fill in the company name above, submit separate reports and attestations for each additional product if multiple electric service products are offered. Report procurements in MWh (not kWh).

NOTE: Information submitted in this report is not automatically held confidential. If your company wishes the information submitted to be considered confidential an authorized representative must submit an application for confidential designation (CEC-13), which can be found on the California Energy Commissions's website at http://www.energy.ca.gov/commission/chief_counsel/documents/CEC13.pdf

If you have questions, contact PSD staff at PSDprogram@energy.ca.gov or (916) 653-6222.

Attachment: MVU PCL 2017 Final (3274 : A RESOLUTION RATIFYING ATTESTATION OF VERACITY OF REVISED POWER SOURCE



ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION: Power Source Disclosure Program
For the Year Ending December 31, 2017
SCHEDULE 1: POWER PROCUREMENTS AND RETAIL SALES
Applicable to: Load Serving Entities

INSTRUCTIONS: Enter information about power procurements supporting all electricity products for which your company is filing the Annual Report. If you need additional rows, add them from the INSERT menu. Please list all purchases (Specified and Unspecified purchases) as line items under the Facility Name heading. If a procurement was for unbundled RECs include the term "REC Only" in parentheses after the facility name in the Facility Name column, and categorize the power as the fuel type of the generating facility from which the unbundled REC was derived. If procured power was from a transaction that expressly transferred energy only and not the RECs associated with that energy, identify the power as "Unspecified Power" in the Fuel Type column.

ALL PROCUREMENTS (Specified and Unspecified)										
Facility Name	Unit No.	Fuel Type	Location (State or Province)	RPS ID	WREGIS GU ID	EIA ID	FERC QF ID	Gross MWh Procured	MWh Resold or Self-Consumed	Net MWh Procured
Mojave Wind Farms, LLC		Wind	CA		W498			13593		13593
Oak Creek Energy Systems, Inc.		Wind	CA		W509			7655		7655
RE Astoria 2		Solar	CA		W4931			5637		5637
Whitney Point Solar, LLC		Solar	CA		W5441			8318		8318
Generic Purchase		Unspecified Power						168806		168806
										0
										0
										0
										0
										0
										0
										0

Total Net Purchases 204,009

Total Retail Sales 204,009

Attachment: MVU PCL 2017 Final (3274 : A RESOLUTION RATIFYING ATTESTATION OF VERACITY OF



**ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION:
Power Source Disclosure Program
For the Year Ending December 31, 2017
SCHEDULE 2: ANNUAL POWER CONTENT LABEL CALCULATION
Applicable to: Load Serving Entities**

INSTRUCTIONS: Total specific purchases (by fuel type) and enter these numbers in the first column. Null power purchases should be included with Unspecified Power. REC only purchases should be included as part of the fuel type they represent. Total retail sales information from Schedule 1 will autopopulate on this schedule. Any difference between total net purchases and total retail sales will be applied pro-rata to each non-renewable fuel type. Each fuel type total will then be divided by retail sales to calculate fuel mix percentages.

	Net Purchases (MWh)	Percent of Total Retail Sales (MWh)
Specific Purchases		
Renewable	35,203	17%
Biomass & Biowaste		0%
Geothermal		0%
Eligible hydroelectric		0%
Solar	13,955	7%
Wind	21,248	10%
Coal		0%
Large Hydroelectric		0%
Natural Gas		0%
Nuclear		0%
Other		0%
Total Specific Purchases	35,203	17%
Unspecified Power (MWh)	168,806	83%
Total	204,009	100%
Total Retail Sales (MWh)	204,009	

COMMENTS:

Attachment: MVU PCL 2017 Final (3274 : A RESOLUTION RATIFYING ATTESTATION OF VERACITY OF REVISED POWER SOURCE



**ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION:
 Power Source Disclosure Program
 For the Year Ending December 31, 2017
 ATTESTATION FORM
 Applicable to: All participants in the Power Source Disclosure Program**

I, Jeannette Olko, declare under penalty of perjury, that the statements contained in Schedules 1 & 2 are true and correct and that I, as an authorized agent of the City of Moreno Valley, have authority to submit this report on the company's behalf. I further declare that the megawatt-hours claimed as specific purchases as shown in these Schedules were, to the best of my knowledge, sold once and only once to retail consumers.

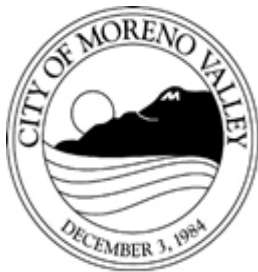
Name: Jeannette Olko

Signed: 

Dated: 5-21-18

Executed at: Moreno Valley, CA

Attachment: MVU PCL 2017 Final (3274 : A RESOLUTION RATIFYING ATTESTATION OF VERACITY OF REVISED POWER SOURCE



Report to City Council

TO: Mayor and City Council

FROM: Kathleen Sanchez, Human Resources Director

AGENDA DATE: October 16, 2018

TITLE: LIST OF PERSONNEL CHANGES

RECOMMENDED ACTION

Recommendation:

1. Ratify the list of personnel changes as described.

DISCUSSION

The attached list of personnel changes scheduled since the last City Council meeting is presented for City Council ratification.

Staffing of City positions ensures assignment of highly qualified and trained personnel to achieve Momentum MoVal priorities, objectives and initiatives.

FISCAL IMPACT

All position changes are consistent with appropriations previously approved by the City Council.

PREPARATION OF STAFF REPORT

Prepared By:
Denise Hansen
Executive Assistant

Department Head Approval:
Kathleen M. Sanchez
Human Resources Director

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. Personnel Changes - 10.16.18

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/11/18 12:15 PM
City Attorney Approval	<u>✓ Approved</u>	10/11/18 1:21 PM
City Manager Approval	<u>✓ Approved</u>	10/11/18 1:24 PM

**City of Moreno Valley
Personnel Changes
October 16, 2018**

New Hires

Claudia Ortega, Administrative Assistant
City Clerk Office/City Council Office

Promotions

Joseph Bolognesi

From: Animal Control Officer, Community Development Department/Animal Services Division

To: Code Compliance Officer I, Community Development Department/Code & Neighborhood Services Division

Transfers

None

Separations

None



Report to City Council

TO: Mayor and City Council

FROM: Michael L. Wolfe, P.E., Public Works Director/City Engineer

AGENDA DATE: October 16, 2018

TITLE: AUTHORIZATION TO AWARD BID FOR THE FURNISHING OF TRAFFIC SIGNAL CONTROLLERS AND CABINETS TO MCCAIN, INC.

RECOMMENDED ACTION

Recommendations:

1. Award the bid to McCain, Inc., the lowest responsible bidder, for the purchase of traffic signal controllers and cabinets; and
2. Authorize the issuance of a Purchase Order to McCain Inc. for the Intelligent Transportation System (ITS) Deployment Phase 1B in the amount of \$349,057 for the purchase of traffic signal controllers and cabinets.

SUMMARY

This report requests authorization to purchase certain materials for the ITS Deployment Phase 1B project (Project 808 0015). The equipment will be tested, configured, and supplied to the contractor for installation as part of the upcoming Capital Improvement Program (CIP) project.

DISCUSSION

In 2014, Moreno Valley was awarded federal funding to add 55 intersections to the City's Advanced Traffic Management System (ATMS), which is operated in the City's Transportation Management Center (TMC) located adjacent to the front entrance of City Hall. The federal environmental clearance process was completed in 2017 and authorization to proceed with construction through the California Department of Transportation (Caltrans) review process was received in July 2018.

A Request For Quotes (RFQ) was prepared to procure the traffic signal controllers and cabinets as part of the public bidding process. The RFQ was advertised on PlanetBids, the City's online bidding portal, from August 16 to September 13, 2018. The engineer's estimate was \$625,000. Three bids were received:

Bidder	Bid Amount
McCain Inc	\$349,057.00
Econolite	\$487,560.00
Western Systems	\$718,255.44

The bids include taxes and shipping. McCain, Inc. has met the requirements of the RFQ and is the lowest responsible bidder. Staff recommends issuing a purchase order to McCain Inc. for the bid amount.

The materials recommended for purchase by this staff report require testing and configuration by City staff prior to deployment. Also, the traffic signal controller cabinets require a lead time of 90 days for manufacture of the product. Project delivery is expedited by directly purchasing the materials. Direct purchase provides staff with more time to test and configure the equipment, reduces coordination effort with the construction contractor (yet to be determined), and eliminates the contractor's markup for the equipment.

Approval of the recommended actions will support Objective 4.9 of the Momentum MoVal Strategic Plan, "Expand upon existing Intelligent Transportation Systems."

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the timely completion of the TMC ITS Phase 1B project, thereby improving mobility and incident response for Moreno Valley's constituents.*
2. Do not approve staff's recommended actions. *This alternative will delay project delivery and potentially jeopardize project grant funding.*

FISCAL IMPACT

The equipment cost will be funded by the Congestion Mitigation Air Quality (CMAQ) federal program. The design cost, as well as the local match for City-furnished equipment and construction, is provided by DIF Signals and Measure A. There is no impact to the General Fund.

AVAILABLE FUNDS FOR CONSTRUCTION:

Capital Projects Grants

(Account No. 2301-70-76-80008, Project No. 808 0015)	\$ 2,194,182
Total	\$ 2,194,742

ESTIMATED PROJECT-RELATED COSTS:

Cost to complete design phase	\$ 30,000
Project administration*	\$ 120,000
City-Furnished Equipment.....	\$ 462,000
Construction	\$ 1,582,000
Total	<u>\$2,194,000</u>

**Includes inspection, plans and bidding documents review and approval, printing, and other miscellaneous costs.*

ANTICIPATED PROJECT SCHEDULE:

Complete Design.....	November 2018
Complete Construction.....	October 2019

NOTIFICATION

Publication of agenda

PREPARATION OF STAFF REPORT

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Michael L. Wolfe, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
Transportation Division Manager/City Traffic Engineer

CITY COUNCIL GOALS

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

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

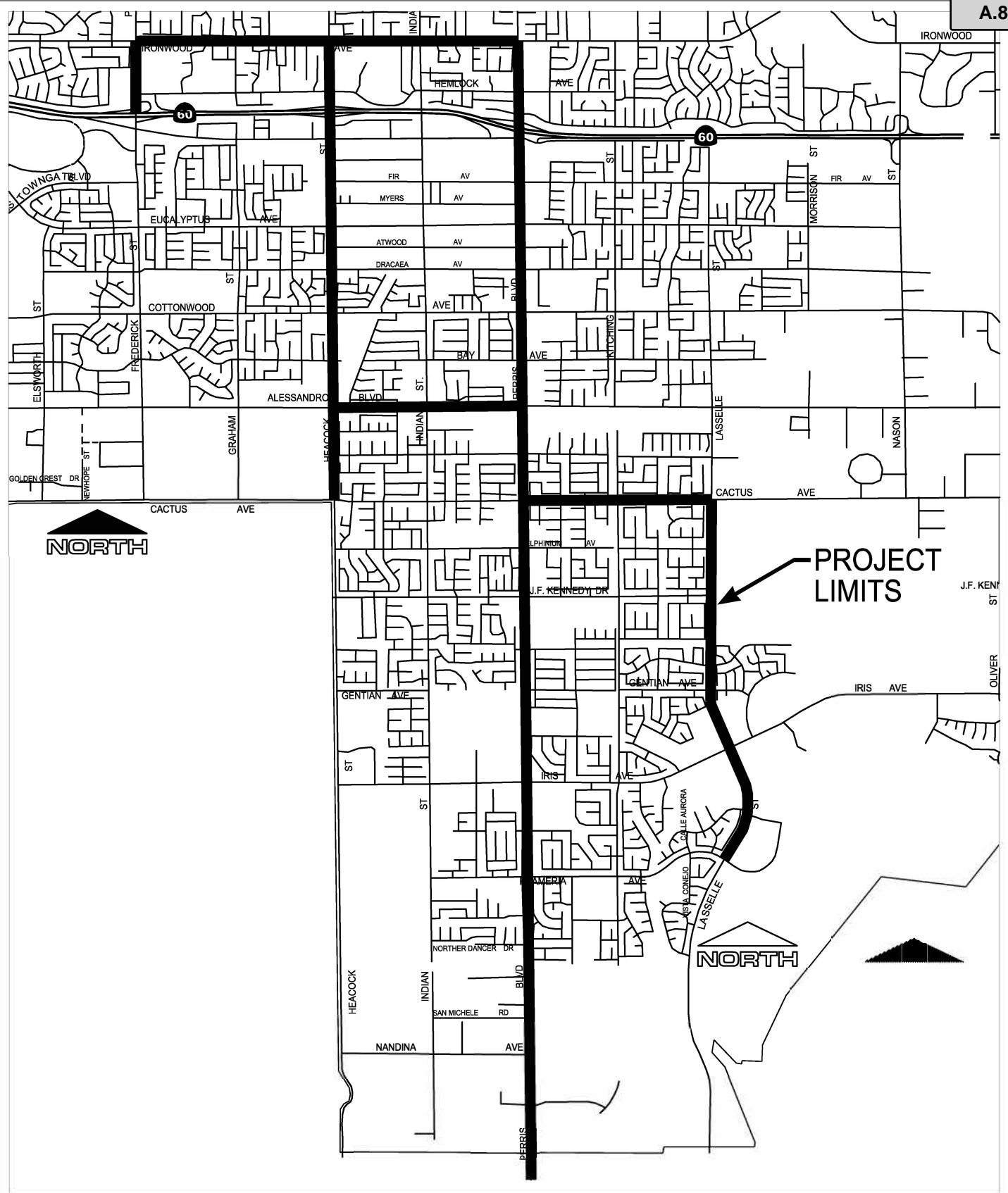
Objective 4.9: Expand upon existing Intelligent Transportation Systems.

ATTACHMENTS

- 1. Location Map

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/08/18 1:14 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/18 4:41 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 5:36 PM



Attachment: Location Map (3260 : AUTHORIZATION TO AWARD BID FOR THE FURNISHING OF TRAFFIC SIGNAL CONTROLLERS AND

LOCATION MAP

Public Works Department
Transportation Division

ITS DEPLOYMENT PHASE 1B

ATTACHMENT 1





Report to City Council

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

FROM: Marshall Eyerman, Chief Financial Officer
 Thomas M. DeSantis, City Manager

AGENDA DATE: October 16, 2018

TITLE: APPROVAL OF THE OPERATING AND CAPITAL
 CARRYOVERS FROM FISCAL YEAR 2017/18

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Adopt Resolution No. 2018-XX. A resolution of the City Council of the City of Moreno Valley, California, adopting the revised operating and capital budgets for Fiscal Year (FY) 2018/19.

Recommendations: That the CSD:

1. Adopt Resolution No. CSD 2018-XX. A resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, adopting the revised operating budget for FY 2018/19.

SUMMARY

This report requests the approval of the carryover of certain FY 2017/18 revenue and expenditure appropriations as previously approved by City Council. At the end of FY 2017/18, all unexpended appropriations lapse and revert to fund balance. Once the fiscal year-end closing process has identified the items that are encumbered by purchase order, contract, or other commitment at June 30th, these items may be presented to Council for approval as continuing appropriations in the new fiscal year (FY 2018/19). Approval of continuing appropriations is a long-standing and annual recurring budgetary procedure of the City.

These items were presented to the Finance Subcommittee on October 3, 2018 for review and discussion.

DISCUSSION

The City Council's direction of "Maintain a Balanced General Fund Budget" continues to be the goal regarding the fiscal status of City operations. This report identifies the carryovers as recommended by the City Manager.

FY 2018/19 CARRYOVER ADJUSTMENT FROM FISCAL YEAR 2017/18:

As the prior fiscal year closes, certain budget activities and projects remain in process and have not yet been completed. Staff routinely reviews these items during the annual process to close the books and returns to City Council with a request to approve the carryover of budgets for projects still in process as a continuing appropriation. Encumbrances, which are commitments related to contracts for goods and services that are in process and not yet completed, are included in the continuing appropriations request. The requested carryovers are detailed in Exhibits A and B attached to the Resolutions recommended for approval. The following provides a summary of the impacts.

Fund	Type (Rev/Exp)	FY 2017/18 Carryover Adjustment
General Fund	Revenue (1)	\$1,466,303
General Fund	Expense (1)	\$1,621,672
Non-General Funds	Revenue (2)	\$2,093,217
Non-General Funds	Expense (3)	\$2,834,372
Capital Project General Funds	Expense (3)	\$24,680
Capital Project Non-General Funds	Revenue (3)	\$19,688,033
Capital Project Non-General Funds	Expense (3)	\$44,368,161

(1) \$1.4M represents carryovers for the vehicle replacements currently in process.

(2) \$1.8M represents carryovers related to CDBG revenue.

(3) Continues the funding of projects as previously approved by Council.

ALTERNATIVES

1. Recommend approval of proposed Recommended Actions as set forth in this staff report, including the approval of the proposed resolutions adopting the carryover appropriations to the FY 2018/19 operating and capital budgets, as presented in Exhibits A and B. The approval of these items will allow for ongoing activities to be carried out in the current fiscal year as previously approved in FY 2017/18. *Staff recommends this alternative.*

2. Do not recommend approval of proposed Recommended Actions as set forth in this staff report, including the resolutions adopting the carryover appropriations to FY 2018/19 operating and capital budgets, as presented in Exhibits A and B; or recommended actions. *Staff does not recommend this alternative.*

FISCAL IMPACT

The City's Operating and Capital Budgets provide the funding and expenditure plan for all funds. As such, they serve as the City's financial plan for the fiscal year. The fiscal impacts for the proposed carryovers are identified in Exhibits A and B to the Resolutions.

NOTIFICATION

Publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Stephanie Cuff
Management Analyst

Department Head Approval:
Marshall Eyerman
Chief Financial Officer/City Treasurer

Concurred By:
Brian Mohan
Financial Resources Division Manager

Approved by:
Thomas M. DeSantis
City Manager

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

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

Objective 1.1: Proactively attract high-quality businesses.

Objective 1.2: Market all the opportunities for quality industrial development in Moreno Valley by promoting all high-profile industrial and business projects that set the City apart from others.

Objective 6.2: Improve health, wellness and fitness for Moreno Valley youth through recreation and sports programs.

ATTACHMENTS

- 1. City Resolution 2018-XX
- 2. Exhibit A - Carryover
- 3. Exhibit B - CIP Carryover
- 4. CSD Resolution 2018-XX

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/05/18 2:48 PM
City Attorney Approval	<u>✓ Approved</u>	10/05/18 8:59 AM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:46 PM

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE REVISED OPERATING AND CAPITAL BUDGETS FOR FISCAL YEAR 2018/19

WHEREAS, the City Council approved the Operating and Capital Budgets for the City for Fiscal Year 2018/19, a copy of which, as may have been amended by the City Council, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the City Council approves amendments to the budgets throughout the fiscal year and such prior amendments are reflected within the current amended budget and further ratified as part of the adoption of the quarterly budget amendments; and

WHEREAS, the City Manager has heretofore submitted to the City Council proposed amendments to the Operating and Capital Budgets for the City for Fiscal Year 2018/19, a copy of which, as may have been amended by the City Council, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said proposed amendments to the Operating and Capital Budgets contain estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the said proposed amendments to the Operating and Capital Budgets contain the estimates of uses of fund balance as required to stabilize the delivery of City services during periods of operational deficits; and

WHEREAS, the City Council has made such revisions to the proposed amended Operating and Capital Budgets as so desired; and

WHEREAS, the amended Operating and Capital Budgets, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

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

1. The proposed amendments to the Operating and Capital Budgets, as Exhibits A and B to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the City Council, are hereby approved and adopted as the annual Operating and Capital Budgets of the City of Moreno Valley for Fiscal Year 2018/19.

1
Resolution No. 2018-XX
Date Adopted: October 16, 2018

- 2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.
- 3. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 16th day of October, 2018.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2
Resolution No. 2018-XX
Date Adopted: October 16, 2018

Attachment: City Resolution 2018-XX (3247 : APPROVAL OF THE OPERATING AND CAPITAL CARRYOVERS FROM FISCAL YEAR 2017/18)

RESOLUTION JURAT

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

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2018-xx was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 16th day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2018-XX³
Date Adopted: October 16, 2018

Attachment: City Resolution 2018-XX (3247 : APPROVAL OF THE OPERATING AND CAPITAL CARRYOVERS FROM FISCAL YEAR 2017/18)

**CITY OF MORENO VALLEY
GENERAL FUND
FY 2018/19 Proposed Carryovers**

Department	Fund	Account Description	General Ledger Account	FY 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Description - Proposed Adjustment
Police	1010	Asset Forfeitures	1010-60-65-40010-480150	\$ 109,573	\$ 58,741	\$ 168,314	Asset forfeiture reimbursement revenue.
Public Works	1010	Transfers in - from FLEET OPS REPLACEMENT RESERVE	1010-99-99-91010-807430	2,466,691	1,407,562	3,874,253	Vehicles/equipment to be delivered in FY18/19.
REVENUE TOTAL				\$ 2,576,264	\$ 1,466,303	\$ 4,042,567	
City Council	1010	Council - Dist 1 Discretionary-Carryover	1010-10-01-10011-620116	\$ -	\$ 1,704	\$ 1,704	Discretionary funds.
City Council	1010	Council - Dist 2 Discretionary-Carryover	1010-10-01-10012-620117	-	666	666	Discretionary funds.
City Council	1010	Council - Dist 3 Discretionary-Carryover	1010-10-01-10013-620118	-	1,024	1,024	Discretionary funds.
City Council	1010	Council - Dist 4 Discretionary-Carryover	1010-10-01-10014-620119	-	244	244	Discretionary funds.
City Council	1010	Council - Dist 5 Discretionary-Carryover	1010-10-01-10015-620131	-	5,589	5,589	Discretionary funds.
City Council	1010	Council - Community Benefit	1010-10-01-10010-620199	101,786	36,000	137,786	Community Program.
Community Development	1010	Contractual Svcs - Other	1010-20-27-20211-625099	150,000	69,265	219,265	Planning consulting services.
Financial & Management Services	1010	Software Maint/Support/License	1010-30-33-25020-625010	-	22,000	22,000	Tyler Transparency module.
Human Resources	1010	Training & Travel	1010-18-21-18010-620510	5,000	4,747	9,747	OSHA trainings.
Human Resources	1010	Professional Svcs - Legal Svcs	1010-18-21-18020-620230	100,000	31,800	131,800	Human Resources consulting services.
Human Resources	1010	Professional Svcs - Other	1010-18-21-18020-620299	65,000	10,977	75,977	Human Resources consulting services.
Police	1010	Mach-Equip-New - Furn & Equip	1010-60-65-40010-660310	-	18,894	18,894	Carryover budget for Police equipment approved in FY17/18.
Public Works	1010	Professional Svcs - Other	1010-70-75-45010-620299	11,200	11,200	22,400	Funding for right-of-way maintenance on SR-60.
Public Works	1010	Mach-Equip-Repl - Vehicles	1010-70-78-45370-660322	1,273,825	1,407,562	2,681,387	Vehicles/equipment to be delivered in FY18/19.
EXPENSES TOTAL				\$ 1,706,811	\$ 1,621,672	\$ 3,328,483	

**NON-GENERAL FUND
FY 2018/19 Proposed Carryovers**

Department	Fund	Account Description	General Ledger Account	FY 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Description - Proposed Adjustment
Community Development	2300	State Grant-Operating Revenue	2300-20-38-73312-486000	\$ -	\$ 5,378	\$ 5,378	State grant money restricted to Spay-Neuter Services.
Financial & Management Services	2506	Fed Grant-Operating Revenue	2506-99-99-92506-485000	527,298	220,608	747,906	Unspent grant award. Programs and projects underway.
Financial & Management Services	2512	Fed Grant-Operating Revenue	2512-99-99-92512-485000	2,068,143	1,854,943	3,923,086	Unspent grant award. Programs and projects underway.
Financial & Management Services	2514	Fed Grant-Operating Revenue	2514-30-36-72751-485000	181,852	4,972	186,824	Unspent grant award. Programs and projects underway.
Public Works	2008	Reimbursement Agreement	2008-70-29-20450-500600	-	4,000	4,000	Prior year revenue to be received in FY18/19.
Public Works	2200	Waste Managmt. Recycling	2200-70-78-77311-486200	55,000	3,316	58,316	Unspent grant award. Programs and projects underway.
REVENUE TOTAL				\$ 2,832,293	\$ 2,093,217	\$ 4,925,510	
Financial & Management Services	2512	Contractual Svcs - Other	2512-30-36-72611-625099	\$ -	\$ 17,540	\$ 17,540	Unspent grant award. Programs and projects underway.
Financial & Management Services	2512	CDBG Administration	2512-30-36-72611-730101	179,237	78,087	257,324	Unspent grant award. Programs and projects underway.
Financial & Management Services	2512	CDBG Public Services	2512-30-36-72611-730102	207,894	22,953	230,847	Unspent grant award. Programs and projects underway.
Financial & Management Services	2514	ESG Programs	2514-30-36-72751-733210	168,213	4,972	173,185	Unspent grant award. Programs and projects underway.
Financial & Management Services	2506	Community Housing Dev Org(CHDO)	2506-30-36-72657-733101	79,095	93,257	172,352	Unspent grant award. Programs and projects underway.
Financial & Management Services	2506	HOME Programs	2506-30-36-72657-733102	395,009	127,351	522,360	Unspent grant award. Programs and projects underway.
Parks & Community Services	5011	Maint & Repair - Bldg & Ground	5011-50-57-35210-620910	265,000	50,000	315,000	Lighting and parking lot improvements in process at various park sites.
Parks & Community Services	5011	Oper Mtrls - Bldg-Plumb and Elec	5011-50-57-35210-630318	30,600	25,000	55,600	Purchase of LED lighting for various parks.
Parks & Community Services	5011	Mach-Equip-New - Other	5011-50-58-35315-660398	-	29,359	29,359	Purchase of mobile recreation unit for events.

Attachment: Exhibit A - Carryover (3247) : APPROVAL OF THE OPERATING AND CAPITAL CARRYOVERS

**NON-GENERAL FUND
FY 2018/19 Proposed Carryovers**

Department	Fund	Account Description	General Ledger Account	FY 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Description - Proposed Adjustment
Public Works	6010	Contractual Svcs - Other	6010-30-80-45510-625099	183,200	4,868	188,068	Integrated Resource Plan consulting services.
Public Works	6011	Improvements Other than Bldg	6011-30-80-45510-660610	204,000	215,380	419,380	ENCO inspection of Developer contributed projects that are under construction.
Public Works	2001	Professional Svcs - Other	2001-70-77-45230-620299	92,500	14,900	107,400	Pavement Management System update consulting services.
Public Works	5012	Professional Svcs - Legal Svcs	5012-70-79-25703-620230	2,500	11,850	14,350	Consulting services for the General Rate at PUC.
Public Works	5110	Professional Svcs - Legal Svcs	5110-70-79-25703-620230	2,500	12,500	15,000	Consulting services for the General Rate at PUC.
City Manager	7210	CIP Other	7210-16-39-25451-720199	-	40,104	40,104	ActiveNet implementation in Parks.
City Manager	7210	CIP Other	7210-16-39-25452-720199	-	74,443	74,443	Records Management project.
City Manager	7210	CIP Other	7210-16-39-25453-720199	-	27,105	27,105	New module purchases and Professional Services for Tyler New World.
City Manager	7210	General Contingency Rsrv.	7210-16-39-25455-700236	-	523,495	523,495	Ongoing projects and equipment replacement.
Community Development	2300	Professional Svcs - Veterinary Svcs	2300-20-38-73312-620250	-	5,378	5,378	State grant money restricted to Spay-Neuter Services.
Financial & Management Services	7320	Mach-Equip-New - Furn & Equip	7320-30-40-18410-660310	788,000	205,830	993,830	Pending construction projects not completed in FY17/18.
Financial & Management Services	2018	Contractual Svcs - Other	2018-99-99-92018-625099	750,000	1,000,000	1,750,000	CDD contracts/projects.
Public Works	5111	Mach-Equip-New - Furn & Equip	5111-70-79-25704-660310	200,000	200,000	400,000	Conversion to Maxicom.
Public Works	5112	Mach-Equip-New - Furn & Equip	5112-70-79-25719-660310	-	50,000	50,000	Conversion to Maxicom.
EXPENSES TOTAL				\$ 3,547,748	\$ 2,834,372	\$ 6,382,120	

Attachment: Exhibit A - Carryover (3247 : APPROVAL OF THE OPERATING AND CAPITAL CARRYOVERS

CITY OF MORENO VALLEY
General Fund
FY 2018/19 Proposed Capital Improvement Plan (CIP) Carryovers

Department	Fund	Account Description	General Ledger Account	Fiscal Year (FY) 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Project
Public Works	1010	CIP Other	1010-70-77-80001-720199	\$ -	\$ 5,187	\$ 5,187	Public Works HLFV Interchanges
Public Works	1010	CIP Other	1010-70-76-80001-720199	-	3,000	3,000	Gentian Ave and Eucalyptus Ave Class II Bike Lanes
Public Works	1010	CIP Other	1010-70-77-80004-720199	-	2,493	2,493	Hubbard St Storm Drain Line H-1A Stage 3
Public Works	1010	CIP Other	1010-70-76-80008-720199	-	14,000	14,000	Road Safety Audit on Ironwood Avenue
EXPENSES TOTAL				\$ -	\$ 24,680	\$ 24,680	

CITY OF MORENO VALLEY
Non-General Fund
FY 2018/19 Proposed Capital Improvement Plan (CIP) Carryovers

Department	Fund	Account Description	General Ledger Account	Fiscal Year (FY) 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Project
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	\$ 4,415,000	\$ 135,000	\$ 4,550,000	Systemic Safety Analysis Report Program
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	515,024	4,930,024	South Lasselle Street Safety Corridor
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	745,365	5,160,365	Guardrail Upgrades
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	230,529	4,645,529	Upgrade Existing Marked Crosswalks on Arterials
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	2,527,910	6,942,910	Advanced Dilemma Zone Detection
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	329,283	4,744,283	Road Safety Audit on Ironwood Avenue
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	133,622	4,548,622	Road Safety Audit on Kitching Street
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	340,500	4,755,500	Dynamic Traveler Alert Message Boards
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	1,541,700	5,956,700	ITS Deployment Phase 1B
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	1,346,970	5,761,970	Segment of Juan Bautista Multi-Use Trail ATP
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	362,891	4,777,891	Alessandro Blvd at Chagall Court and at Graham St
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	339,021	4,754,021	SR-60/ Theodore Interchange Improvements
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	1,286,626	5,701,626	Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements
Public Works	2301	Fed Reimb-Capital	2301-99-99-92301-482020	4,415,000	2,849,000	7,264,000	Cycle 3 ATP Juan Bautista De Anza Multi-Use Trail
Public Works	2301	Reimbursements - Other Govts	2301-99-99-92301-483010	-	128,814	128,814	Community Enhancement Program II
Public Works	2301	Reimbursements - Other Govts	2301-99-99-92301-483010	-	490,000	490,000	ITS Deployment Phase 1B
Public Works	2800	County Article 3	2800-99-99-92800-487100	-	22,690	22,690	Gentian Ave and Eucalyptus Ave Class II Bike Lanes
Public Works	3002	Reimbursement Agreement	3002-99-99-93002-500600	1,870,382	270,000	2,140,382	Flaming Arrow Drive Storm Drain
Public Works	3002	Reimbursement Agreement	3002-99-99-93002-500600	1,870,382	1,568,000	3,438,382	Kitching St Storm Drain Line B-16/ Ironwood Ave to Kalmia Ave
Public Works	3002	Reimbursement Agreement	3002-99-99-93002-500600	1,870,382	205,000	2,075,382	Storm Drain Line H-2 Interim Facility
Public Works	3002	Reimbursement Agreement	3002-99-99-93002-500600	1,870,382	2,203,899	4,074,281	Street Improvement Program
Public Works	3003	Reimbursements - Other Govts	3003-99-99-93003-483010	-	906,411	906,411	Heacock St. South Extension
Public Works	3003	Reimbursements - Other Govts	3003-99-99-93003-483010	-	1,161,200	1,161,200	SR-60/ Moreno Beach IC Phase 2
Public Works	3008	Fed Reimb-Capital	3008-99-99-93008-482020	-	48,578	48,578	SR-60/ Nason Overcrossing Bridge

Attachment: Exhibit B - CIP Carryover (3247) : APPROVAL OF THE OPERATING AND CAPITAL

CITY OF MORENO VALLEY
Non-General Fund
FY 2018/19 Proposed Capital Improvement Plan (CIP) Carryovers

Department	Fund	Account Description	General Ledger Account	Fiscal Year (FY) 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Project
REVENUE TOTAL				\$ 69,291,528	\$ 19,688,033	\$ 88,979,561	

Public Works	2001	CIP Other	2001-70-77-80001-720199	\$ -	\$ 146,706	\$ 146,706	Annual Pavement Resurfacing Program
Public Works	2000	CIP Other	2000-70-77-80001-720199	3,681,096	200,000	3,881,096	Annual ADA Compliant Curb Ramps
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	229,878	229,878	Annual ADA Compliant Curb Ramps
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	2,618	2,618	Reche Vista Realignment - Perris/Heacock to NCL
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	29,953	29,953	Heacock St. South Extension
Public Works	3003	CIP Other	3003-70-77-80001-720199	-	906,411	906,411	Heacock St. South Extension
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	1,384,687	1,384,687	Street Improvement Program
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	201,189	201,189	Street Improvement Program
Public Works	3002	CIP Other	3002-70-77-80001-720199	-	2,200,000	2,200,000	Street Improvement Program
Public Works	2000	CIP Other	2000-70-76-80001-720199	50,000	50,000	100,000	Residential Traffic Mgmt. Program (Speed Humps)
Public Works	2001	CIP Other	2001-70-76-80001-720199	-	11,090	11,090	Residential Traffic Mgmt. Program (Speed Humps)
Public Works	3003	CIP Other	3003-70-77-80001-720199	-	1,161,200	1,161,200	SR-60/ Moreno Beach IC Phase 2
Public Works	3311	CIP Other	3311-70-77-80001-720199	-	48,872	48,872	SR-60/ Moreno Beach IC Phase 2
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	207,444	207,444	Heacock St/ PVSD to Cactus Ave
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	14,830	14,830	Alessandro Blvd/ Elsworth St Intersection Improvements
Public Works	3002	CIP Other	3002-70-77-80001-720199	-	150,014	150,014	Alessandro Blvd/ Elsworth St Intersection Improvements
Public Works	2001	CIP Other	2001-70-76-80001-720199	-	88,879	88,879	Bike Lane Improvements
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	465,332	465,332	SR-60/ Theodore Interchange Improvements
Public Works	2301	CIP Other	2301-70-77-80001-720199	90,000	586,222	676,222	SR-60/ Theodore Interchange Improvements
Public Works	3311	CIP Other	3311-70-77-80001-720199	-	1,217,887	1,217,887	SR-60/ Theodore Interchange Improvements
Public Works	3000	CIP Other	3000-70-77-80001-720199	-	27,410	27,410	Aqueduct Trail Study (Juan Bautista de Anza Trail)
Public Works	2301	CIP Other	2301-70-76-80001-720199	-	49,070	49,070	Safe Routes to School Outreach Program
Public Works	2301	CIP Other	2301-70-77-80001-720199	90,000	401,751	491,751	Alessandro Blvd at Chagall Court and at Graham St
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	6,202	6,202	Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements
Public Works	2301	CIP Other	2301-70-77-80001-720199	90,000	1,283,815	1,373,815	Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements
Public Works	2001	CIP Other	2001-70-77-80001-720199	-	11,468	11,468	Property Acquisition for Street Purposes
Public Works	2301	CIP Other	2301-70-76-80001-720199	-	1,195	1,195	Bicycle Infrastructure and Education
Public Works	2301	CIP Other	2301-70-77-80001-720199	90,000	1,346,452	1,436,452	Segment of Juan Bautista Multi-Use Trail ATP
Public Works	2512	CIP Other	2512-70-77-80001-720199	974,340	589,584	1,563,924	Cycle 7 ADA Pedestrian Access Ramps
Public Works	2512	CIP Other	2512-70-77-80001-720199	974,340	47,361	1,021,701	Liberty Lane Improvements
Public Works	2512	CIP Other	2512-70-77-80001-720199	974,340	15,492	989,832	Miscellaneous services and projects.
Public Works	3301	CIP Other	3301-70-77-80001-720199	-	64,761	64,761	Heacock St/ Reche Vista Dr. to Myers Ave and Atwood Ave to Cactus
Public Works	2000	CIP Other	2000-70-77-80001-720199	3,681,096	1,160,433	4,841,529	Citywide Pavement Rehabilitation Program
Public Works	3008	CIP Other	3008-70-77-80001-720199	1,100,000	1,440,523	2,540,523	Citywide Pavement Rehabilitation Program
Public Works	2001	CIP Other	2001-70-76-80001-720199	-	18,000	18,000	Gentian Ave and Eucalyptus Ave Class II Bike Lanes
Public Works	2800	CIP Other	2800-70-76-80001-720199	-	22,690	22,690	Gentian Ave and Eucalyptus Ave Class II Bike Lanes
Public Works	2301	CIP Other	2301-70-77-80001-720199	90,000	2,849,000	2,939,000	Cycle 3 ATP Juan Bautista De Anza Multi-Use Trail

Attachment: Exhibit B - CIP Carryover (3247) : APPROVAL OF THE OPERATING AND CAPITAL

CITY OF MORENO VALLEY
Non-General Fund
FY 2018/19 Proposed Capital Improvement Plan (CIP) Carryovers

Department	Fund	Account Description	General Ledger Account	Fiscal Year (FY) 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Project
Public Works	2000	CIP Other	2000-70-77-80002-720199	10,000	10,000	20,000	Bridge Repair Maintenance Program
Public Works	3008	CIP Other	3008-70-77-80002-720199	-	215,454	215,454	SR-60/ Nason Overcrossing Bridge
Public Works	3311	CIP Other	3311-70-77-80002-720199	-	30,000	30,000	SR-60/ Nason Overcrossing Bridge
Public Works	3301	CIP Other	3301-70-77-80002-720199	350,000	139,888	489,888	Indian Street/ Cardinal Avenue Bridge
Public Works	3002	CIP Other	3002-70-77-80002-720199	6,882	15,000	21,882	Oliver Street Bridge Over Line F
Public Works	7220	CIP Other	7220-16-39-80003-720199	70,218	22,536	92,754	Box Springs Communications Site
Public Works	3006	CIP Other	3006-50-57-80003-720199	50,000	28,352	78,352	Lease Space Renovations at Various Park Facilities
Public Works	3006	CIP Other	3006-50-57-80003-720199	50,000	2,672	52,672	Cottonwood Recreation Center Renovation Phase II
Public Works	3006	CIP Other	3006-50-57-80003-720199	50,000	30,925	80,925	Park Restroom Renovations
Public Works	3006	CIP Other	3006-50-57-80003-720199	50,000	16,668	66,668	Towngate Community Center Renovation
Public Works	3006	CIP Other	3006-50-57-80003-720199	50,000	38,371	88,371	Replace Flooring at Various Community Services Facilities
Public Works	3000	CIP Other	3000-30-40-80003-720199	-	272,609	272,609	Moreno Valley Library at Moreno Valley Mall
Public Works	2001	CIP Other	2001-70-77-80004-720199	-	12,661	12,661	Heacock Street Channel Improvements
Public Works	3000	CIP Other	3000-70-77-80004-720199	-	291,965	291,965	Heacock Street Channel Improvements
Public Works	2001	CIP Other	2001-70-77-80004-720199	-	1,067,680	1,067,680	San Timoteo Foothill SD K-1 and K-4
Public Works	3002	CIP Other	3002-70-77-80004-720199	1,500,000	1,078,110	2,578,110	San Timoteo Foothill SD K-1 and K-4
Public Works	2512	CIP Other	2512-70-77-80004-720199	-	118,291	118,291	Sunnymead Master Drainage Plan - Storm Drain Lines F and F-7
Public Works	2001	CIP Other	2001-70-77-80004-720199	-	13,050	13,050	Hubbard St Storm Drain Line H-1A Stage 3
Public Works	3002	CIP Other	3002-70-77-80004-720199	1,500,000	236,645	1,736,645	Flaming Arrow Drive Storm Drain
Public Works	3002	CIP Other	3002-70-77-80004-720199	1,500,000	212,658	1,712,658	Kitching St Storm Drain Line B-16/ Ironwood Ave to Kalmia Ave
Public Works	3002	CIP Other	3002-70-77-80004-720199	1,500,000	7,553	1,507,553	Storm Drain Line H-2 Interim Facility
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	176,950	4,282,700	Kitching Substation Transfer Load - Iris 12kV
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	400,351	4,506,101	Kitching Substation Feeder Line - Perris 12kV
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	119,868	4,225,618	Kitching Substation Feeder Line - March 12kV
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	260,821	4,366,571	Kitching Substation Feeder Line - Perris 12kV (Edwin)
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	40,000	4,145,750	Electric Vehicle Charging Infrastructure (PSB)
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	323,511	4,429,261	City Hall and Library Solar Carports
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	152,036	4,257,786	Kitching Substation Feeder Line - Edwin 12kV
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	68,251	4,174,001	Kitching Substation Feeder Line - San Michele 12kV
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	1,720,394	5,826,144	Heacock Crosstown Tie
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	2,697,801	6,803,551	Alessandro Crosstown Tie
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	800,230	4,905,980	Mobile Advanced Metering Infrastructure (AMI) System
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	2,500,000	6,605,750	Electrical System Automation
Public Works	6011	CIP Other	6011-30-80-80005-720199	4,105,750	325,000	4,430,750	Historic Farmhouse
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	172,397	277,397	Replacement Playground Equipment
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	186,120	291,120	Annual ADA Improvements
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	28,225	133,225	Skate Park Design
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	28,225	133,225	Skate Park Design
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	1,101	106,101	Security Cameras at Lasselle Sports Park and Celebration Park
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	238,237	343,237	Rancho Verde Park

Attachment: Exhibit B - CIP Carryover (3247) : APPROVAL OF THE OPERATING AND CAPITAL

CITY OF MORENO VALLEY
Non-General Fund
FY 2018/19 Proposed Capital Improvement Plan (CIP) Carryovers

Department	Fund	Account Description	General Ledger Account	Fiscal Year (FY) 2018/19 Amended Budget	Proposed Carryover	Revised Budget	Project
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	46,717	151,717	Hidden Springs Park II
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	17,999	122,999	Shadow Mountain Park Play Equipment
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	36,750	141,750	Civic Center Electrical Upgrades
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	24,745	129,745	Cottonwood Recreation Center Exterior Landscaping
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	41,398	146,398	Cottonwood Recreation Center Exterior Landscaping
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	7,850	112,850	Cottonwood Golf Center Irrigation Improvements
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	16,707	121,707	Gateway Park Swing Set
Public Works	3006	CIP Other	3006-50-57-80007-720199	105,000	229,959	334,959	Moreno Valley Community Park Soccer Field Improvements
Public Works	2005	CIP Other	2005-70-76-80008-720199	30,000	77,649	107,649	Traffic Signal Coordination Program
Public Works	2001	CIP Other	2001-70-76-80008-720199	-	44,517	44,517	Traffic Signal Equipment/ Upgrades
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	2,195,000	2,195,000	ITS Deployment Phase 1B
Public Works	3302	CIP Other	3302-70-76-80008-720199	270,000	30,521	300,521	ITS Deployment Phase 1B
Public Works	2001	CIP Other	2001-70-76-80008-720199	-	12,938	12,938	Dynamic Traveler Alert Message Boards
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	385,000	385,000	Dynamic Traveler Alert Message Boards
Public Works	3302	CIP Other	3302-70-76-80008-720199	270,000	10,200	280,200	Dynamic Traveler Alert Message Boards
Public Works	2001	CIP Other	2001-70-76-80008-720199	-	203,993	203,993	Pedestrian Hybrid Beacon on Cactus Ave at Woodland Park
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	3,662,109	3,662,109	Advanced Dilemma Zone Detection
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	329,240	329,240	Road Safety Audit on Ironwood Avenue
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	133,609	133,609	Road Safety Audit on Kitching Street
Public Works	3302	CIP Other	3302-70-77-80008-720199	-	23,932	23,932	Heacock St/ PVSD to Cactus TS
Public Works	3302	CIP Other	3302-70-76-80008-720199	270,000	569,210	839,210	Moreno Valley Ranch ITS
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	515,017	515,017	South Lasselle Street Safety Corridor
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	745,363	745,363	Guardrail Upgrades
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	230,527	230,527	Upgrade Existing Marked Crosswalks on Arterials
Public Works	2512	CIP Other	2512-70-76-80008-720199	-	433,990	433,990	Alessandro Blvd/ Grant St Traffic Signal
Public Works	3302	CIP Other	3302-70-76-80008-720199	270,000	274,000	544,000	Pigeon Pass Road ITS
Public Works	3004	CIP Other	3004-70-76-80008-720199	-	75,000	75,000	Transit Signal Priority Integration Phase 1
Public Works	2001	CIP Other	2001-70-76-80008-720199	-	15,000	15,000	Systemic Safety Analysis Report Program
Public Works	2301	CIP Other	2301-70-76-80008-720199	-	135,000	135,000	Systemic Safety Analysis Report Program
Public Works	7220	CIP Other	7220-16-39-80009-720199	-	298,355	298,355	Citywide Fiber Optic Comm Exp
Public Works	7220	CIP Other	7220-16-39-80010-720199	109,573	110,714	220,287	Citywide Camera Surveillance
Public Works	2301	CIP Other	2301-70-76-80010-720199	154,927	4,955	159,882	Community Enhancement Program
Public Works	7320	CIP Other	7320-30-40-80010-720134	-	22,250	22,250	Senior Center HVAC Replacement
Public Works	7320	CIP Other	7320-30-40-80010-720134	-	14,778	14,778	City Hall Vehicle Gate
Public Works	2301	CIP Other	2301-70-76-80010-720199	154,927	123,502	278,429	Community Enhancement Program II
Public Works	2512	CIP Other	2512-30-40-80010-720199	-	230,642	230,642	Senior Center ADA Improvements
Public Works	2512	CIP Other	2512-30-40-80010-720199	-	300,000	300,000	Main Library ADA Improvements
EXPENSES TOTAL				\$ 74,946,489	\$ 44,368,161	\$ 119,314,650	

Attachment: Exhibit B - CIP Carryover (3247) : APPROVAL OF THE OPERATING AND CAPITAL

RESOLUTION NO. CSD 2018-XX

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE REVISED OPERATING BUDGET FOR FISCAL YEAR 2018/19

WHEREAS, the CSD Board approved the Operating Budget for the City for Fiscal Year 2018/19, a copy of which, as may have been amended by the CSD Board, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the CSD Board approves amendments to the budgets throughout the fiscal year and such prior amendments are reflected within the current amended budget and further ratified as part of the adoption of the quarterly budget amendments; and

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District proposed amendments to the Operating Budget for the District for Fiscal Year 2018/19, a copy of which, as may have been amended by the District's Board of Directors, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said proposed amendments to the Operating Budget contain estimates of the services, activities and projects comprising the budget, and contain expenditure requirements and the resources available to the Community Services District; and

WHEREAS, the said proposed amendments to the Operating Budget contain the estimates of uses of fund balance as required to stabilize the delivery of CSD services during periods of operational deficits; and

WHEREAS, the President and Board of Directors have made such revisions to the proposed amended Operating Budget as so desired; and

WHEREAS, the amended Operating Budget, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The proposed amendments to the Operating Budget, as Exhibit A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Community Services District's Board of Directors, is hereby approved and adopted as the annual Operating Budget of the Moreno

1
Resolution No. CSD 2018-XX
Date Adopted: October 16, 2018

Valley Community Services District for the Fiscal Year 2018/19.

- 2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.
- 3. Pursuant to Section 61047 of the California Government Code, compensation for the City Council acting in the capacity of the Directors of the Community Services District, shall be \$100 per meeting or for each day's service rendered as a Director, not to exceed six days or \$600 in any calendar month. In addition, the Directors shall be compensated for actual and necessary traveling and incidental expenses incurred while on official business.
- 4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 16th day of October, 2018.

 Mayor of the City of Moreno Valley,
 Acting in the capacity of President of the
 Moreno Valley Community Services District

ATTEST:

 City Clerk, acting in the capacity of
 Secretary of the Moreno Valley
 Community Services District

APPROVED AS TO FORM:

 City Attorney, acting in the capacity
 of General Counsel of the Moreno
 Valley Community Services District

RESOLUTION JURAT

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

I, Pat Jacquez-Nares, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that Resolution No. CSD 2018-XX was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 16th day of October, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Board members, Vice-President and President)

SECRETARY

(SEAL)

Resolution No. CSD 2018-XX
Date Adopted: October 16, 2018



Report to City Council

TO: Mayor and City Council

FROM: Marshall Eyerman, Chief Financial Officer

AGENDA DATE: October 16, 2018

TITLE: APPROVE 2019 ANNUAL SYSTEM RESOURCE ADEQUACY PLAN FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Recommendation:

1. Approve the Annual System Resource Adequacy Plan for 2019.

SUMMARY

This report recommends that the City Council approve the Moreno Valley Utility (MVU) Annual System Resource Adequacy Plan (Plan) for 2019. The Plan represents the amount of capacity that is needed to meet the requirements of the California Independent System Operator (CAISO).

DISCUSSION

The CAISO is the agency responsible for the reliable operation of the electric transmission system in California. The CAISO requires utilities to have a plan in place which ensures that they will have enough capacity available to meet customer demands for electricity. An annual report showing the utilities' purchases of adequate capacity, known as Resource Adequacy (RA), is to be approved by the City Council and submitted to the CAISO by October 31 of each year for the following year.

The capacity requirement is calculated based upon a percentage of the utility's monthly forecasted peak demand. The capacity requirement needed to comply with the CAISO Tariff for 2019 is set at 115% of MVU's forecasted monthly peak demand. The total RA row included in the following table is the capacity requirement for 2019.

2019	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Peak (MW)	28	27	29	29	37	45	49	50	48	40	30	27
Total RA	32	31	33	33	42	52	56	57	55	45	34	31

MVU has secured enough capacity through existing contracts to meet the Resource Adequacy requirement under the CAISO Tariff.

ALTERNATIVES

1. Approve the 2019 Annual Resource Adequacy Plan as described above for Moreno Valley Utility. *Staff recommends this alternative as it will keep Moreno Valley Utility in compliance with CAISO requirements.*
2. Do not approve the 2019 Annual Resource Adequacy Plan for Moreno Valley Utility. Staff does not recommend this alternative. *MVU will not have a 2019 annual plan in place to comply with the CAISO Reliability Requirement Tariff and may be subject to a penalty of \$500 per day for non-submittal.*

FISCAL IMPACT

Staff has included funding for the Resource Adequacy Plan in the FY 2018/2019 budget. There are funds available in account 6010-30-80-45510-710146, Resource Adequacy. For the period January 1 – June 30, 2019, the fiscal impact to MVU will be \$536,910.

NOTIFICATION

Publication of the Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Jeannette Olko
Electric Utility Division Manager

Department Head Approval:
Marshall Eyerman
Chief Financial Officer/City Treasurer

CITY COUNCIL GOALS

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

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

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

Objective 4.1: Develop a Moreno Valley Utility Strategic Plan to prepare for the 2020 expiration of the ENCO Utility Systems agreement.

ATTACHMENTS

None

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/03/18 4:55 PM
City Attorney Approval	<u>✓ Approved</u>	10/04/18 1:37 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:46 PM



Report to City Council

TO: Mayor and City Council

FROM: Michael L. Wolfe, P.E., Public Works Director/City Engineer

AGENDA DATE: October 16, 2018

TITLE: PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) - AMENDMENT NO. 30

RECOMMENDED ACTION

Recommendation:

1. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2018-___, a Resolution of the City Council of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and approving the amended map for said District.

SUMMARY

Approval of the proposed resolution(s) will certify annexation of two parcel(s) into Community Facilities District (CFD) No. 2014-01 (Maintenance Services) ("District"). This action impacts one property owner(s), not the general citizens or taxpayers of the City.

The City requires property owners of new development projects to mitigate the cost of certain impacts created by the proposed development (i.e., the cost of operation and maintenance of public landscaping and/or street lights). As a condition of approval, property owners are required to provide an ongoing funding source to maintain those improvements. The City created CFD No. 2014-01 to provide the development community with a financing mechanism to assist in satisfying the requirement. After a property owner elects to annex their property into the District and the City Council approves the annexation, the special tax can be levied on the annual property tax bill(s) of the annexed parcel(s). Revenue generated by the District provides a funding source

to operate and maintain only those improvements within the District.

As a condition of approval for development of their project(s), Balwinder Kang (the "Property Owner") is required to provide a funding source for the maintenance and operation of certain public improvements (street lighting services) and has elected to annex the parcel(s) of their project(s) into the District. The Property Owner has submitted a Landowner Petition approving the annexation and the City Clerk has confirmed the petition is valid.

DISCUSSION

District Formation

The District was formed by adoption of Resolution No. 2014-25 to provide an alternative funding tool for the development community. It provides a mechanism to fund the operation and maintenance of street lighting services and maintenance of public landscaping. After a landowner approves annexation of their property into the District and the City Council approves the annexation, the City is authorized to levy a special tax onto the annual property tax bill(s). Residential Tract 31618 (southwest corner of Moreno Beach Dr. and Bay Ave.) formed the original boundaries of the District. Since formation of the District, 29 additional landowners have authorized annexation of their property into the District.

The Rate and Method of Apportionment of Special Tax ("RMA") for the District describes the different special tax rate areas, services provided, and the formula to calculate the special tax rate for each of the tax rate areas. Several special tax rate layers were created to accommodate a variety of scenarios to ensure costs are fairly shared between property owners. For example, there is a tax rate layer for "single-family residential street lighting" and one for "street lighting for property other than single-family residential" (e.g., commercial, industrial, or multi-family projects). Different tax rate layers are needed for street lighting because the spacing and size/type of lights differ based on the type of development. Likewise, there are several tax rate areas for maintenance of public landscaping. A property owner's proportionate share of landscape maintenance costs will vary depending upon the total square footage of landscaping to be maintained for that development and the number of properties sharing in the cost.

Annexation to the District

On February 10, 2015, the City Council adopted Ordinance No. 889, which designated the entire territory of the City as a future annexation area for the District. With the future annexation area designated, annexations can occur without an additional public hearing as long as the annexing landowner provides unanimous consent. Once annexed, parcels are subject to the annual special tax to fund the service(s) they are receiving.

The Property Owner is approved to construct a truck parking lot on the southeast corner of Rivard Rd. and San Celeste Rd. As a condition of approval of their project(s), the

Property Owner is required to provide an ongoing funding source for maintenance services of street lights installed on public streets as part of the development project. Information for the parcel(s) under development (or the "Subject Property") is shown in the table below:

Property Owner/Project	Assessor's Parcel Number(s)	Location	Amendment No.
Balwinder Kang Rivard Truck Storage PEN17-0114/SCP18-0006	316-190-012 and 316-190-049	southeast corner of Rivard Rd. and San Celeste Rd.	30

A property owner has two options to satisfy the condition of approval:

1. Submit a Landowner Petition unanimously approving annexation of their property into the District. Approval of the petition and special tax rate allows the City to annually levy the special tax on the property tax bill(s) of their property. This option is only available if there are fewer than 12 registered voters living within the proposed annexation area; or
2. Establish a homeowner or property owner association to provide the ongoing maintenance and operation of the improvements.

The Property Owner elected to annex the Subject Property into CFD No. 2014-01 and have the special tax applied to the annual property tax bill(s). The Office of the Riverside County Registrar of Voters confirmed there were no registered voters residing at the Subject Property allowing for the special election of the landowner to be conducted. The City Clerk received and reviewed the Landowner Petition(s) and confirmed the Property Owner unanimously approved the annexation of the Subject Property into the District (Attachment 3). Adoption of the attached resolution (Attachment 1) adds the Subject Property to the tax rate area(s) identified in the table in the Fiscal Impact section of this report and directs the recordation of the boundary map(s) (Attachment 2) and amended notice of special tax lien for Amendment No. 30.

Successful completion of the annexation process satisfies the project's condition of approval to provide a funding source for the operation and maintenance of street lighting on public streets.

ALTERNATIVES

1. Adopt the proposed resolution(s). *Staff recommends this alternative as it will annex the Subject Property into CFD No. 2014-01 at the request of the Property Owner and satisfy the condition of approval for the proposed development(s).*
2. Do not adopt the proposed resolution(s). *Staff does not recommend this alternative as it is contrary to the request of the Property Owner, will not satisfy the condition of approval, and may delay development of the project(s).*

3. Do not adopt the proposed resolution(s) but rather continue the item to a future regularly scheduled City Council meeting. *Staff does not recommend this alternative as it will delay the Property Owner from satisfying the condition of approval and may delay development of the project(s).*

FISCAL IMPACT

Revenue received from the special tax is restricted and can only be used to fund the services for each tax rate area within the District. If the projected revenue received from the maximum special tax exceeds what is necessary to fund the services within each tax rate area, a lower amount will be applied to the property tax bills for all properties within the affected tax rate area. The special tax can only be applied to a property tax bill of a parcel wherein the qualified electors (landowners or registered voters, depending upon the number of registered voters) have previously provided approval. The estimated maximum special tax revenue which can be generated from this project(s) is detailed below:

Property Owner	Service Tax Rate Area	Front Linear Foot ¹	FY 2018/19 Maximum Special Tax Rate ²	FY 2018/19 Maximum Special Tax
Balwinder Kang	Street Lighting for Property Other than Single-Family Residential, SL-02	1,103	\$3.93/front linear foot	\$4,334.79
¹ Estimated based on proposed parcel configuration. The special tax calculation will be based on final development of the project. ² The special tax applied to the property tax bill will be based on the needs of the District; it can be lower than but cannot exceed the maximum special tax. The FY 2018/19 applied rate is \$1.24 per front linear foot for SL-02.				

The maximum special tax rates are subject to an annual inflation adjustment based on the change in the Consumer Price Index (CPI) or five percent (5%), whichever is greater. Each year, the City Council must authorize any proposed adjustment prior to the levy of the special tax onto the property tax bills. The increase to the maximum special tax rate cannot exceed the annual inflationary adjustment without a two-thirds approval of the qualified electors within the affected tax rate area.

NOTIFICATION

Annexation materials were mailed to the Property Owner on August 27, 2018. A cover letter, Landowner Petition, RMA, and an envelope to return the completed petition were included.

PREPARATION OF STAFF REPORT

Prepared by:
 Candace E. Cassel
 Special Districts Division Manager

Department Head Approval:
 Michael L. Wolfe, P.E.
 Public Works Director/City Engineer

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.

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, including home rehabilitation and neighborhood restoration.

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

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

ATTACHMENTS

- 1. Resolution Ordering Annexation - Amendment No. 30
- 2. Boundary Map CFD 2014-01 - Amendment No. 30
- 3. Certificate of Election Official - Amendment No. 30

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/03/18 8:09 AM
City Attorney Approval	<u>✓ Approved</u>	10/03/18 4:45 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:45 PM

RESOLUTION NO. 2018-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. 2014-25, the City Council established the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 874, the City Council authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund street lighting services and landscape maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the City Council, by its Ordinance No. 889 designated the entire territory of the City as a future annexation area for the CFD and approved the second amended and restated rate and method of apportionment for the Special Tax; and

WHEREAS, the landowner of the parcel(s) listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the City a petition requesting and approving annexation of the listed parcel(s) (the "Annexation Parcel(s)") to the CFD; and

WHEREAS, the Annexation Parcel(s) are comprised of the territory shown on the boundary map (the "Boundary Map") "Amendment No. 30 to Boundaries of City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services), City of Moreno Valley, County of Riverside, State of California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the City Council desires to annex the Annexation Parcel(s) to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel(s) are hereby added to and part of the CFD with full legal effect. The Annexation Parcel(s) are subject to the

1
Resolution No. 2018-___
Date Adopted: October 16, 2018

Attachment: Resolution Ordering Annexation - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS

Special Tax associated with the Tax Rate Area(s) indicated on Exhibit A to this Resolution.

3. Description of Services. The following is a general description of all services (the "Services") provided in the CFD:

A. Landscape Maintenance Services: Maintaining, servicing, and operating landscape improvements and associated appurtenances located within the public right-of-way and within dedicated landscape easements for the CFD. These improvements may include but are not limited to parkways, medians, open space landscaping, fencing, monuments, ornamental lighting, drainage, turf, ground cover, shrubs, vines and trees, irrigation systems, and appurtenant facilities and structures. Fundable costs may include, but are not limited to: (i) contracting costs for landscape maintenance services, including litter removal, (ii) salaries and benefits of City staff, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) City administrative and overhead costs associated with providing such services within the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

B. Street Lighting Services: Maintaining, servicing, and operating street lights and appurtenant improvements. Fundable costs may include, but are not limited to: (i) contracting costs for street light maintenance, (ii) salaries and benefits of City staff, if the City directly provides street light maintenance services, (iii) utility expenses and the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) City administrative and overhead costs associated with providing such services for the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

The Annexation Parcel(s) will only be provided with the services indicated on Exhibit A.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The City Council directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The City Council directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel(s) associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file as a public record this Resolution.

8. Severability. That the City Council declares that, should any provision,

2
Resolution No. 2018-____
Date Adopted: October 16, 2018

Attachment: Resolution Ordering Annexation - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS

section, paragraph, sentence or word of this Resolution 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 Resolution as hereby adopted shall remain in full force and effect.

9. Repeal of Conflicting Provisions. That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

APPROVED AND ADOPTED this 16th day of October, 2018.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2018-3
Date Adopted: October 16, 2018

Attachment: Resolution Ordering Annexation - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS

RESOLUTION JURAT

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

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2018-___ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 16th day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2018-___ 4
Date Adopted: October 16, 2018

Attachment: Resolution Ordering Annexation - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS

EXHIBIT A

List of Annexation Parcel(s)			
Boundary Map Amendment No.	Assessor's Parcel Numbers	Services	Tax Rate Area & Maintenance Category
Amendment No. 30	316-190-012 316-190-049	Street Lighting for Property Other than Single-Family Residential	SL-02
<p>Based on current development plans, it is anticipated that the Annexation Group will be in the Maintenance Category listed above; however all taxes will be calculated as set forth in the Rate and Method of Apportionment.</p> <p>The parcels associated with a given development constitute a separate Annexation Group for purpose of calculating the applicable Maintenance Category (where applicable) for each Tax Rate Area. The anticipated Maintenance Category (where applicable) is shown in parenthesis following the Tax Rate Area. All capitalized terms in this paragraph have the meanings set forth in the Rate and Method of Apportionment.</p>			

Attachment: Resolution Ordering Annexation - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS

Resolution No. 2018-5
Date Adopted: October 16, 2018

EXHIBIT B

VICINITY MAP
NOT TO SCALE

**AMENDMENT NO. 30 TO BOUNDARIES
OF CITY OF MORENO VALLEY COMMUNITY
FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)**

**CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, FIRST RECORDED AS BOOK 76 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 89, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)

SHEET 1 OF 1

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 201__.

CITY CLERK
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, 201__, BY ITS RESOLUTION NO. _____.

CITY CLERK
CITY OF MORENO VALLEY

FILED THIS _____ DAY OF _____, 201__.
AT THE HOUR OF _____ O'CLOCK _____ M. IN
THE BOOK _____ PAGE(S) _____
OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS
AND INSTRUMENT NO. _____ IN THE OFFICE OF THE
COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF THE CITY OF MORENO VALLEY RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON FEBRUARY 20, 2014 IN BOOK 76 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 89 AS INSTRUMENT NO. 2014-0086114.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, CALIFORNIA, TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE JOINT WRITTEN APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 17, 2014 IN BOOK 77, PAGE 78 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2014-0086114, WHICH DESIGNATED THE TERRITORY SHOWN HEREON AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DRAWING SHALL BE THESE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	318-190-012
2	318-190-049

LEGEND

① MAP REFERENCE NUMBER

□ ADDITIONAL AREA TO CTD 2014-01

**INLAND ENGINEERS
AND ASSOCIATES**
CIVIL ENGINEERING - PROJECT MANAGEMENT
INLANDENGINEERS@GMAIL.COM

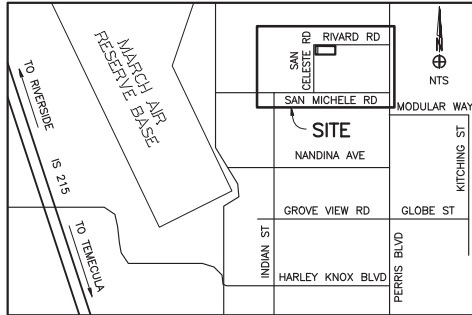
Attachment: Resolution Ordering Annexation - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION), ANNEX TWO PARCELS

6
Resolution No. 2018-____
Date Adopted: October 16, 2018

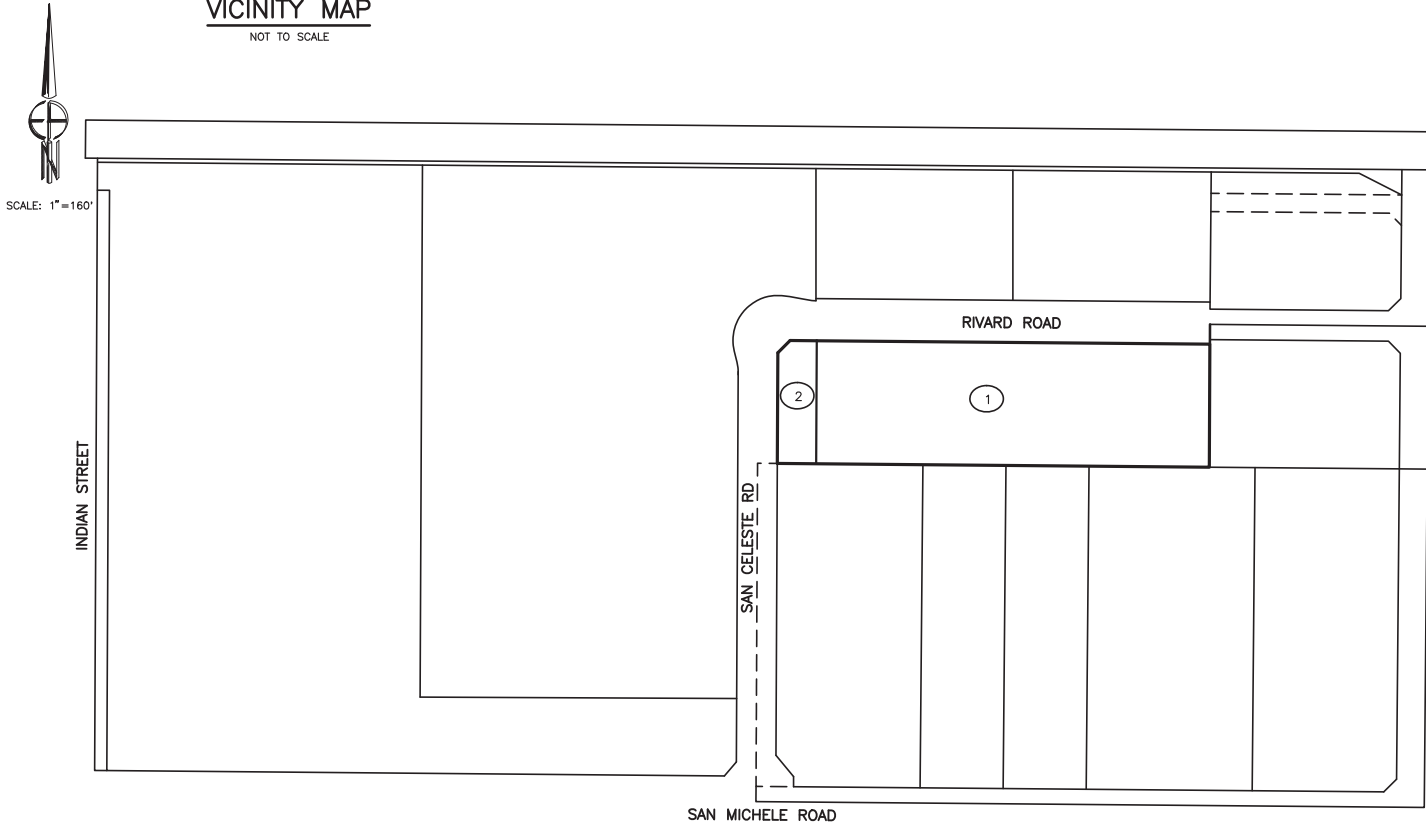
AMENDMENT NO. 30 TO BOUNDARIES OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 76 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 69, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



VICINITY MAP
NOT TO SCALE



FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 201____.

CITY CLERK
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 201____, BY ITS RESOLUTION NO. _____

CITY CLERK
CITY OF MORENO VALLEY

FILED THIS _____ DAY OF _____, 201____, AT THE HOUR OF _____ O'CLOCK _____, M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AND INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF THE CITY OF MORENO VALLEY RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON FEBRUARY 20, 2014 IN BOOK 76 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 69 AS INSTRUMENT NO. 2014-0066114.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 17, 2014 IN BOOK 77, PAGE 78 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2014-0481134, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	316-190-012
2	316-190-049

LEGEND

1 MAP REFERENCE NUMBER

ADDITIONAL AREA TO CFD 2014-01

**INLAND ENGINEERS
AND ASSOCIATES**
CIVIL ENGINEERING - PROJECT MANAGEMENT
INLANDENGINEERS@GMAIL.COM

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**

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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **September 20, 2018**, I did verify the completeness of the Landowner Petition for the annexation of property into

CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01
(MAINTENANCE SERVICES) – AMENDMENT NO. 30

WITNESS my hand this **20th** day of **September**, 2018.

for Regina Flores
ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 30 (3218 : PURSUANT TO A LANDOWNER PETITION, ANNEX TWO PARCELS INTO



Report to City Council

TO: Mayor and City Council

FROM: Marshall Eyerman, Chief Financial Officer

AGENDA DATE: October 16, 2018

TITLE: PAYMENT REGISTER - AUGUST 2018

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Payment Register.

SUMMARY

The Payment Register is an important report providing transparency of financial transactions and payments for City activity for review by the City Council and the residents and businesses in Moreno Valley. The report is posted to the City's website as soon as it is available. The report is included in the City Council agenda as an additional means of distributing the report.

The payment register lists in alphabetical order all checks and wires in the amount of \$25,000 or greater, followed by a listing in alphabetical order of all checks and wires less than \$25,000. The payment register also includes the fiscal year-to-date (FYTD) amount paid to each vendor.

PREPARATION OF STAFF REPORT

Prepared By:
Dena Heald
Financial Operations Division Manager

Department Head Approval:
Marshall Eyerman
Chief Financial Officer/City Treasurer

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. August 2018 Payment Register

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/03/18 10:10 AM
City Attorney Approval	<u>✓ Approved</u>	10/03/18 4:44 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:44 PM



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
17350 PERRIS BLVD LLC	234863	08/20/2018	PA13-0063	REFUND GRADING AND EROSION CONTROL DEPOSIT-PROJECT PA13-0063	\$289,800.00
Remit to: NEWPORT BEACH, CA					<u>FYTD:</u> \$289,800.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
BRIGHTVIEW LANDSCAPE SERVICES, INC.	23079	08/13/2018	5786268	TREE INSTALLATION-ZONE D	\$199,853.32
		08/13/2018	5786266	PLANT MATERIAL INSTALLATION-ZONE D	
		08/13/2018	5786258	PLANT MATERIAL INSTALLATION-ZONE M	
		08/13/2018	5545020-1	IRRIGATION REPAIRS-ZONE D	
		08/13/2018	5709060	IRRIGATION REPAIRS-ZONES D & M	
		08/13/2018	5716163	IRRIGATION REPAIRS-ZONES D & M	
		08/13/2018	5722217	IRRIGATION REPAIRS-ZONES D & M	
		08/13/2018	5723722	IRRIGATION REPAIRS- ZONES D, M & S	
		08/13/2018	5745499	IRRIGATION REPAIRS-ZONES D, M & S	
		08/13/2018	5745568	LANDSCAPE MAINT-VARIOUS LOCATIONS	
		08/13/2018	5762691	TREE INSTALLATION-ZONE D	
		08/13/2018	5762693	IRRIGATION INSTALLATION-ZONE D	
		08/13/2018	5773927	IRRIGATION REPAIRS-ZONES D, M & S	
		08/13/2018	5786257	TREE INSTALLATION-ZONE M IRRIGATION	
		08/13/2018	5844004	REPAIRS-ZONES D, M & S TREE	
		08/13/2018	5786259	INSTALLATION-ZONE D	
		08/13/2018	5786262	PLANT MATERIAL INSTALLATION-ZONE D	
		08/13/2018	5786267	TREE INSTALLATION-ZONE D	
		08/13/2018	5786271	PLANT MATERIAL INSTALLATION-ZONE D	
		08/13/2018	5793465	TREE INSTALLATION-ZONE M	
		08/13/2018	5797895	SPRAY SPIDERS ON PLANTERS-CFD 2014-1	
		08/13/2018	5818786	IRRIGATION REPAIRS-ZONES D, M & S	
		08/13/2018	5818787	IRRIGATION REPAIRS-ZONES D, M & S	
		08/13/2018	5818791	TREE INSTALLATION-ZONE D	
		08/13/2018	5773929	IRRIGATION REPAIRS-ZONE D	
		08/13/2018	5762701	IRRIGATION REPAIRS-ZONES D, M & S	

Remit to: PASADENA, CA

FYTD: \$216,584.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
COUNTY OF RIVERSIDE SHERIFF	23129	08/20/2018	SH0000033508	CONTRACT LAW ENFORCEMENT BILLING #13 (5/24-6/30/18)	\$4,152,337.27
Remit to: RIVERSIDE, CA					FYTD: \$11,955,472.28
DANE CONSTRUCTION	23087	08/13/2018	07022018-02	GOLF COURSE PUMP HOUSE VENT INSTALLATION	\$27,928.00
		08/13/2018	06242018-01	ANIMAL SHELTER K9 RUN ROOF	
Remit to: RIVERSIDE, CA					FYTD: \$58,718.00
DIRECT ENERGY BUSINESS MARKETING LLC.	23133	08/20/2018	788255	RESOURCE ADEQUACY-JULY 2018/MV UTILITY	\$70,200.00
Remit to: HOUSTON, TX					FYTD: \$141,700.00
EASTERN MUNICIPAL WATER DISTRICT	234842	08/20/2018	JUN-18 8/20/18	WATER CHARGES	\$42,891.71
		08/20/2018	JUL-18 8/20/18	WATER CHARGES	
	234889	08/27/2018	JUL-18 8/27/18	WATER CHARGES	\$159,514.25
		08/27/2018	AUG-18 8/27/18	WATER CHARGES	
Remit to: LOS ANGELES, CA					FYTD: \$692,237.45
EXELON GENERATION COMPANY, LLC	23091	08/13/2018	MVEU-00064A	POWER PURCHASE 7/1-7/31/18	\$856,668.64
Remit to: BALTIMORE, MD					FYTD: \$1,533,076.96
GOLDEN STATE FC, LLC, AMAZON	234871	08/20/2018	MVU 7014000-02	COMMERCIAL LIGHTING REBATE (LED)	\$50,000.00
Remit to: SEATTLE, WA					FYTD: \$50,000.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
GRID ALTERNATIVES	234745	08/06/2018	4442/4492	CDBG 17/18 SOLAR ENERGY ASSISTANCE PROGRAM-JUNE 2018	\$50,000.00
Remit to: OAKLAND, CA					FYTD: \$50,000.00
HABITAT FOR HUMANITY RIVERSIDE	23030	08/06/2018	CDBG MV-05	CDBG-"A BRUSH WITH KINDNESS" PROGRAM-JUNE 2018	\$41,688.58
		08/06/2018	CHR-04	HOME-CRITICAL HOME REPAIR PROGRAM-MAY 2018	
		08/06/2018	CHR-05	HOME-CRITICAL HOME REPAIR PROGRAM-JUNE 2018	
		08/06/2018	CDBG MV-04	CDBG-"A BRUSH WITH KINDNESS" PROGRAM-MAY 2018	
		08/06/2018	ABWK SFH-05	HOME-"A BRUSH WITH KINDNESS" PROGRAM-JUNE 2018	
		08/06/2018	DEP RFD-CK 1048	DEPOSIT REFUND-MYERS PROJECT	
		08/06/2018	MHR-05	MOBILE HOME REPAIR PROGRAM-JUNE 2018	
Remit to: RIVERSIDE, CA					FYTD: \$157,424.76
HDL/HINDERLITER DE LLAMAS & ASSOCIATES	234848	08/20/2018	0029750-IN	CANNABIS COMPLIANCE CONSULTANT SERVICES	\$102,342.78
		08/20/2018	0029646-IN	SALES TAX AUDIT SVCS-1ST QUARTER 2018	
Remit to: DIAMOND BAR, CA					FYTD: \$102,342.78
HITACHI VANTARA CORPORATION	23174	08/27/2018	7263703	HARDWARE INSTALLATION & SUPPORT-ANNEX BUILDING	\$29,076.84
Remit to: SANTA CLARA, CA					FYTD: \$241,821.70
KASA CONSTRUCTION INC.	234891	08/27/2018	JFK RENO-6	RESTROOM IMPROVEMENT PROJECT-JFK PARK	\$42,412.90
		08/27/2018	JFK RENO-7 RETEN	RESTROOM IMPROVEMENT PROJECT-JFK PARK (RETENTION RELEASE)	
Remit to: CHINO, CA					FYTD: \$302,603.42
KENASTON FLOORING	234892	08/27/2018	14708	FLOOR REPLACEMENT-SENIOR CENTER	\$45,280.00
Remit to: SAN BERNARDINO, CA					FYTD: \$45,280.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
LANDCARE USA, LLC	23034	08/06/2018	142654	IRRIGATION REPAIRS-ZONE 01, 01A, E7 & 08	\$26,102.31
		08/06/2018	146231	LANDSCAPE MAINT-ZONES 01, 01A, 08 & E7- MAY 2018	
		08/06/2018	152917	LANDSCAPE MAINT-ZONES 01, 01A, 08 & E7-JUNE 2018	
		08/06/2018	156449	IRRIGATION REPAIRS-ZONE 01, 01A, 7 & 8	
		08/06/2018	137414	PLANT INSTALLATION-ZONE E-7	
		08/06/2018	136614	IRRIGATION REPAIRS-ZONE 01, 01A, E-7 & 08	
		08/06/2018	149338	IRRIGATION REPAIRS-ZONE 01, 01A, 7 & 8	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$79,115.46
LIBRARY SYSTEMS & SERVICES, LLC	23037	08/06/2018	INV900	LIBRARY CONTRACT SVCS & MATERIALS-MAIN & MALL BRANCHES-AUG 2018	\$151,933.41
Remit to: ROCKVILLE, MD					<u>FYTD:</u> \$450,352.83
MORENO VALLEY UTILITY	234850	08/20/2018	AUG-18 8/20/18	ELECTRICITY CHARGES	\$106,994.02
Remit to: HEMET, CA					<u>FYTD:</u> \$199,979.68
O'DUFFY BROS, INC.	23044	08/06/2018	RETENTION-7	HUBBARD ST STORM DRAIN-CONSTRUCTION SVCS (RETENTION)	\$69,956.32
		08/13/2018	6 Retention	ALESSSANDRO BLVD/ELSWORTH ST IMPROVEMENTS (RETENTION)	\$40,403.98
Remit to: ROMOLAND, CA					<u>FYTD:</u> \$110,360.30
ONESOURCE DISTRIBUTORS, INC.	23110	08/13/2018	S5782097.001	PURCHASE OF SMART METERS	\$83,010.60
		08/13/2018	S5782105.001	PURCHASE OF SMART METERS	
Remit to: OCEANSIDE, CA					<u>FYTD:</u> \$124,515.90
RE ASTORIA 2 LLC	23149	08/20/2018	00023	RENEWABLE ENERGY-MV UTILITY-JUL18	\$41,373.13
Remit to: SAN FRANCISCO, CA					<u>FYTD:</u> \$84,483.56

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
SALVATION ARMY	234805	08/13/2018	4 / JUN-18	CDBG SUBGRANTEE PAYMENT-HOMELESS TO WORK PROGRAM	\$35,938.90
		08/13/2018	3_ESG 17-18	SUBGRANTEE PAYMENT-ESG/HOMELESS OUTREACH PROGRAM	
		08/13/2018	2_ESG 17-18	SUBGRANTEE PAYMENT-ESG/HOMELESS OUTREACH PROGRAM	
		08/13/2018	1_ESG 17-18	SUBGRANTEE PAYMENT-ESG/HOMELESS OUTREACH PROGRAM	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$55,818.29
SOCO GROUP, INC	23115	08/13/2018	0548634-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	\$28,277.13
		08/13/2018	0546959-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0545665-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0544245-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0542854-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0541563-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0540052-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0538166-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/13/2018	0537027-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
	23187	08/27/2018	0553762-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	\$28,696.04
		08/27/2018	0550843-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0554690-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0556465-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0560630-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0552004-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0557435-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0549681-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		08/27/2018	0559422-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		Remit to: PERRIS, CA			

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
SOUTHERN CALIFORNIA EDISON 1	234758	08/06/2018	7500936393	WDAT CHARGES-MVU/NANDINA AVE.-JUN18	\$51,626.48
		08/06/2018	7500936392	WDAT CHARGES-MVU/GLOBE ST.-JUN18	
		08/06/2018	7500936936	RELIABILITY SERVICE-DLAP_SCE_TS10-APR18	
		08/06/2018	7500937322	WDAT CHARGES-MVU/17160 KITCHING ST. SUBSTATION-JUN18	
		08/06/2018	7500937326	WDAT CHARGES-MVU/SUBSTATION 115KV INTERCONNECTION-JUN18	
		08/06/2018	7500936394	WDAT CHARGES-MVU/FREDERICK AVE.-JUN18	
		08/06/2018	7500936390	WDAT CHARGES-MVU/IRIS AVE.-JUN18	
		08/06/2018	7500936391	WDAT CHARGES-MVU/GRAHAM ST.-JUN18	
		08/06/2018	7500936397	WDAT CHARGES-MVU/24417 NANDINA AVE. SUBSTATION-JUN18	
		234807	234807	08/13/2018	
08/13/2018	587-9520/JUL-18			ELECTRICITY-FERC CHARGES/MVU	
08/13/2018	721-3449/JUL-18			IFA CHARGES-SUBSTATION	
08/13/2018	707-6081/JUL-18			ELECTRICITY CHARGES	
08/13/2018	026-1608/JUL-18			IFA & DISTRIBUTION UPGRADE CHARGES-KITCHING SUBSTATION	
234854	234854	08/20/2018	JUL-18 8/20/18	ELECTRICITY CHARGES	\$177,591.62
Remit to: ROSEMEAD, CA					<u>FYTD:</u> \$584,450.18
TENASKA ENERGY, INC	23189	08/27/2018	MOREN0020180821	ELECTRICITY POWER PURCHASE-MV UTILITY	\$1,001,284.03
Remit to: ARLINGTON, TX					<u>FYTD:</u> \$1,712,870.55
THE ADVANTAGE GROUP/ FLEX ADVANTAGE	23055	08/06/2018	201808	RETIREE MEDICAL BENEFIT BILLING-AUG18	\$44,120.80
Remit to: TEMECULA, CA					<u>FYTD:</u> \$86,277.60

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
THE UNIVERSITY ENTERPRISES CORPORATION AT CSUSB	234811	08/13/2018	SP0009345	CDBG PAYMENT-INLAND EMPIRE SMALL BUSINESS DEVELOPMENT CTR TECHNICAL ASSISTANCE PROGRAM AUG17-JUN18	\$32,544.31
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$32,544.31
TYLER TECHNOLOGIES, INC.	23192	08/27/2018	045-220783	NEW WORLD ANNUAL SOFTWARE MAINT. & ESCROW 6/1/18-5/31/19	\$151,410.75
Remit to: PLANO, TX					<u>FYTD:</u> \$151,410.75
U.S. BANK/CALCARDS	23160	08/20/2018	07-27-18	CALCARD ACTIVITY-JUL18	\$257,501.60
Remit to: ST. LOUIS, MO					<u>FYTD:</u> \$587,205.77
WASTE MANAGEMENT	234860	08/20/2018	081318	SOLID WASTE DELINQUENCIES PASS THRU, LESS FRANCHISE FEES	\$34,042.53
Remit to: CORONA, CA					<u>FYTD:</u> \$34,042.53
WHITNEY POINT SOLAR, LLC	23195	08/27/2018	444475	RENEWABLE ENERGY-MV UTILITY-JUL18	\$40,964.07
Remit to: JUNO BEACH, FL					<u>FYTD:</u> \$101,308.10
WILLDAN ENGINEERING	23064	08/06/2018	002-19572	PLAN CHECK & INSPECTION SERVICES-BLDG. & SAFETY-JUN18	\$28,812.00
	23196	08/27/2018	002-19696	PLAN CHECK & INSPECTION SERVICES-BLDG. & SAFETY-JUL18	\$31,894.00
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$60,706.00
WRCOG - WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS	23124	08/13/2018	JUL-2018 TUMF	TUMF FEES COLLECTED FOR 7/1-7/31/18 - RESIDENTIAL SINGLE-FAMILY	\$523,507.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,421,612.74

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
WRCRA	234813	08/13/2018	JUL-2018 MSHCP	MSHCP FEES COLLECTED JULY 2018-COMMERCIAL/INDUSTRIAL & RESIDENTIAL	\$223,888.52

Remit to: RIVERSIDE, CA

FYTD: \$381,602.41

TOTAL AMOUNTS OF \$25,000 OR GREATER					\$9,421,406.31
---	--	--	--	--	-----------------------

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
A C I COMMERCIAL ROOFERS	234901	08/27/2018	BOR18-0102	REFUND CANCELLED BLDG PERMIT-12125 DAY ST	\$870.72
Remit to: OLNEY, IL					<u>FYTD:</u> \$870.72
AARVIG AND ASSOCIATES, APC	234733	08/06/2018	33531	LEGAL SVCS-CLAIM MV1761 (K. PIEHL)	\$1,064.26
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,935.66
ACCELA, INC.	23012	08/06/2018	INV-ACC39283	ACCELA CIVIC PLATFORM SUBSCRIPTION 8/14/18-8/13/19	\$17,526.60
Remit to: CHICAGO, IL					<u>FYTD:</u> \$17,526.60
ACE CASH EXPRESS INC	234815	08/13/2018	18141030	FALSE ALARM REFUND-DUPLICATE PAYMENT	\$32.00
Remit to: IRVING, TX					<u>FYTD:</u> \$32.00
ADLERHORST INTERNATIONAL LLC	23013	08/06/2018	100783	MISC SUPPLIES FOR K-9 HERBIE	\$594.78
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,344.78
ADMINSURE	234833	08/20/2018	11344	WORKERS' COMP CLAIMS ADMIN-SEPT 2018	\$2,175.00
Remit to: ONTARIO, CA					<u>FYTD:</u> \$6,525.00
ADVANCE REFRIGERATION & ICE SYSTEMS, INC	23073	08/13/2018	44431	ICE MACHINE REPAIR-EMERGENCY OP'S CTR	\$273.00
	23162	08/27/2018	44707	ICE MACHINE REPAIR-FIRE STATION 2	\$154.16
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$3,526.91

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
ADVANCED ELECTRIC	234789	08/13/2018	12857	ELECTRICAL WORK-CITY HALL	\$4,686.48
		08/13/2018	12885	ELECTRICAL WORK-PUBLIC SAFETY BLDG	
		08/13/2018	12858	ELECTRICAL WORK-CITY HALL	
		08/13/2018	12929	ELECTRICAL WORK-PUBLIC SAFETY BLDG	
		08/13/2018	12922	ELECTRICAL WORK-CITY HALL/CITY CLERK OFFICE	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$33,280.48
AEI-CASC ENGINEERING	23014	08/06/2018	39422	PLAN CHECK SVCS-PWQMP	\$9,708.00
		08/06/2018	39313	PLAN CHECK SVCS-PWQMP	
Remit to: COLTON, CA					<u>FYTD:</u> \$9,708.00
AGUILAR, COLLEEN	234816	08/13/2018	R18-125131	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
AL RAHMA INC.	23074	08/13/2018	2	FOOD BANK PROGRAM	\$170.00
	234785	08/06/2018	10002	FOOD BANK PROGRAM	\$14,828.78
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$14,998.78
ALDI, INC.	234770	08/06/2018	MVU 7014047-01	SOLAR PBI INCENTIVE REBATE	\$18,546.48
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$41,159.22
ALL AMERICAN ASPHALT, INC.	23198	08/30/2018	W180803	ALESSANDRO BLVD IMPROVEMENTS/CHAGALL CT & GRAHAM ST (RETENTION PAYABLE DEPOSIT-ESCROW NO. 2513)	\$6,717.52
Remit to: CORONA, CA					<u>FYTD:</u> \$134,350.31

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
AMERICAN FORENSIC NURSES	23015	08/06/2018	71032	PHLEBOTOMY SVCS	\$1,100.00
		08/06/2018	70967	PHLEBOTOMY SVCS	
		08/06/2018	71016	PHLEBOTOMY SVCS	
		08/06/2018	70985	PHLEBOTOMY SVCS	
Remit to: LA QUINTA, CA					<u>FYTD:</u> \$1,940.00
AMTECH ELEVATOR SERVICES	23075	08/13/2018	DVB05046718	ELEVATOR ROUTINE MAINT-CITY HALL-JUL18	\$445.00
		08/13/2018	DVB05044818	ELEVATOR ROUTINE MAINT-CITY HALL-AUG18	
		08/13/2018	DVB05046818	ELEVATOR ROUTINE MAINT-EMERGENCY OP'S CTR-AUG18	
	23163	08/27/2018	DVB05046918	ELEVATOR ROUTINE MAINT-EMERGENCY OP'S CTR-SEPT18	\$295.00
		08/27/2018	DVB05044918	ELEVATOR ROUTINE MAINT-CITY HALL-SEPT18	
Remit to: PASADENA, CA					<u>FYTD:</u> \$885.00
ANIMAL EMERGENCY CLINIC, INC.	23076	08/13/2018	JUNE 2018	AFTER HOURS EMERGENCY VETERINARY SVCS-ANIMAL SHELTER	\$993.00
Remit to: GRAND TERRACE, CA					<u>FYTD:</u> \$993.00
ANIMAL HEALTH AND SANITARY SUPPLY	234734	08/06/2018	INV10023	MISC KENNEL SUPPLIES	\$1,344.51
	234790	08/13/2018	INV9776	MISC KENNEL SUPPLIES	\$842.40
	234882	08/27/2018	INV10692	MISC KENNEL SUPPLIES	\$96.09
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$2,283.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
ANNEALTA GROUP	234883	08/27/2018	1249	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	\$15,109.45
		08/27/2018	1252	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1250	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1251	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1244	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1255	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1248	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1247	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1246	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1253	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
		08/27/2018	1245	PLANNING ENTITLEMENT AND PLAN CHECK SVCS	
08/27/2018	1254	PLANNING ENTITLEMENT AND PLAN CHECK SVCS			
Remit to: HUNTINGTON BEACH, CA					FYTD: \$15,109.45
APPLE ONE EMPLOYMENT SERVICES	23077	08/13/2018	01-4926031	TEMPORARY TECHNICAL ARCHITECT-TECH SVCS 7/2-7/6/18 (A. KEHRLI)	\$2,651.46
		08/13/2018	01-4932177	TEMPORARY TECHNICAL ARCHITECT-TECH SVCS 7/9-7/13/18 (A. KEHRLI)	
		08/13/2018	01-4938305	TEMPORARY TECHNICAL ARCHITECT-TECH SVCS 7/16-7/20/18 (A. KEHRLI)	
Remit to: GLENDALE, CA					FYTD: \$6,060.48
APWA-AMERICAN PUBLIC WORKS ASSOCIATION	234834	08/20/2018	613352 FY17/18	PAVER V7 ANNUAL MAINTENANCE	\$550.00
Remit to: KANSAS CITY, MO					FYTD: \$550.00
ARCE, EDGAR	234864	08/20/2018	R18-124947	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: LOS ANGELES, CA					FYTD: \$75.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
ARCHITECTURAL SIGN IDENTITY INC.	23078	08/13/2018	630	PLAQUE-SOLAR CARPORT-STOPPAGE FEES (50% DEPOSIT)	\$496.50
Remit to: SAN JACINTO, CA					<u>FYTD:</u> \$1,869.90
ARRINGTON JR, BILLY	234771	08/06/2018	R18-121898	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: HEMET, CA					<u>FYTD:</u> \$75.00
ARRINGTON, KRISTIN	234865	08/20/2018	2000382.047	BETHUNE PARK PICNIC SHELTER REFUND	\$164.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$164.00
AVILA , MARIA	234817	08/13/2018	R18-121913	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
BESTWAY LAUNDRY SOLUTIONS, INC.	234835	08/20/2018	1288944	WASHER REPAIR-FIRE STATION 91	\$144.00
Remit to: CORONA, CA					<u>FYTD:</u> \$144.00
BIO-TOX LABORATORIES	234791	08/13/2018	36046	FORENSIC TOXICOLOGY TESTING SVCS FOR PD	\$377.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$6,921.38

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
BOX SPRINGS MUTUAL WATER COMPANY	234735	08/06/2018	721-1 7/26/18	WATER USAGE-TOWNGATE-JULY 2018	\$411.76
		08/06/2018	1087-1 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	1088-1 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	195-5 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	80-04 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	204-9 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	1086-1 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	189-13 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	1084-1 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	1085-1 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
		08/06/2018	45-4 7/26/18	WATER ASSESSMENT ON VACANT LOTS OWNED BY THE HOUSING AUTHORITY	
Remit to: MORENO VALLEY, CA					FYTD: \$721.86
BRAUN BLAISING SMITH WYNNE, P.C.	234884	08/27/2018	17470	LEGAL SVCS-MV UTILITY-JULY 2018	\$176.95
Remit to: SACRAMENTO, CA					FYTD: \$239.90
BREHM BUILDERS	234866	08/20/2018	REFUND DEPOSIT	REFUND DEPOSIT ACCOUNT-BLDG OVERTIME INSPECTIONS-TR 30300-2	\$1,176.90
Remit to: CARLSBAD, CA					FYTD: \$1,176.90

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
BRIGHTVIEW LANDSCAPE SERVICES, INC.	23128	08/20/2018	5789429	LANDSCAPE MAINT-VARIOUS LOCATIONS	\$16,730.74
Remit to: PASADENA, CA					<u>FYTD:</u> \$216,584.06
BRIXTON-ALTO SHOPPING CENTER, LLC	234885	08/27/2018	SEPT 2018 RENT	RENT (INCLUDING CAM)-EMPLOYMENT RESOURCE CTR-SEPT 2018	\$7,652.70
Remit to: SAN DIEGO, CA					<u>FYTD:</u> \$15,305.40
BURKHARDT, GLASER	234902	08/27/2018	BOO18-0163	REFUND CANCELLED BLDG PERMIT-13800 HEACOCK ST	\$349.40
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$349.40
CAL DEPT OF FORESTRY & FIRE PROTECTION	234792	08/13/2018	152289	ACRYLIC PLAQUE - NORCO CAMP	\$89.92
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$89.92
CAL STRIPE INC.	23164	08/27/2018	18049-EW	STREET STRIPING REMOVAL-AUTO CTR DR TO EUCALYPTUS AVE	\$8,955.00
Remit to: COLTON, CA					<u>FYTD:</u> \$26,811.00
CALIFORNIA CONTRACT CITIES ASSOCIATION	234836	08/20/2018	DUES FY18/19	MEMBERSHIP DUES FY18/19	\$5,090.00
Remit to: CERRITOS, CA					<u>FYTD:</u> \$5,090.00
CALIFORNIA MUNICIPAL UTILITIES ASSOC.	234793	08/13/2018	18-0179	STATEWIDE SURVEY 2018	\$6,000.00
		08/13/2018	18-0178	BENCHMARK 2018	
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$17,791.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
CALIFORNIA WATERSHED ENGINEERING CORP.	23016	08/06/2018	18182	PLAN CHECK SVCS-PMQMP-JUNE 2018	\$1,666.67
Remit to: FULLERTON, CA					FYTD: \$9,586.00
CALLISTER, KEVIN	234736	08/06/2018	SUMMER 2018	TUITION REIMBURSEMENT	\$1,679.71
Remit to: MORENO VALLEY, CA					FYTD: \$1,679.71
CAMARENA, MARGARITA	234867	08/20/2018	2000018.067	SENIOR CTR. RENTAL REFUND	\$300.00
Remit to: MORENO VALLEY, CA					FYTD: \$300.00
CAMPBELL, KAREN	234903	08/27/2018	2000443.047	COTTONWOOD GOLF CTR. RENTAL REFUND	\$200.00
Remit to: MORENO VALLEY, CA					FYTD: \$200.00
CATHOLIC CHARITIES	23080	08/13/2018	JUNE 2018	HOMELESSNESS PREVENTION & RAPID REHOUSING SVCS-ESG AGREEMENT FY16/17	\$5,064.33
Remit to: SAN BERNARDINO, CA					FYTD: \$31,521.93
CERVANTES, YVETTE	234904	08/27/2018	BFC18-0191	REFUND CANCELLED BLDG PERMIT-16420 PERRIS BLVD	\$2,711.00
Remit to: MORENO VALLEY, CA					FYTD: \$2,711.00
CHAMPAPHANITH, SOUNTHARY	234905	08/27/2018	2000432.047	CELEBRATION PARK PICNIC SHELTER REFUND	\$63.20
Remit to: MORENO VALLEY, CA					FYTD: \$63.20
CHANCY, CHIZURU	234886	08/27/2018	JUL-2018	INSTRUCTOR SERVICES-HULA & TAHITIAN DANCE CLASSES	\$330.60
		08/27/2018	AUG-2018	INSTRUCTOR SERVICES-HULA & TAHITIAN DANCE CLASSES	
		08/27/2018	JUN-2018	INSTRUCTOR SERVICES-HULA & TAHITIAN DANCE CLASSES	
		08/27/2018	MAY-2018	INSTRUCTOR SERVICES-HULA & TAHITIAN DANCE CLASSES	
Remit to: MORENO VALLEY, CA					FYTD: \$330.60

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
CHANDLER ASSET MANAGEMENT, INC	23081	08/13/2018	1807MORENOVA	INVESTMENT MANAGEMENT SVCS-JULY 2018	\$4,343.25
Remit to: SAN DIEGO, CA					FYTD: \$12,833.43
CIKOTAS, JONAS	234837	08/20/2018	JULY 27, 2018	SUMMER CONCERT PERFORMANCE BY DEAD RINGER 7/27/18	\$600.00
Remit to: IRVINE, CA					FYTD: \$600.00
CITY OF RIVERSIDE	234794	08/13/2018	00243153	SEMI-ANNUAL SHARED TRAFFIC SIGNALS & EQUIPMENT COSTS 8/30/17-3/31/18	\$7,959.90
Remit to: RIVERSIDE, CA					FYTD: \$7,959.90
CIVIC SOLUTIONS, INC	23082	08/13/2018	82395	PLANNING ENTITLEMENT AND PLAN CHECK SVCS-JULY 2018	\$16,750.00
Remit to: MISSION VIEJO, CA					FYTD: \$47,062.50
COLEMAN, SANDRA	234788	08/07/2018	REFUND 8-6-18	REFUND-PAID ELECTRIC PAYMENT IN ERROR	\$980.96
Remit to: MORENO VALLEY, CA					FYTD: \$980.96
CONTINUING EDUCATION OF THE BAR	234838	08/20/2018	10762748	LAW LIBRARY PUBLICATION	\$210.98
Remit to: OAKLAND, CA					FYTD: \$210.98
CORIA, MONICA HERMOSILLO	234819	08/13/2018	R18-124207	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					FYTD: \$75.00
CORNEJO, URSULA	234820	08/13/2018	R18-123259, 299	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT AND 1-RETURN	\$150.00
Remit to: TEMECULA, CA					FYTD: \$150.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
CORODATA MEDIA STORAGE INC.	234795	08/13/2018	DS1284728	OFF-SITE MEDIA STORAGE-JULY 2018	\$329.95
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$678.15
COSTAR REALTY INFORMATION, INC	234887	08/27/2018	106853765-1	COMMERCIAL REAL ESTATE DATABASE SVC-AUGUST 2018	\$2,872.00
		08/27/2018	107086212-1	COMMERCIAL REAL ESTATE DATABASE SVC-JULY 2018	
Remit to: BALTIMORE, MD					<u>FYTD:</u> \$2,872.00
COUNSELING TEAM, THE	234888	08/27/2018	70203	EMPLOYEE ASSISTANCE PROGRAM-JULY 2018	\$1,250.00
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$6,040.00
COUNTRY SQUIRE ESTATES	234737	08/06/2018	JUNE-JULY 2018	UUT REFUND FOR JUNE-JULY 2018	\$44.03
	234839	08/20/2018	MAY-JUNE 2018	UUT REFUND MAY-JUNE 2018	\$38.62
Remit to: ONTARIO, CA					<u>FYTD:</u> \$82.65
COUNTS UNLIMITED, INC.	23083	08/13/2018	18497	TRAFFIC DATA COLLECTION	\$960.00
Remit to: CORONA, CA					<u>FYTD:</u> \$5,850.00
COUNTY OF RIVERSIDE	23084	08/13/2018	IT0000002077	APX 7500M DUAL BAND, HPD MODEM MAINT	\$2,945.35
	234766	08/06/2018	073118	NOTICE OF EXEMPTION-JUAN BAUTISTA TRAIL STUDY	\$50.00
	234796	08/13/2018	8146	FUEL FOR CITY VEHICLE	\$198.04
	234814	08/13/2018	872018	NOTICE OF EXEMPTION- JUAN BAUTISTA TRAIL GAP CLOSURE	\$50.00
	234840	08/20/2018	AC0000001587	LAFCO FY18 FEES	\$20,137.87
	234881	08/23/2018	8222018	NOTICE OF DETERMINATION FILING FEES-LINE H-2 INTERIM STORM DRAIN	\$2,330.75
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$28,731.08
COUNTY OF RIVERSIDE SHERIFF	23085	08/13/2018	SH0000033509	CONTRACT LAW ENFORCEMENT-BP #13-STREET RACING	\$475.19
	234738	08/06/2018	SH0000033341	RUHS SEXUAL ASSAULT EXAMS 2/1-3/31/2018	\$4,400.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$11,955,472.28

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
CRS CONSTRUCTION	23130	08/20/2018	FIRE_6-WINDOW-1	REPLACE KITCHEN WINDOW GLASS-FIRE STATION 6	\$1,100.00
Remit to: CORONA, CA					FYTD: \$1,100.00
CSG CONSULTANTS, INC.	23086	08/13/2018	B180697	PLAN CHECK SVCS-JUNE 2018	\$15,440.25
		08/13/2018	B180568-Rev1	PLAN CHECK SVCS-MAY 2018	
Remit to: FOSTER CITY, CA					FYTD: \$15,440.25
DATA TICKET, INC.	23017	08/06/2018	91305	ADMIN CITATION PROCESSING-PD-JUNE 2018	\$54.04
	23131	08/20/2018	91303	ADMIN CITATION PROCESSING-ANIMAL SVCS-JUNE 2018	\$4,714.62
		08/20/2018	89330	ADMIN CITATION PROCESSING-NPDES-APRIL 2018	
		08/20/2018	91303TPC	THIRD PARTY COLLECTIONS-ANIMAL SVCS-JUNE 2018	
		08/20/2018	89613	ADMIN CITATION PROCESSING-NPDES-MAY 2018	
		08/20/2018	90581	ADMIN CITATION PROCESSING-NPDES-JUNE 2018	
Remit to: IRVINE, CA					FYTD: \$65,209.35
DDL TRAFFIC INC.	23018	08/06/2018	5832	OPTICOM TRAFFIC SIGNAL EQUIPMENT	\$9,034.84
Remit to: CHINO HILLS, CA					FYTD: \$9,034.84
DE HERRERA, ROY	234868	08/20/2018	TRAINING REIMB.	REIMBURSEMENT OF IRRIGATOR TECH TRAINING COURSE, BOOK & MEMBERSHIP	\$925.00
Remit to: HESPERIA, CA					FYTD: \$925.00
DEBINAIRE COMPANY	23165	08/27/2018	M210769	BOILER MAINT-ANIMAL SHELTER	\$1,100.34
		08/27/2018	M210771	BOILER MAINT-CITY HALL	
		08/27/2018	174792	BOILER REPAIR-CITY HALL	
		08/27/2018	M210773	BOILER MAINT-PUBLIC SAFETY BLDG	
Remit to: CORONA, CA					FYTD: \$1,100.34

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
DECKERS OUTDOOR CORPORATION	23132	08/20/2018	08142018	"HIRE A MOVAL GRAD" INCENTIVE PROGRAM FY 17/18	\$4,000.00
Remit to: GOLETA, CA					FYTD: \$9,000.00
DERRA DESIGN, INC.	234787	08/06/2018	14479	SITE ANALYSIS & DEVELOPMENT PLAN-DAY ST & ALESSANDRO BLVD PROJECT	\$14,000.00
Remit to: CORONA, CA					FYTD: \$14,000.00
DISH DBS CORPORATION	234841	08/20/2018	AUG-2018	CABLE SERVICE FOR FIRE STATION 99	\$89.04
Remit to: PALATINE, IL					FYTD: \$89.04
DLT SOLUTIONS	23019	08/06/2018	SI398843	AUTO CAD MAINTENANCE 7/18/18-7/17/19	\$12,911.84
Remit to: HERNDON, VA					FYTD: \$12,911.84
DMS FACILITY SERVICES	23020	08/06/2018	L46039	SPECIAL CLEANINGS FOR JUN 2018 EVENT RENTALS-COTTONWOOD GOLF CTR	\$765.00
	23088	08/13/2018	L46036	SPECIAL CLEANINGS FOR JUN 2018 EVENT RENTALS-CONFERENCE & REC CTR	\$2,955.00
		08/13/2018	L46063	CLEAN CARPET AND RECLINERS-ALL FIRE STATIONS	
	23166	08/27/2018	RC-L112955	JANITORIAL SVCS-SUNNYMEAD ELEMENTARY-JUL 2018	\$1,910.10
		08/27/2018	RC-L113225	JANITORIAL SVCS-RAINBOW RIDGE PORTABLE-AUG 2018	
		08/27/2018	RC-L113229	JANITORIAL SVCS-SUNNYMEAD ELEMENTARY-AUG 2018	
		08/27/2018	RC-L112954	JANITORIAL SVCS-SUNNYMEAD MIDDLE/THINK-JUL 2018	
		08/27/2018	RC-L112952	JANITORIAL SVCS-RED MAPLE PORTABLE-JUL 2018	
		08/27/2018	RC-L112951	JANITORIAL SVCS-RAINBOW RIDGE PORTABLE-JUL 2018	
		08/27/2018	RC-L113228	JANITORIAL SVCS-SUNNYMEAD MIDDLE/THINK-AUG 2018	
		08/27/2018	RC-L113226	JANITORIAL SVCS-RED MAPLE PORTABLE-AUG 2018	
Remit to: SOUTH PASADENA, CA					FYTD: \$36,929.36

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
DOKKEN ENGINEERING	234832	08/13/2018	31784	ADVANCE DILEMMA ZONE DETECTION-CONSULTANT SERVICES	\$2,929.76
Remit to: FOLSOM, CA					<u>FYTD:</u> \$2,929.76
DPSS HOMELESS PROGRAMS UNIT	234739	08/06/2018	INV-1 JUNE 2018	DPSS HMIS ESG FY 17/18 AGREEMENT	\$5,000.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$5,000.00
DRAYTON, TAMI JANOHNE	23022	08/06/2018	JUL-2018	INSTRUCTOR SERVICES-SOUL LINE DANCING CLASSES	\$97.20
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$97.20
DURBIN, LAURA	234772	08/06/2018	R18-123822	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
E.R. BLOCK PLUMBING & HEATING, INC.	23089	08/13/2018	126440	BACKFLOW DEVICE TEST-FIRE STATION 6	\$4,379.63
		08/13/2018	126628	BACKFLOW DEVICE REPAIR-FIRE STATION 6	
		08/13/2018	126657	BACKFLOW TESTING-PUBLIC SAFETY BLDG	
		08/13/2018	126793	BACKFLOW DEVICE TEST-ZONE D	
		08/13/2018	126811	BACKFLOW DEVICE TEST-ZONES D, M, 02, NPDES, 06, 03, 01 & CFD	
	23167	08/27/2018	126928	BACKFLOW DEVICE REPAIR-CONFERENCE & REC CTR	\$170.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$24,958.79
EASTERN MUNICIPAL WATER DISTRICT	234740	08/06/2018	JUL-18 8/6/18	WATER CHARGES	\$1,619.74
	234797	08/13/2018	JUL-18 8/13/18	WATER CHARGES	\$11,907.14
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$692,237.45

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
EISENHOWER MEDICAL CENTER	234741	08/06/2018	700000148	FORENSIC EVIDENTIARY EXAMINATION-MV181710044-A. DURAN	\$1,100.00
Remit to: RANCHO MIRAGE, CA					<u>FYTD:</u> \$1,100.00
ELERY-JOHNSON, ZINA	234906	08/27/2018	2000441.017	CONFERENCE & REC. CTR. RENTAL REFUND	\$200.00
Remit to: PERRIS, CA					<u>FYTD:</u> \$200.00
EMERGENT BATTERY TECHNOLOGIES, INC.	23168	08/27/2018	33613	REPLACEMENT BATTERIES (8) FOR BATTERY BACKUP SYSTEMS	\$6,102.26
		08/27/2018	337074	REPLACED BATTERIES (40) FOR BATTERY BACKUP SYSTEMS	
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$6,802.64
EMPIRE MOWER	234798	08/13/2018	187285	TREE TRIMMING EQUIPMENT PARTS	\$481.13
		08/13/2018	186919	TREE TRIMMING EQUIPMENT MAINT & PARTS	
		08/13/2018	187132	TREE TRIMMING EQUIPMENT MAINT	
	234843	08/20/2018	187807	TREE TRIMMING EQUIPMENT PARTS	\$128.96
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$610.09
EMPLOYMENT DEVELOPMENT DEPARTMENT	23199	08/28/2018	S180331	TAX DEPOSIT-1ST QUARTER 2018	\$71.28
	23201	08/28/2018	2ND QTR 2018	UNEMPLOYMENT INSURANCE CLAIMS 4/1-6/30/18	\$9,350.00
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$9,421.28

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
ENCO UTILITY SERVICES MORENO VALLEY LLC	23090	08/13/2018	0402-MF-02169	SOLAR SYSTEM INSPECTION	\$940.00
		08/13/2018	0402-MF-02172	SOLAR SYSTEM INSPECTION	
		08/13/2018	0402-MF-02174	SOLAR SYSTEM INSPECTION	
	23134	08/13/2018	0402-MF-02171	SOLAR SYSTEM INSPECTION	
		08/20/2018	0405-1-235REV	DISTRIBUTION CHARGES 5/29-6/26/18-REVISED CHARGES	\$16,023.19
		08/20/2018	0402-MF-02175	SOLAR SYSTEM INSPECTION	
	23169	08/20/2018	0402-MF-02178	SOLAR SYSTEM INSPECTION	
		08/27/2018	0402-MF-02158	SOLAR SYSTEM INSPECTION	\$6,653.47
		08/27/2018	0402-MF-02160	SOLAR SYSTEM INSPECTION	
		08/27/2018	0402-MF-02155	SOLAR SYSTEM INSPECTION	
		08/27/2018	0402-MF-02156	SOLAR SYSTEM INSPECTION	
		08/27/2018	40-403A-02	WA# 40-403A RRMV SKILLED NURSING FACILITY III	
		08/27/2018	0402-MF-02162	SOLAR SYSTEM INSPECTION	
		08/27/2018	0402-MF-02157	SOLAR SYSTEM INSPECTION	
		08/27/2018	0402-MF-02163	SOLAR SYSTEM INSPECTION	
		08/27/2018	0402-MF-02180	SOLAR SYSTEM INSPECTION	
	08/27/2018	40-402-01	WA# 40-402 US POSTAL SERVICE OUTAGE		
	08/27/2018	0402-MF-02161	SOLAR SYSTEM INSPECTION		
	Remit to: ANAHEIM, CA				
ENTITY MOVAL FINEST LLC	234869	08/20/2018	REFUND	REFUND-COMMERCIAL CANNABIS BACKGROUND CHECK FEE	\$300.00
Remit to: FULLERTON, CA					<u>FYTD:</u> \$300.00
EVANS ENGRAVING & AWARDS	23135	08/20/2018	71718-10	NAMEPLATE/BADGE-PARKS, COMMUNITY SERVICES & TRAILS COMMITTEE MEMBER LUCAS	\$40.85
Remit to: BANNING, CA					<u>FYTD:</u> \$262.24

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
EXCEL LANDSCAPE, INC	23023	08/06/2018	93838	IRRIGATION REPAIRS-WQB/NPDES	\$7,292.53
		08/06/2018	93283	IRRIGATION REPAIRS-WQB/NPDES	
		08/06/2018	93963	LANDSCAPE MAINT-WQB/NPDES-JUNE 2018	
Remit to: CORONA, CA					FYTD: \$7,292.53
FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC.	23024	08/06/2018	JUNE-18 (LT)	LANDLORD/TENANT MEDIATION SVCS-CDBG	\$4,359.85
		08/06/2018	JUNE-18 (FH)	FAIR HOUSING DISCRIMINATION SVCS-CDBG	
Remit to: RIVERSIDE, CA					FYTD: \$9,115.60
FEHR & PEERS	23025	08/06/2018	123912	SSARP CITYWIDE PEDESTRIAN SAFETY STUDY-CONSULTANT SVCS	\$3,652.76
Remit to: WALNUT CREEK, CA					FYTD: \$3,652.76
FIRE SPRINKLER SYSTEMS, INC.	234821	08/13/2018	FSS18-0354	REISSUE PAID PERMIT FEES	\$217.00
Remit to: CORONA, CA					FYTD: \$217.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
FIRST CHOICE SERVICES	23092	08/13/2018	632004	WATER PURIF UNIT RENTAL-FIRE STATION 99	\$160.65
		08/13/2018	632000	WATER PURIF UNIT RENTAL-FIRE STATION 48	
		08/13/2018	631998	WATER PURIF UNIT RENTAL-FIRE STATION 2	
		08/13/2018	632002	WATER PURIF UNIT RENTAL-FIRE STATION 65	
		08/13/2018	631992	WATER PURIF UNIT RENTAL-ANNEX 1	
		08/13/2018	631996	WATER PURIF UNIT RENTAL-CITY YARD	
	23170	08/13/2018	632008	WATER PURIF UNIT RENTAL-TRANSPORTATION TRAILER	\$114.75
		08/27/2018	631995	WATER PURIF UNIT RENTAL-CONFERENCE & REC CTR	
		08/27/2018	632001	WATER PURIF UNIT RENTAL-FIRE STATION 58	
		08/27/2018	632003	WATER PURIF UNIT RENTAL-FIRE STATION 91	
		08/27/2018	631999	WATER PURIF UNIT RENTAL-FIRE STATION 6	
		08/27/2018	631997	WATER PURIF UNIT RENTAL-EMERGENCY OP'S CTR	
Remit to: ONTARIO, CA					<u>FYTD:</u> \$826.20
FLO MOTION	23171	08/27/2018	JUL-2018	INSTRUCTOR SERVICES-NEW IMAGE BOOT CAMP	\$126.00
		08/27/2018	JUN-2018	INSTRUCTOR SERVICES-NEW IMAGE BOOT CAMP	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$126.00
FLORES, JESSE	234822	08/13/2018	R18-122659	ANIMAL SERVICES REFUND-SPAY/NEUTER AND RABIES DEPOSIT	\$95.00
Remit to: FULLERTON, CA					<u>FYTD:</u> \$95.00
FODOR, ERIN	234823	08/13/2018	R18-122110	ANIMAL SERVICES REFUND-SPAY/NEUTER AND RABIES DEPOSIT	\$95.00
Remit to: TEMECULA, CA					<u>FYTD:</u> \$95.00
FOOTHILL CHAPTER - I.C.C.	234742	08/06/2018	FY 2018-19	MEMBERSHIP RENEWAL-A. BROCK	\$50.00
Remit to: RIALTO, CA					<u>FYTD:</u> \$50.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
FRANCHISE TAX BOARD	234844	08/20/2018	3-CASE 572086293	REMITTANCE OF FUNDS PER ORDER TO WITHHOLD #628849505359419709	\$238.00
Remit to: SACRAMENTO, CA					FYTD: \$238.00
FRED'S GLASS & MIRROR, INC.	234799	08/13/2018	12751	WINDOW REPAIR-MARCH FIELD COMMUNITY CTR.	\$1,058.17
		08/13/2018	12639	WINDOW BOARD UP-CITY YARD SANTIAGO OFFICE	
Remit to: RIVERSIDE, CA					FYTD: \$2,033.17
FREEMAN, REBECCA	234773	08/06/2018	R18-124161	ANIMAL SERVICES REFUND-SPAY/NEUTER AND RABIES DEPOSITS	\$95.00
Remit to: EAST HIGHLAND, CA					FYTD: \$95.00
FRONTIER COMMUNICATIONS/FORMERLY VERIZON	23026	08/06/2018	7002Z183S3	BACKBONE COMMUNICATIONS SVC 7/5-8/4/18	\$2,087.36
	23136	08/20/2018	7002Z183-S-18217	BACKBONE COMMUNICATIONS SVC	\$2,130.13
Remit to: ROCHESTER, NY					FYTD: \$4,217.49
FRONTIER COMMUNICATIONS/FORMERLY VERIZON CALIF.	234845	08/20/2018	082109-5/JLY/AUG	PHONE SVCS-EMPLOYMENT RESOURCE CTR 7/4-8/3/18 & 8/4-9/3/18	\$1,241.27
	234890	08/27/2018	9512470093/AUG18	FIO SVCS-FIRE STATION 99-AUGUST 2018	\$200.62
		08/27/2018	081095-5/AUG18	FOREIGN EXCHANGE BUSINESS LISTING-MV UTILITY	
Remit to: CINCINNATI, OH					FYTD: \$1,877.99
FUENTES, DAVID	234907	08/27/2018	R18-118709	ANIMAL SERVICES REFUND-SPAY/NEUTER AND RABIES DEPOSITS	\$95.00
Remit to: MORENO VALLEY, CA					FYTD: \$95.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
G/M BUSINESS INTERIORS, INC.	23093	08/13/2018	0243799-IN	TASK CHAIR-CITY HALL	\$9,302.18
		08/13/2018	155792	LOBBY CHAIR ARM REPLACEMENT-CONFERENCE & REC. CTR.	
		08/13/2018	0243435-IN	TASK CHAIRS-COUNCIL CHAMBERS	
	23137	08/20/2018	0242103-IN	MONITOR ARM-CITY HALL	\$183.06
Remit to: RIVERSIDE, CA					FYTD: \$10,295.27
GALLEGOS, TINA M.	234743	08/06/2018	SPRING 2018	TUITION REIMBURSEMENT	\$898.11
Remit to: PERRIS, CA					FYTD: \$898.11
GALLS INC., INLAND UNIFORM	23027	08/06/2018	BC0619934	UNIFORMS FOR PARK RANGER-A. INGRAHAM	\$51.77
	23094	08/13/2018	BC0615983	ACTIVE SHOOTER DEFENSE EQUIPMENT-POLICE DEPT.	\$7,347.26
	23138	08/20/2018	BC0643788	UNIFORMS FOR PARK RANGER-A. MUNOZ	\$136.63
Remit to: CHICAGO, IL					FYTD: \$61,927.00
GARBUTT, DIANE	234824	08/13/2018	R18-123445	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: RIVERSIDE, CA					FYTD: \$170.00
GARCIA HERNANDEZ SAWHNEY, LLP	234744	08/06/2018	09240	LEGAL SERVICES	\$14,363.50
Remit to: SAN DIEGO, CA					FYTD: \$14,363.50
GEORGE-BALTAZAR, MIRIAM	234870	08/20/2018	R18-122848	ANIMAL SERVICES REFUND-SPAY NEUTER DEPOSIT	\$75.00
Remit to: PERRIS, CA					FYTD: \$75.00
GINO MUNOZ PRODUCTIONS	234767	08/06/2018	180810WF	WILDFIRE BAND PERFORMANCE FOR CONCERT 8/10/18	\$1,200.00
Remit to: GLENDORA, CA					FYTD: \$2,400.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
GOZDECKI, DAN	23028	08/06/2018	JUL-2018	INSTRUCTOR SERVICES-KUNG FU YOUTH & ADULT CLASSES	\$226.80
	23172	08/27/2018	AUG-2018	INSTRUCTOR SERVICES-KUNG FU YOUTH & ADULT CLASSES	\$194.40
Remit to: MORENO VALLEY, CA					FYTD: \$421.20
GRANADOS, ENRIQUE	234825	08/13/2018	R18-125600	ANIMAL SERVICES REFUND-PARTIAL LICENSE REFUND	\$14.00
Remit to: MORENO VALLEY, CA					FYTD: \$14.00
GRAVES & KING, LLP	23029	08/06/2018	1806-0009936-04	LEGALS SVCS-CLAIM MV1707 (T. HUFF)	\$1,294.65
	23095	08/13/2018	1806-0010084-01	LEGAL SVCS-CLAIM MV1848 (M. RIOS)	\$3,919.95
		08/13/2018	1806-0010078-02	LEGAL SVCS-CLAIM MV1768 (S. WILEY)	
Remit to: RIVERSIDE, CA					FYTD: \$9,214.90
GRAY, LAWTON	234774	08/06/2018	2000409.047	COTTONWOOD GOLF CTR. RENTAL REFUND	\$200.00
Remit to: PERRIS, CA					FYTD: \$200.00
GRP2 UNIFORMS INC. DBA KEYSTONE UNIFORMS	234800	08/13/2018	700017087	ACTIVE SHOOTER DEFENSE EQUIPMENT-POLICE DEPT.	\$20,214.97
		08/13/2018	700016989	ACTIVE SHOOTER DEFENSE EQUIPMENT-POLICE DEPT.	
Remit to: CORONA, CA					FYTD: \$20,214.97
GUARDIAN ROOFS ENERGY SOLUTIONS	234908	08/27/2018	BOR18-0128	REFUND CANCELLED BLDG PERMIT-12930 PAN AM BLVD.	\$131.52
Remit to: ORANGE, CA					FYTD: \$131.52
GUDINO, ROSALBA	234872	08/20/2018	2000427.047	REFUND-"A CHILDS PLACE" GRANT RATE ADJUSTMENT	\$74.00
Remit to: MORENO VALLEY, CA					FYTD: \$74.00
GUERRERO, MAIRA	234873	08/20/2018	2000431.047	TOWNGATE COMM. CTR. RENTAL REFUND	\$200.00
Remit to: MORENO VALLEY, CA					FYTD: \$200.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
HARDY & HARPER, INC.	23139	08/20/2018	44626-REVISED	SPEED HUMPS CONSTRUCTION-RESIDENTIAL-VARIOUS LOCATIONS	\$24,890.00
Remit to: SANTA ANA, CA					<u>FYTD:</u> \$24,890.00
HASCO HEATING AIR CONDITIONING SERVICE COMPANY	23173	08/27/2018	88076	HVAC REPAIR-CONFERENCE & REC CTR	\$2,369.50
		08/27/2018	87692	HVAC REPAIR-CITY YARD	
		08/27/2018	88073	HVAC REPAIR-CONFERENCE & REC CTR	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$3,554.79
HAWK ANALYTICS, INC.	234847	08/20/2018	INV22312	CELLHAWK SUBSCRIPTION (12-MONTHS)	\$4,995.00
Remit to: BARTONVILLE, TX					<u>FYTD:</u> \$4,995.00
HEALD, DENA	234746	08/06/2018	7/31-8/1/18	TRAVEL PER DIEM & PARKING REIMBURSEMENT-NSP WORKSHOP SERIES	\$144.40
Remit to: CORONA, CA					<u>FYTD:</u> \$144.40
HLP, INC.	23096	08/13/2018	15103	WEB LICENSE MONTHLY SVC FEE	\$59.15
	23140	08/20/2018	15037	CHAMELEON/CMS SOFTWARE ANNUAL SUPPORT/MAINT	\$21,424.80
	23175	08/27/2018	14944	CHAMELEON/CMS SOFTWARE ANNUAL SUPPORT/MAINT	\$10,344.00
Remit to: LITTLETON, CO					<u>FYTD:</u> \$31,935.75
HR GREEN PACIFIC INC.	23031	08/06/2018	119233	PLAN CHECK SVCS-WQMP-THRU 4/27/18	\$18,187.00
		08/06/2018	119756	PLAN CHECK SVCS-PA15-067/TR 36933 5/12-6/30/18	
		08/06/2018	119759	PLAN CHECK SVCS-WQMP-THRU 6/30/18	
		08/06/2018	119228	PLAN CHECK SVCS-PA15-067/TR36933 3/30-5/11/18	
		08/06/2018	119762	PLAN CHECK SVCS-JUNE 2018	
		08/06/2018	119726	PLAN CHECKS SVCS-WQMP-THRU 6/01/18	
Remit to: DES MOINES, IA					<u>FYTD:</u> \$25,198.25

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
INLAND EMPIRE PROPERTY SERVICE, INC	23032	08/06/2018	18111	NUISANCE ABATEMENT SVCS-APN GRAHAM ST.	\$281.00
	23097	08/13/2018	181010	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 263-220-016	\$2,407.00
		08/13/2018	181050	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 479-150-052	
		08/13/2018	18112	NUISANCE ABATEMENT SVCS-APN CIMARRON CANYON DR.	

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
INLAND EMPIRE PROPERTY SERVICE, INC	23176	08/27/2018	181046	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 473-210-005	\$13,319.00
		08/27/2018	181057	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 263-113-005	
		08/27/2018	181051	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 474-120-046	
		08/27/2018	181056	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 475-160-056	
		08/27/2018	181038	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 312-260-017	
		08/27/2018	181055	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 291-130-002	
		08/27/2018	181040	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 488-080-022	
		08/27/2018	181053	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 474-180-030	
		08/27/2018	181041	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 488-080-011	
		08/27/2018	181052	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 474-161-035	
		08/27/2018	181058	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 488-200-022	
		08/27/2018	181049	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 487-250-006	
		08/27/2018	181048	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 422-070-034	
		08/27/2018	181044	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-421-013	
		08/27/2018	181043	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-230-017	
		08/27/2018	181054	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 475-160-065	
		08/27/2018	181037	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-240-008	
		08/27/2018	181070	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-110-005	
		08/27/2018	181059	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 479-090-019	
		08/27/2018	181033	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 488-330-035	
		08/27/2018	181034	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 487-260-005	
		08/27/2018	181032	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 488-330-037	
		08/27/2018	181035	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 487-260-004	
		08/27/2018	181031	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 488-330-038	
		08/27/2018	181047	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 423-250-001	
		08/27/2018	181073	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 259-240-090	
		08/27/2018	181045	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-166-030	
		08/27/2018	181076	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 292-032-011	

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
INLAND EMPIRE PROPERTY SERVICE, INC		08/27/2018	181071	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-110-006	
		08/27/2018	181069	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 478-110-004	
		08/27/2018	181060	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 479-230-027	
		08/27/2018	181036	WEED ABATEMENT SVCS-FIRE PREVENTION-APN 487-260-002	
Remit to: MORENO VALLEY, CA					FYTD: \$25,959.00
INLAND OVERHEAD DOOR COMPANY	23098	08/13/2018	42373	ROLL UP DOORS/AUTO GATES PREVENTIVE MAINT-FIRE STATION 99	\$1,940.00
		08/13/2018	42617	ROLL UP DOOR REPAIR-FIRE STATION 58	
		08/13/2018	42609	ROLL UP DOOR REPAIR-FIRE STATION 91	
	23177	08/27/2018	42693	SERVICE CALL-CITY YARD	\$2,451.75
		08/27/2018	42737	DOOR REPAIR-SENIOR CTR.	
		08/27/2018	42621	ROLL UP DOOR REPAIR-FIRE STATION 48	
		08/27/2018	42757	ROLL UP DOOR REPAIR-FIRE STATION 58	
Remit to: COLTON, CA					FYTD: \$10,187.50
JEREMY GARZON INSURANCE AGENCY	234849	08/20/2018	08162018	"HIRE A MOVAL GRAD" INCENTIVE PROGRAM FY 17/18	\$2,000.00
Remit to: MORENO VALLEY, CA					FYTD: \$2,000.00
JIMENEZ, CAROLINA GONZALEZ	234775	08/06/2018	R18-123735	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					FYTD: \$75.00
JIMENO, CECILE	234909	08/27/2018	2000020.067	SENIOR CTR. RENTAL REFUND	\$44.00
Remit to: MORENO VALLEY, CA					FYTD: \$44.00
JOE A. GONSALVES & SON	23141	08/20/2018	156831	STATE LOBBYIST-SEPTEMBER 2018	\$3,045.00
Remit to: SACRAMENTO, CA					FYTD: \$9,045.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
JOHNSON MEZZCAP	23178	08/27/2018	1120	LITE OWL & E-SERIES EQUIPMENT LEASE-SEPTEMBER 2018	\$6,730.53
		08/27/2018	1119	LITE OWL & E-SERIES EQUIPMENT LEASE-AUGUST 2018	
		08/27/2018	1118	LITE OWL & E-SERIES EQUIPMENT LEASE-JULY 2018	
Remit to: DALLAS, TX					<u>FYTD:</u> \$6,730.53
JOULE MEGAMORPHOSIS ENERGY CONSULTING	23099	08/13/2018	1055	INTEGRATED RESOURCES PLAN	\$20,293.00
Remit to: SAN DIEGO, CA					<u>FYTD:</u> \$20,293.00
KIMLEY-HORN & ASSOC., INC.	23033	08/06/2018	11349153	ARTERIAL TRAFFIC MANAGEMENT SYSTEM MAINT & SUPPORT 1/01/18-6/30/18	\$12,250.00
Remit to: SAN DIEGO, CA					<u>FYTD:</u> \$29,117.10
LA BIANCO, JOYCE	234874	08/20/2018	R18-125341	ANIMAL SERVICES REFUND-SPAY NEUTER DEPOSIT	\$75.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$75.00
LANDCARE USA, LLC	23100	08/13/2018	158678	LANDSCAPE MOWING-CFD #1-JULY 2018	\$12,091.90
		08/13/2018	158656	LANDSCAPE MOWING-ZONE A-JULY 2018	
	23179	08/27/2018	161558	MULCH INSTALLATION-ZONE A1	\$16,737.45
		08/27/2018	158655	LANDSCAPE MAINT-ZONES 01, 01A, 08 & E7-JULY 2018	
		08/27/2018	163167	IRRIGATION REPAIRS-ZONES 01, 01A, E-7 & 8	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$79,115.46
LAW, TANISHA	234776	08/06/2018	2000411.047	REFUND-PEE WEE BASKETBALL CLINIC CLASS	\$40.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$40.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
LEAGUE OF CALIFORNIA CITIES-RIVERSIDE COUNTY DIVISION	234747	08/06/2018	2196_A	LEAGUE DIVISION MEETING 5/14/18-M. KOCZANOWICZ	\$120.00
		08/06/2018	2196_B	LEAGUE DIVISION MEETING 5/14/18-M. EYERMAN	
		08/06/2018	2196	LEAGUE DIVISION MEETING 5/14/18-T. DESANTIS	
Remit to: SACRAMENTO, CA					FYTD: \$120.00
LEE, JONATHAN	234801	08/13/2018	7/23-7/27/18	MILEAGE REIMBURSEMENT-CRIME PREVENTION TRAINING	\$239.80
Remit to: MORENO VALLEY, CA					FYTD: \$239.80
LEE-MCDUFFIE, PRECIOUS	23101	08/13/2018	JUL-2018	INSTRUCTOR SERVICES-ACTING, SPEECH & SINGING CLASSES FOR KIDS	\$784.89
	23180	08/27/2018	AUG-2018	INSTRUCTOR SERVICES-ACTING, SPEECH & SINGING CLASSES FOR KIDS	\$444.60
Remit to: MORENO VALLEY, CA					FYTD: \$1,229.49
LEIVAS, INC. DBA: LEIVAS LIGHTING	23035	08/06/2018	237943	LANDSCAPE LIGHTING MAINTENANCE-DEC 2017	\$5,220.89
		08/06/2018	237942	LANDSCAPE LIGHTING MAINTENANCE-JAN 2018	
		08/06/2018	237948	LANDSCAPE LIGHTING MAINTENANCE-JUN 2018	
		08/06/2018	237947	LANDSCAPE LIGHTING MAINTENANCE-MAY 2018	
		08/06/2018	237946	LANDSCAPE LIGHTING MAINTENANCE-APR 2018	
		08/06/2018	237944	LANDSCAPE LIGHTING MAINTENANCE-FEB 2018	
		08/06/2018	237941	LANDSCAPE LIGHTING MAINTENANCE-NOV 2017	
	08/06/2018	237945	LANDSCAPE LIGHTING MAINTENANCE-MAR 2018		
Remit to: RIVERSIDE, CA					FYTD: \$9,025.83

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
LEVEL 3 COMMUNICATIONS/FORMERLY TW TELCOM	23036	08/06/2018	71862169a	INTERNET & DATA SVCS 7/17-8/16/18	\$4,993.36
		08/06/2018	71862169	TELEPHONE SVCS-LOCAL/LONG DISTANCE CALLS 7/17-8/16/18	
Remit to: BROOMFIELD, CO					FYTD: \$10,073.42
LIEBERT, CASSIDY, WHITMORE	234748	08/06/2018	1462515	LEGAL SERVICES-MO140-00017	\$4,112.00
	234893	08/27/2018	1464023	LEGAL SERVICES-MO140-00017	\$6,189.10
Remit to: LOS ANGELES, CA					FYTD: \$19,466.60
LIENHARD, DORI A.	234784	08/06/2018	4/22-4/25/18	TRAVEL PER DIEM-TYLER TECHNOLOGIES CONNECT 2018 CONFERENCE	\$241.50
Remit to: RANCHO MIRAGE, CA					FYTD: \$649.37
LILLY, ANA	23038	08/06/2018	00028	GRAPHIC/WEB DESIGN SVCS 7/15-7/28/18	\$1,223.78
	23142	08/20/2018	00029	GRAPHIC/WEB DESIGN SVCS 7/29-8/11/18	\$1,287.56
Remit to: RIVERSIDE, CA					FYTD: \$4,505.67
LIU, ZIYU	234910	08/27/2018	R18-125528	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: RIVERSIDE, CA					FYTD: \$75.00
LOR GEOTECHNICAL GROUP, INC.	23102	08/13/2018	16956	DAY ST/ALESSANDRO BLVD PROJECT-GEOTECHNICAL SERVICES	\$11,700.00
Remit to: RIVERSIDE, CA					FYTD: \$11,700.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
LYONS SECURITY SERVICE, INC	23103	08/13/2018	25041	SECURITY GUARD SVCS-CITY HALL-JULY 2018	\$7,856.05
		08/13/2018	24944	SECURITY GUARD SVCS-CONFERENCE & REC CTR SPECIAL EVENTS-JUNE 2018	
		08/13/2018	24949	SECURITY GUARD SVCS-MV UTILITY-JUNE 2018	
		08/13/2018	25040	SECURITY GUARD SVCS-LIBRARY-JULY 2018	
		08/13/2018	25039	SECURITY GUARD SVCS-MV UTILITY-JULY 2018	
Remit to: ANAHEIM, CA					FYTD: \$29,062.38
MACEDO, ANGELICA	234826	08/13/2018	R18-124598	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					FYTD: \$75.00
MALCOLM SMITH MOTORCYCLES, INC.	23039	08/06/2018	5140097	MAINT./REPAIRS-PD TRAFFIC MOTORCYCLE	\$391.43
Remit to: RIVERSIDE, CA					FYTD: \$1,670.03
MARCH JOINT POWERS AUTHORITY	234802	08/13/2018	46014	GAS CHARGES-M.A.R.B. BUILDING 823-JUN18	\$5.10
		08/13/2018	46017	GAS CHARGES-M.A.R.B. BUILDING 938-JUN18	
Remit to: RIVERSIDE, CA					FYTD: \$10.77
MARGARITAS GRILL RESTAURANT	234777	08/06/2018	2000413.047	CONFERENCE & REC. CTR. RENTAL REFUND	\$750.00
Remit to: MORENO VALLEY, CA					FYTD: \$750.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
MARIPOSA LANDSCAPES, INC.	23040	08/06/2018	81266	LANDSCAPE MAINT.-LIBRARY-JUN18	\$13,701.97
		08/06/2018	81253	LANDSCAPE MAINT.-AQUEDUCT BIKEWAY/BAY AVE. TO GRAHAM ST.-JUN18	
		08/06/2018	81255	LANDSCAPE MAINT.-AQUEDUCT BIKEWAY/VANDENBERG DR. TO FAY AVE.-JUN18	
		08/06/2018	81263	LANDSCAPE MAINT.-CITY YARD-JUN18	
		08/06/2018	81256	LANDSCAPE MAINT.-NORTH AQUEDUCT-JUN18	
		08/06/2018	81252	LANDSCAPE MAINT.-TOWNGATE AQUEDUCT BIKEWAY-JUN18	
		08/06/2018	81257	LANDSCAPE MAINT.-PAN AM SECTION AQUEDUCT-JUN18	
		08/06/2018	81254	LANDSCAPE MAINT.-AQUEDUCT BIKEWAY-DELPHINIUM AVE./PERHAM DR. TO JFK DR.-JUN18	
		08/06/2018	81259	LANDSCAPE MAINT.-SOUTH AQUEDUCT B-JUN18	
		08/06/2018	81251	LANDSCAPE MAINT.-TOWNGATE COMMUNITY CENTER-JUN18	
		08/06/2018	81260	LANDSCAPE MAINT.-AQUEDUCT/SCE & OLD LAKE DR.-JUN18	
		08/06/2018	81258	LANDSCAPE MAINT.-SOUTH AQUEDUCT A-JUN18	
		08/06/2018	81302	LANDSCAPE EXTRA WORK-FIRE STATION 99/INSTALLED PLANT MATERIAL	
		08/06/2018	81269	LANDSCAPE MAINT.-SENIOR CENTER-JUN18	
		08/06/2018	81264	LANDSCAPE MAINT.-CONFERENCE & REC. CENTER-JUN18	
		08/06/2018	81262	LANDSCAPE MAINT.-MARCH ANNEX BUILDING-JUN18	
		08/06/2018	81261	LANDSCAPE MAINT.-ANIMAL SHELTER-JUN18	
		08/06/2018	81304	LANDSCAPE EXTRA WORK-CITY YARD/INSTALLED 14 TREES/PLANT MATERIAL	
		08/06/2018	81303	LANDSCAPE EXTRA WORK-PUBLIC SAFETY BLDG/INSTALLED PLANT MATERIAL	
		08/06/2018	81268	LANDSCAPE MAINT.-PUBLIC SAFETY BUILDING-JUN18	
		08/06/2018	81274	LANDSCAPE MAINT.-CITY YARD SANTIAGO OFFICE-JUN18	

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
MARIPOSA LANDSCAPES, INC.	23104	08/13/2018	81281	LANDSCAPE EXTRA WORK-JUN18-ZONE 02-PROVIDE/INSTALL MULCH-455 YARDS	\$19,293.17
		08/13/2018	81280	LANDSCAPE EXTRA WORK-JUN18-ZONE 02/HS-IRRIGATION REPAIRS	
		08/13/2018	81279	LANDSCAPE EXTRA WORK-JUN18-ZONE 02/HS-IRRIGATION REPAIRS	
		08/13/2018	81282	LANDSCAPE EXTRA WORK-JUN18-ZONE 02/HS-IRRIGATION REPAIRS	
		08/13/2018	81314	LANDSCAPE EXTRA WORK-JUN18-ZONE 02/HS-IRRIGATION REPAIRS	
	23143	08/20/2018	81710	LANDSCAPE EXTRA WORK-JUN18-ZONE 02/HS-REPLACED WORN ROTOR HEADS	\$1,157.23
		08/20/2018	81711	LANDSCAPE EXTRA WORK-JUN18-ZONE 02/HS-IRRIGATION REPAIRS	
Remit to: IRWINDALE, CA					FYTD: \$62,851.22
MARTINEZ, GLORIA	234778	08/06/2018	R18-123422	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: PERRIS, CA					FYTD: \$75.00
MARTINEZ, VINCENT	234875	08/20/2018	R18-124558	ANIMAL SERVICES REFUND-SPAY NEUTER DEPOSIT	\$75.00
Remit to: BEAUMONT, CA					FYTD: \$75.00
MASON, SAM	234749	08/06/2018	MAY-2018	INSTRUCTOR SERVICES-BOXING/KICKBOXING (25% WITHHELD)	\$714.00
		08/06/2018	JUN-2018	INSTRUCTOR SERVICES-KICKBOXING (25% WITHHELD)	
		08/06/2018	MAR-2018	INSTRUCTOR SERVICES-KICKBOXING (25% WITHHELD)	
		08/06/2018	APR-2018	INSTRUCTOR SERVICES-KICKBOXING (25% WITHHELD)	
Remit to: MORENO VALLEY, CA					FYTD: \$714.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
MCCOY, TERREA	234779	08/06/2018	R18-123018	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
MELLENDEZ, JACKIE	23105	08/13/2018	SETTLEMENT CLAIM	SETTLEMENT CLAIM-VEHICLE DAMAGE DUE TO CITY HALL SOLAR CARPORT CONSTRUCTION	\$1,000.00
	23144	08/20/2018	REIMB.-4/23/18	REIMBURSEMENT FOR FLIGHT FEE INCURRED FOR BLOOMBERG PROJECT	\$537.11
		08/20/2018	1/17/18-5/11/18	MILEAGE REIMBURSEMENT FOR MEETINGS/EVENTS	
		08/20/2018	7/20/17-11/28/17	MILEAGE REIMBURSEMENT FOR MEETINGS/EVENTS	
Remit to: UPLAND, CA					<u>FYTD:</u> \$1,537.11
MERCHANTS LANDSCAPE SERVICES INC	23106	08/13/2018	51941	LANDSCAPE EXTRA WORK-ZONE 03-INSTALL 2 AFRICAN SUMACS TREES	\$14,656.28
		08/13/2018	52327	LANDSCAPE EXTRA WORK-ZONE 06-ADDED MULCH	
		08/13/2018	51938	LANDSCAPE EXTRA WORK-ZONE 03-LABOR TO REPAIR CONTROLLERS	
		08/13/2018	51940	LANDSCAPE EXTRA WORK-ZONE 03-MATERIAL & LABOR TO PAINT BACKFLOWS	
		08/13/2018	51939	LANDSCAPE EXTRA WORK-ZONE 03-INSTALL SYCAMORE TREE ON LASSELLE ST	
Remit to: MONTEREY PARK, CA					<u>FYTD:</u> \$101,610.34
MICHAEL BAKER INTERNATIONAL, INC	23041	08/06/2018	1020222	REPLACEMENT OF THEODORE ST GUIDE SIGNS WITH NEW STREET NAME-WORLD LOGISTICS PKWY	\$5,933.56
	23107	08/13/2018	1022149	INDIAN ST/CARDINAL AVE BRIDGE (OVER LATERAL A)- PROFESSIONAL SVCS	\$12,433.95
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$75,723.68

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
MIRACLE RECREATION EQUIPMENT	23145	08/20/2018	800976	PLAYGROUND EQUIPMENT PARTS-RIDGECREST PARK	\$322.21
Remit to: DALLAS, TX					<u>FYTD:</u> \$1,065.42
MO VALLEY APTS, LLC	234911	08/27/2018	BL#32880-YR2018	REFUND OF OVERPAYMENT FOR BL#32880	\$41.80
Remit to: CALABASAS, CA					<u>FYTD:</u> \$41.80
MONTGOMERY PLUMBING INC	234803	08/13/2018	071018	WATER DISPENSER INSTALLATION PROJECT-LIBRARY MALL BRANCH	\$9,141.40
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$9,141.40
MONTOYA, SANDRA ROCIO	234827	08/13/2018	R18-122890	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$75.00
MOORE FENCE COMPANY	23108	08/13/2018	16-072	FENCE REPAIRS-FIRE STATION 58	\$4,907.96
Remit to: PERRIS, CA					<u>FYTD:</u> \$4,907.96
MORENO VALLEY CHAMBER OF COMMERCE	234894	08/27/2018	2018/19	LEADERSHIP MORENO VALLEY PROGRAM TUITION & FEES-M. WOLFE	\$650.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$650.00
MORENO VALLEY MALL HOLDING, LLC	23042	08/06/2018	AUG. 2018 RENT	RENT-LIBRARY MALL BRANCH-AUGUST 2018	\$6,874.54
	23181	08/27/2018	SEP. 2018 RENT	RENT-LIBRARY MALL BRANCH-SEPTEMBER 2018	\$6,874.54
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$13,749.08
MORNING OPTIMIST CLUB OF MORENO VALLEY	234750	08/06/2018	BG 2	BEER GARDEN ASSISTANCE FOR JULY 4, 2018 FUNFEST EVENT	\$500.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$500.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
MULKAY, SCOTT	234912	08/27/2018	PEN16-0008 REFND	REFUND DEPOSIT-PLANNING TRUST ACCOUNT CLOSED-PROLOGIS	\$9,125.80
Remit to: ONTARIO, CA					<u>FYTD:</u> \$9,125.80
NATURES IMAGE, INC.	234921	08/27/2018	18-03-334	NPDES WQB LANDSCAPE/IRRIGATION MAINT.-JUL18	\$7,332.00
Remit to: LAKE FOREST, CA					<u>FYTD:</u> \$7,332.00
NGUYEN, CLEMENT BA DUONG	23146	08/20/2018	JUL-2018	INSTRUCTOR SVCS-VOVINAM MARTIAL ARTS CLASS	\$294.00
	23182	08/27/2018	AUG-2018	INSTRUCTOR SVCS-VOVINAM MARTIAL ARTS CLASS	\$318.06
Remit to: BEAUMONT, CA					<u>FYTD:</u> \$935.46
NICHOLS CONSULTING ENGINEERS, CHTD (NCE)	23043	08/06/2018	318023009	PAVEMENT MANAGEMENT SYSTEM 2018-CONSULTANT SVCS	\$8,559.22
Remit to: RENO, NV					<u>FYTD:</u> \$8,559.22
OVERLAND PACIFIC & CUTLER, LLC	23147	08/20/2018	1807092	RIGHT-OF-WAY ACQUISITION SVCS	\$1,575.00
Remit to: LONG BEACH, CA					<u>FYTD:</u> \$2,572.50
PACIFIC TELEMAGEMENT SERVICES	23183	08/27/2018	995879	PAY PHONE SVCS-AUG18	\$375.84
		08/27/2018	1001063	PAY PHONE SVCS-SEP18	
Remit to: SAN RAMON, CA					<u>FYTD:</u> \$563.76
PAINTING BY ZEB BODE	23111	08/13/2018	07192018	PAINTING FIRE LANE CURBING-CITY HALL, ANNEX 1 & CRC	\$2,120.00
Remit to: NORCO, CA					<u>FYTD:</u> \$2,120.00
PERCEPTIVE ENTERPRISES, INC.	23148	08/20/2018	3397	DISADVANTAGED BUSINESS ENTERPRISE CONSULTANT SVCS-JUL18	\$1,980.00
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$3,780.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
PETTY CASH - FINANCE	234861	08/20/2018	JUL 2018	PETTY CASH FUND REPLENISHMENT	\$387.37
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,306.22
PIP PRINTING	234895	08/27/2018	371446	FIRE SAFETY COLORING BOOKS-FIRE ADMIN. & STATIONS	\$3,230.69
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$3,230.69
PRESS ENTERPRISE/CALIFORNIA NEWSPAPERS PARTNERSHIP	234751	08/06/2018	11146310	LEGAL ADVERTISING FOR GENERAL ELECTION NOTICE (ENGLISH & SPANISH)	\$444.40
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$503.80
PRESTIGE HOMES, LP	234876	08/20/2018	REFUND DEPOSIT	REFUND DEPOSIT ACCOUNT-BLDG OVERTIME INSPECTIONS-TR 32142	\$2,174.49
Remit to: ONTARIO, CA					<u>FYTD:</u> \$2,174.49
PROFESSIONAL COMMUNICATIONS NETWORK PCN	234752	08/06/2018	154700246	LIVE ANSWERING SERVICE FOR ROTATIONAL TOW VEHICLES PROGRAM	\$503.81
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,059.62
PVP COMMUNICATIONS, INC.	23045	08/06/2018	124165	REPLACEMENT/REPAIR OF RADIO GEAR-PD TRAFFIC	\$105.23
Remit to: TORRANCE, CA					<u>FYTD:</u> \$187.21
RAMIREZ-CORNEJO, MIGUEL	23046	08/06/2018	8/8-8/9/18	TRAVEL PER DIEM & MILEAGE-GRANT WRITING WORKSHOP	\$194.54
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$194.54
RAMOS, ROBERTO	23184	08/27/2018	AUG-2018	INSTRUCTOR SERVICES-TAE KWON DO, KINDER KARATE, ETC.	\$1,755.42
		08/27/2018	JUL-2018	INSTRUCTOR SERVICES-TAE KWON DO, KINDER KARATE, ETC.	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,543.85

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
RANCHO BELAGO DANCE COMPANY	23112	08/13/2018	JUL-2018	INSTRUCTOR SERVICES-DANCE CLASSES	\$457.60
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$457.60
RCCD FOUNDATION	234804	08/13/2018	9-20-18 EVENT	INAUGURAL PRESIDENTS DINNER 2018	\$1,000.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,000.00
READY REFRESH BY NESTLE	23150	08/20/2018	08G0035653633	BOTTLED WATER SVC.-RED MAPLE ELEMENTARY CHILD CARE	\$78.67
		08/20/2018	08G0035449305	BOTTLED WATER SVC./COOLER RENTAL-CREEKSIDE ELEMENTARY CHILD CARE	
		08/20/2018	08G0035449420	BOTTLED WATER SVC./COOLER RENTAL-RAINBOW RIDGE ELEMENTARY CHILD CARE	
		08/20/2018	08G0035449180	BOTTLED WATER SVC./COOLER RENTAL-ARMADA ELEMENTARY CHILD CARE	
Remit to: LOUISVILLE, KY					<u>FYTD:</u> \$114.84
REGALADO, BLANCA E	23047	08/06/2018	JUL-2018	INSTRUCTOR SERVICES-FOLKLORIC DANCE ADULT & YOUTH CLASSES	\$394.80
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$394.80

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
REPUBLIC MASTER CHEFS TEXTILE RENTAL SERVICE	23151	08/20/2018	S711244	LINENS RENTAL FOR CRC SPECIAL EVENTS	\$307.49
		08/20/2018	12411877	LINENS RENTAL FOR CRC BALLROOM	
		08/20/2018	12416877	LINENS RENTAL FOR CRC BALLROOM	
		08/20/2018	12426246	LINENS RENTAL FOR CRC BALLROOM	
		08/20/2018	S714070	LINENS RENTAL FOR CRC SPECIAL EVENTS	
		08/20/2018	12406280	LINENS RENTAL FOR CRC BALLROOM	
		08/20/2018	12421259	LINENS RENTAL FOR CRC BALLROOM	
		08/20/2018	S711411	LINENS RENTAL FOR CRC SPECIAL EVENTS	
	23185	08/27/2018	S718553	LINENS RENTAL FOR CRC SPECIAL EVENTS	\$130.86
		08/27/2018	S717160	LINENS RENTAL FOR CRC SPECIAL EVENTS	
		08/27/2018	12437372	LINENS RENTAL FOR CRC BALLROOM	
		08/27/2018	12432390	LINENS RENTAL FOR CRC BALLROOM	
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$607.47
RHA LANDSCAPE ARCHITECTS- PLANNERS	234896	08/27/2018	0718032	SKATE PARK DESIGN PROJECT SERVICES	\$2,222.13
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$4,909.39
RHYTHM TECH PRODUCTIONS	23152	08/20/2018	1001	SOUND TECH SERVICES FOR SUMMER CONCERTS	\$1,200.00
Remit to: CALIMESA, CA					<u>FYTD:</u> \$1,200.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
RIGHTWAY SITE SERVICES, INC.	234851	08/20/2018	234370	PORTABLE RESTROOMS RENTAL-EQUESTRIAN CENTER	\$754.03
		08/20/2018	234369	PORTABLE RESTROOM RENTAL-COTTONWOOD GOLF COURSE	
		08/20/2018	235082	PORTABLE RESTROOMS RENTAL-MARCH MIDDLE SCHOOL	
		08/20/2018	234000	PORTABLE RESTROOMS RENTAL-MARCH MIDDLE SCHOOL	
	234897	08/27/2018	235455	PORTABLE RESTROOM RENTAL-COTTONWOOD GOLF COURSE	\$446.93
		08/27/2018	235456	PORTABLE RESTROOMS RENTAL-EQUESTRIAN CENTER	
Remit to: LAKE ELSINORE, CA					FYTD: \$1,762.44
RIVERSIDE AREA RAPE CRISIS CENTER	234753	08/06/2018	MAY2018-11	CDBG SUBGRANTEE PAYMENT-CHILD ABUSE PREVENTION PROGRAM	\$1,181.28
		08/06/2018	JUNE2018-12	CDBG SUBGRANTEE PAYMENT-CHILD ABUSE PREVENTION PROGRAM	
Remit to: RIVERSIDE, CA					FYTD: \$2,055.92
RIVERSIDE COUNTY OFFICE OF EDUCATION	234754	08/06/2018	2018 / 2926	TRANSLATION SERVICES-CITY COUNCIL MEETINGS IN JUNE 2018	\$359.42
	234780	08/06/2018	2000402.047	CELEBRATION PARK PICNIC SHELTER REFUND	\$125.00
Remit to: RIVERSIDE, CA					FYTD: \$2,212.23
RIVERSIDE MEDICAL CLINIC	23048	08/06/2018	415831-4312018	PHYSICAL THERAPY ASSESSMENTS	\$1,942.54
		08/06/2018	700000187 06/16	PRE-EMPLOYMENT PHYSICALS/DRUG SCREENINGS	
		08/06/2018	4RMC04302018	PRE-EMPLOYMENT PHYSICALS/DRUG SCREENINGS-APR18	
		08/06/2018	700000395 05/12	PRE-EMPLOYMENT PHYSICALS/DRUG SCREENINGS	
	23113	08/13/2018	RMC05-2018	PRE-EMPLOYMENT PHYSICALS/DRUG SCREENINGS-MAY18	\$1,591.00
08/13/2018		RMC06-2018	PRE-EMPLOYMENT PHYSICALS/DRUG SCREENINGS-JUN18		
23153	08/20/2018	RMC12/06/2018	PHYSICAL THERAPY ASSESSMENTS	\$270.00	
Remit to: RIVERSIDE, CA					FYTD: \$6,741.54

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
RIVERSIDE UNIVERSITY HEALTH SYSTEMS - MEDICAL CTR	23049	08/06/2018	1132	SART EXAMS BILLING FOR PD-JUN18	\$4,900.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$4,900.00
SAFEWAY SIGN CO.	23050	08/06/2018	13417	TRAFFIC SIGNS/HARDWARE	\$2,626.73
Remit to: ADELANTO, CA					<u>FYTD:</u> \$6,789.31
SALVATION ARMY	234755	08/06/2018	2 / APR-18	CDBG SUBGRANTEE PAYMENT-HOMELESS TO WORK PROGRAM	\$9,879.39
		08/06/2018	3 / MAY-18	CDBG SUBGRANTEE PAYMENT-HOMELESS TO WORK PROGRAM	
		08/06/2018	1 / JAN-MAR 2018	CDBG SUBGRANTEE PAYMENT-HOMELESS TO WORK PROGRAM	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$55,818.29
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP	23114	08/13/2018	98182	REPLACE K-CLASS FIRE EXTINGUISHER-SENIOR CENTER KITCHEN	\$215.50
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$317.50
SANTA MONICA-UCLA MEDICAL CENTER	234756	08/06/2018	16706577-JUN18	SART EXAM BILLING FOR PD-JUNE 2018	\$730.00
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$730.00
SCOTT MORRISON & ASSOCIATES	234852	08/20/2018	INV 11100 DAVIS	LEAD INSPECTION/BULK SAMPLING FEE-11100 DAVIS ST.	\$500.00
		08/20/2018	INV 12177 INDIAN	LEAD INSPECTION/BULK SAMPLING FEE-12177 INDIAN ST.	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$500.00
SECRETARY OF STATE	234768	08/06/2018	08022018	NOTARY RENEWAL EXAM FEE-K. WEST	\$40.00
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$40.00
SHESTOCK, LINDA	234781	08/06/2018	R18-124550	ANIMAL SERVICES REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: PALM DESERT, CA					<u>FYTD:</u> \$75.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
SHRED-IT	234806	08/13/2018	8124913619	SHREDDING SERVICES-FIRE STATION 99	\$298.88
		08/13/2018	8124708567	SHREDDING SERVICES-FIRE STATION 99	
	234853	08/20/2018	8125059051	SHREDDING SERVICES ON 6/5/18	\$2,357.50
Remit to: CHICAGO, IL					FYTD: \$3,103.27
SIATECH	234828	08/13/2018	DEPOSIT REFUND	REFUND-SECURITY DEPOSIT FOR LEASE OF SPACE-CRC	\$2,000.00
Remit to: OCEANSIDE, CA					FYTD: \$2,000.00
SIMMS, GIULIO	234831	08/13/2018	MV18213378	JUVENILE MEAL REIMBURSEMENT-MV18213378	\$23.52
Remit to: MORENO VALLEY, CA					FYTD: \$23.52
SKY PUBLISHING	23154	08/20/2018	18-5P_288	PRINTING SERVICES FOR FALL/WINTER 2018 SOARING RECREATION GUIDES	\$16,000.00
	23186	08/27/2018	18-4_259	FULL PAGE ADVERTISEMENT-FLOOD PLAIN MANAGEMENT PUBLIC SERVICE MESSAGE	\$1,750.00
Remit to: MORENO VALLEY, CA					FYTD: \$19,750.00
SMARTLINK	234829	08/13/2018	DEPOSIT REIMB.	REIMBURSEMENT OF DEPOSIT FOR LICENSING REVIEW (AT&T-CLV5638)	\$2,500.00
Remit to: IRVINE, CA					FYTD: \$2,500.00
SMITH, CURTIS	234830	08/13/2018	R18-125432	ANIMAL SERVICES REFUND-TRAP RENTAL DEPOSIT	\$50.00
Remit to: MORENO VALLEY, CA					FYTD: \$50.00
SOBERANES, ISRAEL	234877	08/20/2018	2000410.047	TOWNGATE COMM. CTR. RENTAL REFUND	\$200.00
Remit to: MORENO VALLEY, CA					FYTD: \$200.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
SOCAL OFFICE TECHNOLOGIES, INC.	23051	08/06/2018	IN514024	QUARTERLY MAINT BILLING-PD BUSINESS OFFICE COPIER 2/6-5/5/18	\$960.06
		08/06/2018	IN554283	QUARTERLY MAINT BILLING-PD BUSINESS OFFICE COPIER 5/6-8/5/18	
		08/06/2018	IN514023	QUARTERLY MAINT BILLING-PD BUSINESS OFFICE COPIER 11/6/17-2/5/18	
Remit to: CYPRESS, CA					<u>FYTD:</u> \$3,061.58
SOFTWARE ONE, INC / FORMERLY COMPUCOM	23188	08/27/2018	US-PSI-697398	ADOBE SOFTWARE ANNUAL LICENSING & SUPPORT	\$10,203.35
Remit to: WAUKESHA, WI					<u>FYTD:</u> \$10,203.35
SOUTHERN CALIFORNIA EDISON 1	234757	08/06/2018	JUN-18 8/6/18	ELECTRICITY CHARGES	\$10,587.02
		08/06/2018	JUL-18 8/6/18	ELECTRICITY CHARGES	
	234898	08/27/2018	JUL-18 8/27/18	ELECTRICITY CHARGES	\$1,721.64
		08/27/2018	AUG-18 8/27/18	ELECTRICITY CHARGES	
Remit to: ROSEMEAD, CA					<u>FYTD:</u> \$584,450.18
SOUTHERN CALIFORNIA GAS CO.	234808	08/13/2018	JUL-2018	GAS CHARGES	\$1,881.73
Remit to: MONTEREY PARK, CA					<u>FYTD:</u> \$4,319.40
SOUTHWEST INSPECTION AND TESTING	23052	08/06/2018	26032	CITY HALL SOLAR CARPORT PROJECT-GEOTECHNICAL & MATERIAL TESTING SVCS	\$1,295.00
	23116	08/13/2018	26087	ALESSANDRO BLVD IMPROVEMENTS/CHAGALL CT TO GRAHAM ST-INSPECTION SVCS	\$2,035.00
Remit to: LA HABRA, CA					<u>FYTD:</u> \$4,753.75

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
SSD ALARM FORMERLY PACIFIC ALARM SERVICE, INC	23155	08/20/2018	R 139895	ALARM SYSTEM RENT/SVC./MONITORING-KITCHING SUBSTATION-JUL18	\$1,033.00
		08/20/2018	R 140640	ALARM SYSTEM RENT/SVC./MONITORING-MOVAL SUBSTATION- AUG18	
		08/20/2018	R 140639	ALARM SYSTEM RENT/SVC./MONITORING-KITCHING SUBSTATION-AUG18	
		08/20/2018	R 139896	ALARM SYSTEM RENT/SVC./MONITORING-MOVAL SUBSTATION- JUL18	
Remit to: BEAUMONT, CA					<u>FYTD:</u> \$1,033.00
STANDARD INSURANCE CO	234759	08/06/2018	180801	EMPLOYEE SUPPLEMENTAL INSURANCE	\$1,151.77
Remit to: PORTLAND, OR					<u>FYTD:</u> \$2,454.89

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
STANLEY CONVERGENT SECURITY SOLUTIONS, INC	23053	08/06/2018	15503180	ALARM SYSTEM MONITORING-SUNNYMEAD & BETHUNE PARKS SNACK BARS/JUN18	\$186.17
	23117	08/13/2018	15458950	ALARM SYSTEM MONITORING-LIBRARY/MAY-JUL18	\$4,234.71
		08/13/2018	15509501	ALARM SYSTEM MONITORING-EMERGENCY OP'S CTR/JUN18	
		08/13/2018	15453083	ALARM SYSTEM MONITORING-ANNEX 1 FIRE ALARM/MAY-JUL 18	
		08/13/2018	15596287	ALARM SYSTEM MONITORING-PUBLIC SAFETY BUILDING/JUL-SEP 18	
		08/13/2018	15596202	ALARM SYSTEM MONITORING-MARCH FIELD PARK COMMUNITY CTR/JUL-SEP18	
		08/13/2018	15532060	ALARM SYSTEM MONITORING-FIRE STATION 99/JUN18	
		08/13/2018	15040066	ALARM SYSTEM MONITORING-ANIMAL SHELTER/DEC17-FEB 18	
		08/13/2018	15365344	ALARM SYSTEM MONITORING-PUBLIC SAFETY BUILDING/APR-JUN18	
		08/13/2018	14786973	ALARM SYSTEM MONITORING-ANIMAL SHELTER/SEPT-NOV17	
		08/13/2018	15457468	ALARM SYSTEM MONITORING-COTTONWOOD GOLF CTR/MAY-JUL18	
		08/13/2018	15525654	ALARM SYSTEM MONITORING-CITY YARD & TRANSPORTATION TRAILER/JUN-AUG18	
		08/13/2018	14535793	ALARM SYSTEM MONITORING-ANIMAL SHELTER/JUN-AUG17	
		08/13/2018	15279297	ALARM SYSTEM MONITORING-ANIMAL SHELTER/MAR-MAY18	
		08/13/2018	15429796	ALARM SYSTEM MONITORING-EMERGENCY OP'S CTR/MAY18	
		08/13/2018	15445987	ALARM SYSTEM MONITORING-FIRE STATION 99/MAY18	
	08/13/2018	15453196	ALARM SYSTEM MONITORING-CITY HALL/MAY-JUL18		
	08/13/2018	15529272	ALARM SYSTEM MONITORING-SENIOR CTR/JUN-AUG18		

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
STANLEY CONVERGENT SECURITY SOLUTIONS, INC	23156	08/20/2018	14769437	ALARM SYSTEM MONITORING-MARCH ANNEX/SEPT-NOV17	\$4,423.00
		08/20/2018	14789825	ALARM SYSTEM MONITORING-CITY YARD SANTIAGO OFFICE BURGLAR ALARM/SEP-NOV17	
		08/20/2018	14791814	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/SEP17	
		08/20/2018	15204404	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/FEB18	
		08/20/2018	15277849	ALARM SYSTEM MONITORING-CITY YARD SANTIAGO OFFICE BURGLAR ALARM/MAR-MAY18	
		08/20/2018	14887995	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/OCT17	
		08/20/2018	14951308	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/NOV17	
		08/20/2018	15028413	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/DEC17	
		08/20/2018	15016643	ALARM SYSTEM MONITORING-MARCH ANNEX/DEC17-FEB18	
		08/20/2018	14704326	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/AUG17	
		08/20/2018	15096386	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/JAN18	
		08/20/2018	15273411	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/MAR18	
		08/20/2018	15364611	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/APR18	
		08/20/2018	15448283	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/MAY18	
		08/20/2018	15517957	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/JUN18	
		08/20/2018	15267394	ALARM SYSTEM MONITORING-MARCH ANNEX/MAR-MAY18	
		08/20/2018	14514969	ALARM SYSTEM MONITORING-MARCH ANNEX/JUN-AUG17	
		08/20/2018	14535814	ALARM SYSTEM MONITORING-CITY YARD SANTIAGO OFFICE BURGLAR ALARM/JUN-AUG17	
		08/20/2018	14612753	ALARM SYSTEM MONITORING-EMPLOYMENT RES CTR/JUL17	
		08/20/2018	14740643	SECURITY SYSTEM INSTALLATION CHARGES-CRC GARDEN ROOM	
	08/20/2018	15036297	ALARM SYSTEM MONITORING-CITY YARD SANTIAGO OFFICE BURGLAR ALARM/DEC17-FEB18		

Remit to: PALATINE, IL

FYTD: \$9,002.88

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



**City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018**

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
STARLITE RECLAMATION ENVIRONMENTAL SERVICES, INC.	234809	08/13/2018	1013051	GREASE TRAP INSPECTION/DISPOSAL SERVICES-CITY YARD	\$4,087.50
Remit to: FONTANA, CA					FYTD: \$6,981.45
STATE BOARD OF EQUALIZATION 1	23200	08/23/2018	073118	SALES & USE TAX REPORT FOR 7/1-7/31/18	\$9,253.00
Remit to: SACRAMENTO, CA					FYTD: \$27,409.00
STATE OF CALIFORNIA DEPT. OF JUSTICE	234760	08/06/2018	315828	BLOOD ALCOHOL ANALYSIS SERVICES FOR PD-APR18 RE-BILL/CORRECTION	\$700.00
		08/06/2018	315683	BLOOD ALCOHOL ANALYSIS SERVICES FOR PD-JUN 2018	
	234761	08/06/2018	311391	LIVE SCAN FINGERPRINTING APPLICANTS FOR PD-JUN18	\$1,801.00
	234855	08/20/2018	300023 (BL)	FINGERPRINTING SERVICES-BUSINESS LICENSE RELATED-APR18	\$2,421.00
		08/20/2018	300023 (HR)	FINGERPRINTING SERVICES-HR/EMPLOYMENT/VOLUNTEERS RELATED-APR18	
		08/20/2018	300023 (OEM)	FINGERPRINTING SERVICES-OEM STAFF/CUSTODIAN OF RECORD-APR18	
	234856	08/20/2018	305733 (BL)	FINGERPRINTING SERVICES-BUSINESS LICENSE RELATED-MAY18	\$1,734.00
		08/20/2018	305733 (OEM)	FINGERPRINTING SERVICES-OEM/ERF RELATED-MAY18	
		08/20/2018	305733 (HR)	FINGERPRINTING SERVICES-HR/EMPLOYMENT/VOLUNTEERS RELATED-MAY18	
	234857	08/20/2018	311568 (HR)	FINGERPRINTING SERVICES-HR/EMPLOYMENT/VOLUNTEERS RELATED-JUN18	\$1,305.00
		08/20/2018	311568 (OEM)	FINGERPRINTING SERVICES-OEM/ERF RELATED-JUN18	
		08/20/2018	311568 (BL)	FINGERPRINTING SERVICES-BUSINESS LICENSE RELATED-JUN18	
Remit to: SACRAMENTO, CA					FYTD: \$12,167.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
STEVEN B. QUINTANILLA A PROFESSIONAL CORPORATION	23054	08/06/2018	MARCH-2016	LEGAL SVCS 3/1-3/31/16	\$60.00
Remit to: RANCHO MIRAGE, CA					<u>FYTD:</u> \$60.00
STILES ANIMAL REMOVAL, INC.	234858	08/20/2018	108256	DECEASED LARGE ANIMAL REMOVAL SERVICES-JUL18	\$150.00
Remit to: GUAISTI, CA					<u>FYTD:</u> \$300.00
STRADLING, YOCCA, CARLSON & RAUTH	23157	08/20/2018	344688-0039	LEGAL SERVICES-BOULDER RIDGE MATTER-JUN18	\$14,522.40
		08/20/2018	344693-0002	LEGAL SERVICES-DAY ST & ALESSANDRO BLVD MATTER-JUN18	
Remit to: NEWPORT BEACH, CA					<u>FYTD:</u> \$14,957.40
SUNERGY CONSTRUCTION INC	234913	08/27/2018	BOE18-0117	REFUND CANCELLED BLDG PERMIT-11351 REDHILL RD	\$191.52
	234914	08/27/2018	BON18-0358	REFUND CANCELLED BLDG PERMIT-11351 REDHILL RD	\$262.16
Remit to: CORONA, CA					<u>FYTD:</u> \$2,276.40
SURAK, MICHELLE	234915	08/27/2018	R18-123441	ANIMAL SERVICES REFUND-SPAY/NEUTER AND RABIES DEPOSIT	\$95.00
Remit to: CHINO VALLEY, AZ					<u>FYTD:</u> \$95.00
TAYLOR TENNIS COURTS, INC.	234762	08/06/2018	8839	RESURFACE BASKETBALL COURTS/CAULK 120' JOINTS-ADRIENNE MITCHELL PARK	\$10,370.00
	234859	08/20/2018	8835	RESURFACE BASKETBALL COURTS/CAULK 650' JOINTS-WOODLAND PARK	\$13,550.00
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$23,920.00
TESLA, INC	234916	08/27/2018	BOR18-0105	REFUND CANCELLED BLDG PERMIT-28621 HIGHPOINT AVE	\$131.52
Remit to: DRAPER, UT					<u>FYTD:</u> \$131.52

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
THE ADVANTAGE GROUP/ FLEX ADVANTAGE	23118	08/13/2018	105130	FLEX AND COBRA ADMIN FEES-JUL18	\$1,394.75
Remit to: TEMECULA, CA					FYTD: \$86,277.60
THE HOLE IN WALL INC.	234786	08/06/2018	INV-2	CDBG 17/18 COMMUNITY HOMELESS SOLUTIONS	\$10,000.00
		08/06/2018	INV-1	CDBG 17/18 COMMUNITY HOMELESS SOLUTIONS	
Remit to: MORENO VALLEY, CA					FYTD: \$10,000.00
THERMAL COMBUSTION INNOVATORS	234812	08/13/2018	194146	ANIMAL SHELTER BIOHAZARDOUS WASTE TREATMENT/DISPOSAL SVCS.-JUN18	\$104.91
Remit to: COLTON, CA					FYTD: \$224.66
THINK TOGETHER, INC	23158	08/20/2018	121-18/191S	SUMMER LEARNING PROGRAM/EDGEMONT ELEMENTARY-JUL18	\$19,237.50
Remit to: SANTA ANA, CA					FYTD: \$70,135.98
THOMPSON COBURN LLP	23056	08/06/2018	3306718	LEGAL SERVICES-MVU/RELIABILITY STANDARD COMPLIANCE-JUN18	\$39.66
Remit to: WASHINGTON, DC					FYTD: \$58.41
THOMSON REUTERS-WEST PUBLISHING CORP.	23057	08/06/2018	838497783	AUTO TRACK SERVICES FOR PD INVESTIGATIONS-JUN18	\$1,762.83
		08/06/2018	838557110	LEGAL LIBRARY PUBLICATIONS UPDATES	
Remit to: CAROL STREAM, IL					FYTD: \$2,870.53
TIM OWENS	23119	08/13/2018	071518	30 SECOND ONLINE VIDEO TRAINING SUBSCRIPTION 8/21/18-8/21/19	\$4,800.00
Remit to: HERMOSA BEACH, CA					FYTD: \$4,800.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
T-MOBILE USA	234810	08/13/2018	9323316753	EXTRACTION/LOCATOR SERVICES FOR POLICE PATROL	\$765.00
Remit to: SEATTLE, WA					<u>FYTD:</u> \$765.00
TOWNSEND PUBLIC AFFAIRS, INC.	23190	08/27/2018	13879	CONSULTING SERVICES-GRANT WRITING & FUNDING ADVOCACY- JUL 2018	\$5,000.00
Remit to: NEWPORT BEACH, CA					<u>FYTD:</u> \$10,000.00
TRICHE, TARA	23058	08/06/2018	JUL-2018	INSTRUCTOR SERVICES-DANCE CLASSES	\$1,156.20
	23159	08/20/2018	AUG-2018	INSTRUCTOR SERVICES-DANCE CLASSES	\$1,254.60
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$2,410.80
TRUEPOINT SOLUTIONS, LLC	23191	08/27/2018	18-463	BUSINESS ANALYST SUPPORT SERVICES-ACA/ACP-JUL 2018	\$2,475.00
Remit to: LOOMIS, CA					<u>FYTD:</u> \$6,375.00
TRUTEAM OF CA INC	234917	08/27/2018	BOM18-0314	REFUND CANCELLED BLDG PERMIT-25385 GENTIAN AVE	\$191.20
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$191.20
TUKES, JOSHUA	23059	08/06/2018	JUL-2018	INSTRUCTOR SERVICES-WATERCOLOR TECHNIQUE CLASSES	\$57.60
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$86.40
U.S. HOME CORPORATION	234783	08/06/2018	RFND-TRACT 29732	REFUND DEPOSIT ACCOUNT-BLDG OVERTIME INSPECTIONS-TR 29732	\$3,770.00
Remit to: MIAMI, FL					<u>FYTD:</u> \$3,770.00
U.S. POSTAL SERVICE	234862	08/20/2018	FALL/WINTER 2018	PERMIT #153-DEPOSIT FOR POSTAGE TO MAIL RECREATION GUIDES	\$10,000.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$10,225.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

Vendor Name	Check/EFT Number	Payment Date	Inv Number	Invoice Description	Payment Amount
ULTRASERV AUTOMATED SERVICES, LLC	23193	08/27/2018	024553	COFFEE SERVICE SUPPLIES-CITY YARD	\$359.35
		08/27/2018	024551	COFFEE SERVICE SUPPLIES-CITY HALL/PUBLIC WORKS LOCATION	
		08/27/2018	024552	COFFEE SERVICE SUPPLIES-CITY HALL/BREAK ROOM LOCATION	
Remit to: COSTA MESA, CA					FYTD: \$2,199.74
UNDERGROUND SERVICE ALERT	23060	08/06/2018	620180458 (a)	DIGALERT TICKETS SUBSCRIPTION SERVICE-JUN18	\$445.60
		08/06/2018	620180458 (c)	DIGALERT TICKETS SUBSCRIPTION SERVICE-JUN18	
		08/06/2018	620180458 (b)	DIGALERT TICKETS SUBSCRIPTION SERVICE-JUN18	
		08/06/2018	620180458 (d)	DIGALERT TICKETS SUBSCRIPTION SERVICE-JUN18	
Remit to: CORONA, CA					FYTD: \$917.60
UNITED ROTARY BRUSH CORP	23161	08/20/2018	305155	STREET SWEEPER BRUSHES & ACCESSORIES	\$2,130.73
		08/20/2018	305015	STREET SWEEPER BRUSHES & ACCESSORIES	
Remit to: KANSAS CITY, MO					FYTD: \$4,814.15
UNITED SITE SERVICES OF CA, INC.	23194	08/27/2018	114-7154751	FENCE RENTAL AT ANIMAL SHELTER 8/2-8-29-18	\$106.40
Remit to: PHOENIX, AZ					FYTD: \$212.80
USA CONNECT DBA PRE-PAID USA	23127	08/13/2018	W180802	PREPAID DEBIT CARDS	\$12,647.74
Remit to: CORONA, CA					FYTD: \$12,647.74
VERIZON WIRELESS	234763	08/06/2018	9810676306	DATA SERVICE FOR PD COMMERCIAL TRUCK TABLET	\$90.95
	234764	08/06/2018	9810739272	CELLULAR SERVICE FOR PD TRAFFIC TICKET WRITERS	\$44.28
Remit to: DALLAS, TX					FYTD: \$278.18
VISION SERVICE PLAN	23061	08/06/2018	180801	EMPLOYEE VISION INSURANCE	\$4,206.60
Remit to: SAN FRANCISCO, CA					FYTD: \$8,340.29

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
VISTA PAINT CORPORATION	23062	08/06/2018	2018-253361-00	TRAFFIC PAINT/SPRAY GUN REPAIR PARTS	\$2,444.57
Remit to: FULLERTON, CA					<u>FYTD:</u> \$2,444.57
VIVINT SOLAR DEVELOPER LLC	234918	08/27/2018	BON18-0184	REFUND CANCELLED BLDG PERMIT-10065 ARROW LEAF	\$262.16
	234919	08/27/2018	BON18-0205	REFUND CANCELLED BLDG PERMIT-15344 AVENIDA DE PORTUGAL	\$262.16
Remit to: LEHI, UT					<u>FYTD:</u> \$3,182.40
VOICES FOR CHILDREN	234765	08/06/2018	11 / MAY-18	CDBG SUBGRANTEE PAYMENT-COURT APPOINTED SPECIAL ADVOCATE PROGRAM	\$10,827.67
		08/06/2018	12 / JUN-18	CDBG SUBGRANTEE PAYMENT-COURT APPOINTED SPECIAL ADVOCATE PROGRAM	
		08/06/2018	10 / APR-18	CDBG SUBGRANTEE PAYMENT-COURT APPOINTED SPECIAL ADVOCATE PROGRAM	
Remit to: SAN DIEGO, CA					<u>FYTD:</u> \$25,000.00
VOYAGER FLEET SYSTEM, INC.	23120	08/13/2018	869336602826-PD	FUEL CARD CHARGES-PD TRAFFIC MOTORS	\$1,854.10
		08/13/2018	869336602826-CM	FUEL CARD CHARGES-CITY VEHICLE 13001	
Remit to: HOUSTON, TX					<u>FYTD:</u> \$8,348.86
VULCAN MATERIALS CO, INC.	23121	08/13/2018	71869260	ASPHALTIC MATERIALS	\$472.11
		08/13/2018	71865668	ASPHALTIC MATERIALS	
		08/13/2018	213795	ASPHALTIC MATERIALS-FINANCE CHARGE INVOICE	
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$4,249.33
WELLS FARGO CORPORATE TRUST	23126	08/13/2018	W180801	DEBT SERVICE SPECIAL TAX-2ND INSTALLMENT	\$15,156.61
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$1,309,760.61

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
 For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
WEST COAST ARBORISTS, INC.	23063	08/06/2018	138011	TREE TRIMMING SERVICES-FIRE STATIONS 2, 65, & 91	\$11,584.00
		08/06/2018	137995-A	TREE TRIMMING SERVICES-PARKS TREE MAINT. PROGRAM	
		08/06/2018	137358	TREE TRIMMING SERVICES-FIRE STATION 99	
	23122	08/13/2018	137424	ADDITIONAL TREE TRIMMING SERVICES-MAINT. & OPERATIONS DIVISION	\$22,536.00
		08/13/2018	138061	ADDITIONAL TREE TRIMMING SERVICES-MAINT. & OPERATIONS DIVISION	
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$44,232.00
WESTERN MUNICIPAL WATER DISTRICT	234899	08/27/2018	24753-018620/JY8	WATER CHARGES-M.A.R.B. BALLFIELDS	\$2,570.25
		08/27/2018	23821-018257/JY8	WATER CHARGES-MARCH FIELD PARK COMMUNITY CTR. LANDSCAPE	\$1,974.80
	234900	08/27/2018	23821-018258/JY8	WATER CHARGES-MARCH FIELD PARK COMMUNITY CTR.-BLDG. 938	
		08/27/2018	23866-018292/JY8	WATER CHARGES-SKATE PARK	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$10,489.13
WESTERN PACIFIC HOUSING	234878	08/20/2018	REFUND-DEPOSIT	REFUND DEPOSIT ACCOUNT-BUILDING OVERTIME INSPECTIONS	\$3,480.75
Remit to: CORONA, CA					<u>FYTD:</u> \$3,480.75
WILLDAN FINANCIAL SERVICES	23123	08/13/2018	010-38693	PROFESSIONAL SERVICES-PREPARATION OF 2018-19 ENGINEERING REPORTS-50%	\$13,877.20
		08/13/2018	010-38792	PROFESSIONAL SERVICES-PREPARATION OF 2018-19 ENGINEERING REPORTS-50%	
Remit to: TEMECULA, CA					<u>FYTD:</u> \$49,135.95
WILLIAMS, RACQUEL	234920	08/27/2018	2000442.047	COTTONWOOD GOLF CTR. RENTAL REFUND	\$200.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$200.00

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



City of Moreno Valley
Payment Register
For Period 8/1/2018 through 8/31/2018

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
WILSON, KAREN	234879	08/20/2018	R18-124133	ANIMAL SERVICES REFUND-SPAY NEUTER DEPOSIT	\$75.00
Remit to: PERRIS, CA					<u>FYTD:</u> \$75.00
WL HOMES, LLC	234880	08/20/2018	REFUND DEPOSIT	REFUND DEPOSIT ACCOUNT-BLDG OVERTIME INSPECTIONS	\$467.31
Remit to: PHILADELPHIA, PA					<u>FYTD:</u> \$467.31
WRCOG - WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS	23065	08/06/2018	7322	FY 17/18 CLEAN CITIES COALITION DUES	\$15,000.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,421,612.74
WSP USA, INC.	23066	08/06/2018	AR 803361	SUNNYMEAD STORM DRAIN LINES F & F7-ENVIRONMENTAL SVCS	\$21,261.54
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$21,841.54
XEROX FINANCIAL SERVICES LLC	23067	08/06/2018	1209395	COLOR COPIER LEASE 6/15-7/14/18-ECONOMIC DEVELOPMENT DEPT	\$782.80
Remit to: DALLAS, TX					<u>FYTD:</u> \$782.80
TOTAL CHECKS UNDER \$25,000					\$1,173,543.41
GRAND TOTAL					\$10,594,949.80

Attachment: August 2018 Payment Register (3211 : PAYMENT REGISTER - AUGUST 2018)



Report to City Council

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

FROM: Patti Solano, Parks & Community Services Director

AGENDA DATE: October 16, 2018

TITLE: APPROVE SIXTH AMENDMENT TO THINK TOGETHER,
 INC. CONTRACT FOR OPERATION OF THE CITY'S
 AFTER SCHOOL EDUCATION AND SAFETY (ASES)
 EXPANDED LEARNING PROGRAM

RECOMMENDED ACTION

Recommendations:

1. Authorize the City Manager to execute a contract amendment with THINK Together, Inc. to allocate \$103,849.20 in additional funding awarded by the California Department of Education (CDE) for increased services in the ASES expanded learning program.
2. Authorize budget adjustments as set forth in the Fiscal Impact section of this report. These budget adjustments bring appropriations to current award levels of \$5,651,100, including \$103,849.20 in additional funding for FY 2018/19 for the ASES expanded learning program.

SUMMARY

The Sixth Amendment to the THINK Together contract is needed to allocate \$103,849.20 in additional funding awarded by the California Department of Education to the City's ASES expanded learning program for Fiscal Year 2018/19. The total award amount for FY 2018/19 is \$5,651,100.

DISCUSSION

The City, in partnership with the Moreno Valley Unified School District (MVUSD) and

the Val Verde Unified School District (VVUSD), applied for and received additional ASES grant funding for Fiscal Year 2018/19. This additional funding was awarded for Seneca Elementary and Vista Verde Middle schools, bringing them each to the maximum ASES funding levels. Seneca Elementary can now serve an additional 10 students, and Vista Verde Middle School can now serve an additional 60 students each year.

ALTERNATIVES

1. Authorize the City Manager to execute a contract amendment with THINK Together, Inc. to allocate additional ASES funding awarded by the CDE; and appropriate the additional State funding to the ASES expanded learning program for Fiscal Year 2018/19. ***Staff recommends this alternative as it will allow the City, in partnership with MVUSD and VVUSD, to offer the ASES expanded learning program to more students.***
2. Do not authorize the contract amendment and the additional ASES funding budget appropriation and provide direction to staff. ***Staff does not recommend this alternative as it will cause this ASES expanded learning program to not be fully funded.***

FISCAL IMPACT

These budget adjustments will bring appropriations to current award levels of \$5,651,100, including \$103,849.20 in increased ASES funding and corresponding match requirements for Fiscal Year 2018/19 in Fund 2202 (ASES Grant). **All grant funds must be used for ASES expanded learning program expenditures. There is no impact to the General Fund.**

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 18/19 Budget	Proposed Adjustments	FY 18/19 Amended Budget
Grant Award	ASES	2202-50-58-75312-486000	Rev	\$5,079,900	\$571,200	\$5,651,100
Contributions In Kind (1/3 Match)	ASES	2202-50-58-75312-582012	Rev	\$1,693,300	\$190,400	\$1,883,700
Donated Goods & Svc (1/3 Match)	ASES	2202-50-58-75312-625025	Exp	\$1,691,137	\$192,563	\$1,883,700
Grant Program Expenditures	ASES	2202-50-58-75312-various	Exp	\$5,082,863	\$569,037	\$5,651,100

NOTIFICATION

Posting of the agenda

PREPARATION OF STAFF REPORT

Prepared By:
Sandra Brieno
Sr. Management Analyst

Department Head Approval:
Patti Solano
Parks and Community Services Director

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.

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

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

Objective 6.2: Improve health, wellness and fitness for Moreno Valley youth through recreation and sports programs.

ATTACHMENTS

- 1. THINK Together FY 18-19 6th Contract Amendment

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/05/18 9:47 AM
City Attorney Approval	<u>✓ Approved</u>	10/05/18 9:00 AM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:48 PM

SIXTH AMENDMENT TO THINK TOGETHER, INC. CONTRACT

This Sixth Amendment to the THINK Together, Inc., Contract is made and entered into between the Community Services District of the City of Moreno Valley (hereinafter referred to as "CSD"), and THINK Together, Inc. (hereinafter referred to as "Contractor") and is effective the date the CSD signs this Amendment.

Whereas, the CSD and Contractor entered into an Agreement dated July 13, 2011; and

Whereas, the Contractor is providing operation of the After School Education and Safety Grant (ASES) Expanded Learning Program; and

Whereas, the CSD desires to maintain the Agreement with the Contractor for the July 1, 2016 to June 30, 2019 grant cycle; and

Whereas, the CSD received an additional \$103,849.20 in ASES Grant funding effective FY 2018/19; and

Whereas, the Contractor desires to continue to operate the ASES program

Section 1 – Amendment to THINK Together, Inc., Contract

- 1.1 The Contractor will continue to provide services for the remainder of the current grant cycle, July 1, 2018 to June 30, 2019, for the ASES expanded learning program.
- 1.2 The Contractor will increase the number of students served at Seneca Elementary and Vista Verde Middle School to meet Average Daily Attendance requirements at full funding levels (84 and 111 respectively).
- 1.3 The Contractor's compensation shall be changed to 100% of the 2018/19 grant award from California Department of Education (CDE), less \$135,000 for administrative costs per fiscal year, according to Schedule A-6 – Sixth Amendment, attached hereto.

Section 2 – Other Terms to Remain

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

IN WITNESS THEREOF, the parties have each caused their authorized representative to execute this Contract.

SIGNATURE PAGE TO FOLLOW:

SIXTH AMENDMENT TO THINK TOGETHER, INC. CONTRACT

Community Services District of the
City of Moreno Valley

THINK Together, Inc.

BY: _____
City Manager

BY: _____
Randy Barth

TITLE: Founder and CEO

Date

Date

<u>INTERNAL USE ONLY</u>
ATTEST:
_____ City Clerk <i>(only needed if Mayor signs)</i>
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

Attachment: THINK Together FY 18-19 6th Contract Amendment (3282 : APPROVE SIXTH AMENDMENT TO THINK TOGETHER, INC. CONTRACT

Schedule A-6 – Sixth Amendment
Payment Schedule

Ten monthly payments, due on the 1st of each month from September 1 through June 1 of each fiscal year, according to the following:

School Name	Components	Amount Awarded	Total Payment to THINK Together	Monthly Payment (x10)
			(after \$135,000 carve-out)	10%
Armada Elementary	ASES After School Base	\$ 122,850.00	\$ 119,915.22	\$ 11,991.53
Badger Springs Middle	ASES After School Base	163,800.00	159,886.96	15,988.71
Bear Valley Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Box Springs Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Butterfield Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Chaparral Hills Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Cloverdale Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Creekside Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Edgemont Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Hendrick Ranch Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Hidden Springs Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Honey Hollow Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
La Jolla Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Landmark Middle	ASES After School Base	163,800.00	159,886.96	15,988.70
March Middle	ASES After School Base	163,800.00	159,886.96	15,988.70
Midland Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Moreno Valley Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Mountain View Middle	ASES After School Base	163,800.00	159,886.96	15,988.70
Palm Middle	ASES After School Base	163,800.00	159,886.96	15,988.70
Ramona Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Ridgecrest Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Seneca Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Serrano Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Sugar Hill Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Sunnymead Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Sunnymead Middle	ASES After School Base	163,800.00	159,886.96	15,988.70
Sunnymeadows Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
TownGate Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Avalon Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Columbia Elementary	ASES After School Base	122,850.00	119,915.22	11,991.52
Lakeside Middle	ASES After School Base	163,800.00	159,886.96	15,988.70

Lasselle Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Manuel L Real Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Mary McLeod Bethune Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
May Ranch Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Mead Valley Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Rainbow Ridge Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Sierra Vista Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Tomas Rivera Middle	ASES After School Base	163,800.00	159,886.95	15,988.70
Triple Crown Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Val Verde Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Victoriano Elementary	ASES After School Base	122,850.00	119,915.21	11,991.52
Vista Verde Middle	ASES After School Base	163,800.00	159,886.95	15,988.70
		\$ 5,651,100.00	\$ 5,516,100.00	551,610.00

Attachment: THINK Together FY 18-19 6th Contract Amendment (3282 : APPROVE SIXTH AMENDMENT TO THINK TOGETHER, INC. CONTRACT



Report to City Council

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

FROM: Patti Solano, Parks & Community Services Director

AGENDA DATE: October 16, 2018

TITLE: APPROVE THE PUBLIC FACILITIES FEE CREDIT
 AGREEMENT WITH MPLC LEGACY 75 ASSOCIATES, LP,
 FOR PARKLAND AND PARKLAND IMPROVEMENTS IN
 TRACT 36760

RECOMMENDED ACTION

Recommendation:

Approve the Public Facilities Fee Credit Agreement with MPLC Legacy 75 Associates, LP, for parkland and parkland improvements in Tract 36760.

SUMMARY

This report recommends approval of a Public Facilities Fee Credit Agreement between the City and MPLC Legacy 75 Associates, LP (MPLC) for parkland and parkland improvements in Tract 36760. MPLC will use the resultant fee credits to construct a 2.8-acre neighborhood park with amenities including play structures, picnic shelters, a walking trail, open turf and restroom facility.

DISCUSSION

The Moreno Valley General Plan specifies a parkland standard of three (3) acres per 1,000 of population which is the minimum allowed by the Quimby Act, within the Subdivision Map Act, for residential subdivisions. As new residential developments occur within the city, it is essential to maintain the current parkland standard to provide adequate parks and recreational opportunities for the community.

To maintain the parkland acreage standard, new residential developments may either dedicate improved parkland to mitigate their impact to existing parks or they may pay a Quimby In-Lieu fee to provide funding for future parks and park improvements.

For decades, a park was planned near Rainbow Ridge Elementary School, east of Indian Street and south of Santiago Avenue. At the time Val Verde Unified School District constructed March Middle School directly north of Rainbow Ridge Elementary School, the City contributed funds for two lighted softball fields to be constructed on the school property under a joint use agreement, knowing the future park would be located adjacent to the ball fields.

When MPLC Legacy 75 Associates purchased approximately 53 acres near March Middle School for more than 200 single family residences, Parks and Community Services staff negotiated with MPLC to construct the park in exchange for Quimby In-Lieu and Parkland Development Impact Fee credits. Conditions of Approval for the improvements were drafted and contained in the Conditional Use Permit for Tract 36760. Park amenities will include a restroom facility, playground, picnic shelters, walkways, security lighting, landscaping, and direct access to the lighted softball fields.

The Public Facilities Fee Credit Agreement (PFF) will provide Quimby In-Lieu fees and Parkland Development Impact Fees credit for each single family home constructed within Tract 36760. Bonds for the park improvements and other amenities constructed within Tract 36760 will be collected by the City from the developer.

Maintenance of the new park will have no impact on the general fund. It will be entered into the Parks Maintenance system, funded by Zone A and CFD #1.

ALTERNATIVES

1. Approve the Public Facilities Fee Credit Agreement with MPLC Legacy 75 Associates, LP, for parkland and parkland improvements in Tract 36760.
2. Elect not to approve the Public Facilities Fee Credit Agreement with MPLC Legacy 75 Associates, LP, for parkland and parkland improvements in Tract 36760, and provide further direction to staff.

FISCAL IMPACT

None.

NOTIFICATION

Posting of the agenda

PREPARATION OF STAFF REPORT

Prepared By:
Tony Hetherman

Department Head Approval:
Patti Solano

Parks Projects Coordinator

Parks and Community Services Director

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, including home rehabilitation and neighborhood restoration.

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

Objective 5.2: Promote the installation and maintenance of cost effective, low maintenance landscape, hardscape and other improvements which create a clean, inviting community.

Objective 5.5: Promote a healthy community and lifestyle.

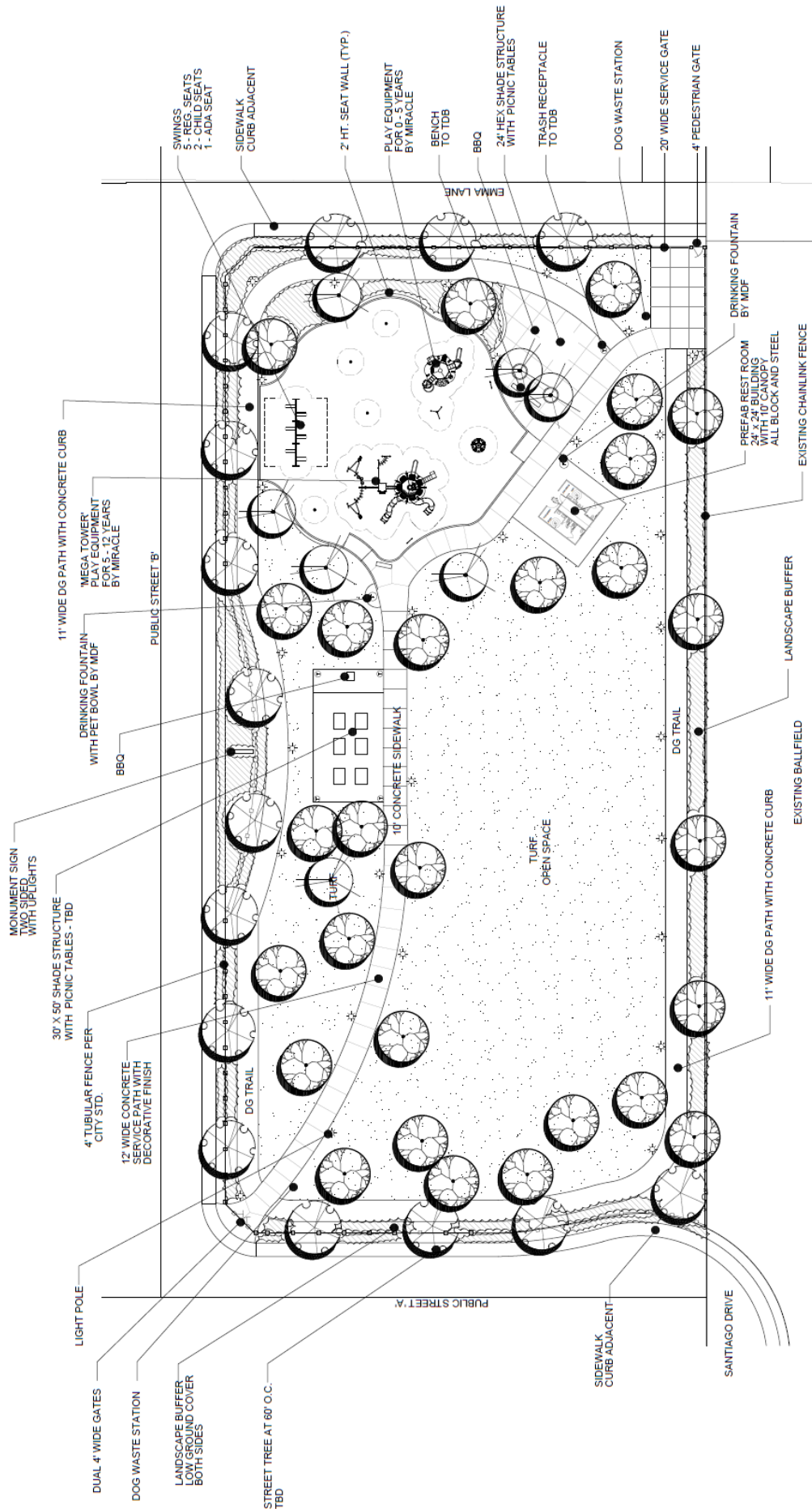
Objective 6.2: Improve health, wellness and fitness for Moreno Valley youth through recreation and sports programs.

ATTACHMENTS

1. Park Preliminary Plan
2. MPLC signed Public Facilities AGMT
3. PEN16-0095 - Final Conditions

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/03/18 4:37 PM
City Attorney Approval	<u>✓ Approved</u>	10/04/18 1:40 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:47 PM



LEGACY PARK
 MORENO VALLEY, California

Conceptual Park Plan

MISSION PACIFIC LAND COMPANY
 4100 NEWPORT PLACE, SUITE 400, NEWPORT BEACH, CA 92660

CITY OF MORENO VALLEY

**PUBLIC FACILITIES FEE CREDIT AGREEMENT
TENTATIVE TRACT MAP 36760 (PEN16-0095)
AND CUP (PEN 16-0094)**

This Public Facilities Fee Credit Agreement (“PFF Agreement”) is entered into between The City of Moreno Valley (“City”) and MPLC LEGACY 75 ASSOCIATES, LP, a Delaware limited partnership (“MPLC”), as of _____, 2018 (“the Effective Date”), and sets forth the understanding of City and MPLC with respect to the following:

1. Recitals.

1.1 Whereas, MPLC is the owner of that certain real property known as Tract 36760 (consisting of approximately 52.9 acres) in the City of Moreno Valley, County of Riverside, California (“Project”); and

1.2 Whereas, Tentative Tract Map 36760 (PEN16-0095) and CUP (PEN16-0094) approved by the City Council on March 21, 2017, is subject to certain development impact fees and/or public facilities fees (hereinafter “Public Facilities Fees”), for Quimby Park Land and DIF Park Improvements, and in accordance with applicable City ordinances, the current amount of which is \$4,690.51 per lot; and

1.3 Whereas, this agreement between the City of Moreno Valley and MPLC, relative to the development known as Tract 36760 provides Quimby Fee and DIF Park Improvement credits for 221 lots in the amount of \$4,690.51 per lot against such Public Facilities Fees (total credit \$1,036,602.71), subject to MPLC’s satisfaction of its obligation to complete certain park improvements pursuant to the Conditions of Approval for Tentative Tract Map 36760 (PEN16-0095) and CUP (PEN16-0094).

1.4 Whereas, City and MPLC have reached an understanding as to the terms of this PFF Agreement, specifically that the City shall apply the \$4,690.51 per lot credit for 221 lots against the Public Facilities Fees in effect at the time each of the mutually agreed upon 221 building permits are issued; and

Now, therefore, City and MPLC, in consideration of their respective commitments below, agree as follows:

2. Timing and Payment of Public Facilities Fees:

2.1 MPLC shall receive the PFF credit against the City’s Public Facilities Fees (Quimby Park Land and DIF Park Improvement) for 221 lots at the time these building permits are pulled. The PFF Credit shall reduce Public Facilities Fee by \$4,690.51 per single family unit on a total of 221 lots. The Adjusted PFF shall be paid by MPLC to the City at the time these building permits are pulled.

**PUBLIC FACILITIES FEE CREDIT AGREEMENT
TENTATIVE TRACT MAP 36760 (PEN16-0095)
AND CUP (PEN 16-0094)**

3. Enforcement.

3.1 Enforcement by Either Party. The City agrees that unless this PFF Agreement is amended or terminated by mutual agreement of City and MPLC, this PFF Agreement shall be enforceable by any party hereto notwithstanding any change hereafter in any applicable General Plan, Specific Plan, City Ordinance, Rule or Regulation.

3.2 The Cumulative Remedies. In addition to any other rights or remedies, either party may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages. All the remedies described above shall be cumulative and not exclusive to one another, and the exercise of any one or more of the remedies herein shall not constitute a waiver or election with respect to any other available remedy.

3.3 Attorneys' Fees. In any arbitration, administrative proceedings, or any action in any courts of competent jurisdiction, brought by one or more parties to enforce any provision of this PFF Agreement, or to enforce any rights or remedies under this PFF Agreement, including any action for declaratory or equitable relief, the prevailing party shall be entitled to reasonable attorneys' fees and all reasonable costs, expenses and disbursements in connection with such action.

4. Miscellaneous Provisions.

4.1 Covenants, Conditions and Restrictions. The terms of this PFF Agreement shall be binding upon the parties, their successors and assigns. Any successor in interest of MPLC may enforce the provisions of this PFF Agreement.

4.2 Other Agreements. This PFF Agreement is not intended to alter the obligations of the parties under any other contracts existing between them, save and except as set forth in Section 2.1 above, whether signed before, after or in conjunction with this PFF Agreement intended to alter MPLC obligations under any existing conditions of approval applicable to Tract 36760.

4.3 Entire Agreement. This PFF Agreement constitutes the entire agreement between the parties with respect to the subject matter of this PFF Agreement.

4.4 Governing Law. This PFF Agreement, including, without limitation, its existence, validity, construction and operation, and the rights of each of the parties hereunder, shall be determined in accordance with the laws of the State of California.

**PUBLIC FACILITIES FEE CREDIT AGREEMENT
TENTATIVE TRACT MAP 36760 (PEN16-0095)
AND CUP (PEN 16-0094)**

4.5 Recitals. The recitals in this PFF Agreement constitute part of this PFF Agreement and each party shall be entitled to rely on the truth and accuracy of each recital as an inducement to enter into this PFF Agreement.

4.6 Time. Time is of the essence for this PFF Agreement and for each and every term and condition hereof.

4.7 No Third Party Beneficiaries. This PFF Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. Except as expressly provided in this PFF Agreement, no other person shall have any rights or cause of action based upon any provision of this PFF Agreement.

4.8 Waiver. The failure of either party at any time to seek redress for any violation of this PFF Agreement, or to insist upon the strict performance of any term or condition of this PFF Agreement, shall not prevent any subsequent act or omission of the same or similar nature from having all the force and effect of the original breach or default, and such subsequent act or omission may be proceeded against by either party to the fullest extent provided by this PFF Agreement. No provision of this PFF Agreement shall be deemed to have been waived by either party unless the waiver is in writing and is signed by the party waiving its rights or claims.

4.9 Binding Effect. The covenants and agreements contained in this PFF Agreement shall inure to the benefit of, and shall be binding upon each of the parties and their respective heirs, administrators, successors and assign.

4.10 Prevailing Wages. The property owner acknowledges the provisions of California Labor Code, Division 2, Part 7, Chapter 1, regarding the payment of prevailing wage rates for public works and in particular the fact that Section 1720 therein applies certain regulations under such statutes to private projects receiving certain public benefits; and that neither the City nor any person with authority to bind the City has made any representation as to any requirement, or any exemption from any requirement, to pay prevailing wages thereunder. Property owner accepts all responsibility for determining the applicability of prevailing wage laws and any other law, rule, regulation or other obligation with respect to its employees, subcontractors, or any other person and for the amounts paid to any of its employees, subcontractors, or any other person.

5. Defense of the City.

5.1 MPLC shall provide a defense to the City, and pay all costs associated therewith, in any action by a third party challenging the validity of this PFF Agreement. If the City is

**PUBLIC FACILITIES FEE CREDIT AGREEMENT
TENTATIVE TRACT MAP 36760 (PEN16-0095)
AND CUP (PEN 16-0094)**

determined to be the "prevailing party" in any such litigation, and is awarded its attorneys' fees and costs by the Court, then such award shall be promptly paid to MPLC as reimbursement for the attorneys' fees and costs it incurred in providing the City with a defense.

IN WITNESS WHEREOF, the parties have duly executed this PFF Agreement as of the date and year specified above as the Effective Date.

CITY OF MORENO VALLEY

By: _____
Dr. Yxstian Gutierrez, Mayor

Date: _____

ATTESTED TO:

By: _____
Pat Jacquez-Nares, City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
Martin Koczanowicz, City Attorney

Date: _____

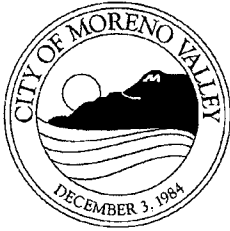
MPLC LEGACY 75 ASSOCIATES, LP a Delaware limited partnership

By: Mission Pacific Land Company,
a Delaware limited liability company
Its: General Partner

By: Randall C. Luce
Randall C. Luce
Managing Director

Date: Sept. 27, 2018

Attachment: MPLC signed Public Facilities AGMT (3272 : PUBLIC FACILITIES FEE CREDIT AGREEMENT WITH MPLC)



Community & Economic Development Department
 Planning Division
 14177 Frederick Street
 P. O. Box 88005
 Moreno Valley CA 92552-0805
 Telephone: 951.413-3206
 FAX: 951.413-3210

April 10, 2017

Mission Pacific Land Company
 4100 Newport Place Suite #400
 Newport Beach, CA 92660

Attention: Jason Keller

Subject: Approval of Conditional Use Permit application PEN16-0094 and Tentative Tract Map 36760 (PEN16-0095) for the Legacy Park project

Dear Mr. Keller:

Attached are the Final Conditions of approval for Conditional Use Permit PEN16-0094 for a Planned Unit Development and Tentative Tract Map 36760 (PEN16-0095) for the Legacy Park project to develop a 221 single family residential lot Planned Unit Development on approximately 53 acres at the southeast corner of Indian Street and Gentian Avenue and on the west side of the California Aqueduct within Assessor's Parcel Numbers 485-220-023 and 485-220-032.

The Legacy Park project was approved concurrently with a General Plan Amendment (PEN16-0092) and a Zone Change (PEN16-0093) and subject to adoption of a Mitigated Negative Declaration.

The City Council of the City of Moreno Valley approved this application on March 21, 2017, subject to the attached Final Conditions of Approval. This project will expire on March 21, 2020, unless extended as provided by City Ordinance.

If you have any questions, contact the Planning Division at (951) 413-3206.

Sincerely,

Jeff Bradshaw
 Associate Planner

Attachment: Final Conditions of Approval

c: Case files PEN16-0094 and PEN16-0095

Attachment: PEN16-0095 - Final Conditions (3272 : PUBLIC FACILITIES FEE CREDIT AGREEMENT WITH MPLC)

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 36760 (PEN16-0095)
CONDITIONAL USE PERMIT PEN16-0094
A.P.N.: 485-220-023, 485-220-032, AND 485-220-040**

Approval Date:
Expiration Date:

**March 21, 2017
March 21, 2020**

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

- P1. Tentative Tract Map 36760 (PEN16-0095) has been approved for development of a 221 lot subdivision in the R5 zone.
- P2. Conditional Use Permit PEN16-0094 for a Planned Unit Development (Legacy Park) has been approved with Design Guidelines to establish unique development standards, architectural standards, fence and walls, and common area pathways and landscape area for Tentative Tract Map 36760 in the R5 zone. The PUD allows for minimum lot sizes of 4,000 square feet (76 lots) and 5,000 square feet (145 lots) in two distinct areas of the tract map.
- P3. Conditional Use Permit PEN16-0094 and Tentative Tract Map 36760 (PEN16-0095) are approved subject to approval of a General Plan Amendment from Residential 30 to Residential 5 and a Zone Change from R30 to R5.
- P4. Conditional Use Permit PEN16-0094 establishes the following development standards for single-family residential development in Tentative Tract Map 36760:
- Minimum Lot Size – 4,000 square feet (50' x 80')
 - Minimum Lot Size -- 5,000 square feet (50' x 100')
 - Maximum Lot Coverage – 50%
 - Maximum Height – 2-story or 35 feet

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits
GPA - Grading Plan Approval	BF - Building Final
BP - Building Permits	P - Any permit
MR - Map Recordation	MA - Map Approval
AOS - Acceptance of Streets	WP - Water Improvement Plans
CP - Construction Permit	IPA - Improvement Plan Approval
	SI - Street Improvements

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code
MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code
UBC - Uniform Building Code	
SBM - Subdivision Map Act	

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 2 OF 40

- P5. Tentative Tract Map 36760 and Conditional Use Permit PEN16-0094 are approved for the use of decorative concrete treatments within the public right-of-way at key intersections of Street L within the project.
- P6. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
- P7. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
- P8. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the Legacy Park Design Guidelines (PEN16-0094), and the conditions of approval contained herein. (MC 9.14.020)
- P9. A drought tolerant, low water using landscape palette shall be utilized throughout the tract to the extent feasible.
- P10. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P11. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P12. (BP) Enhanced architectural treatments shall be included on the approved plans for all homes having side and/or reverse frontages to public streets or open space areas.
- P13. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

PRIOR TO GRADING

- P14. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P15. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 3 OF 40

- P16. (GP) Prior to approval of precise grading plan, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees.
- P17. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

- P18. (GP) Prior to issuance of grading permits, landscape plans for front yards, street trees, common areas, reverse frontage parkways and basins, common area lighting and fences and walls, shall be submitted to the Planning Division for review subject to the requirements of the Legacy Park Design Guidelines the City of Moreno Valley Municipal Code.
- P19. (GP) Prior to issuance of grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.
- P20. (GP) Prior to the issuance of grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project or tentative map approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 4 OF 40

PRIOR TO RECORDATION OF FINAL MAP

- P22. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)
- P23. (R) Prior to final map recordation any required trail easements shall be provided.
- P24. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
- a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance and ownership of common area pathways and landscape, common area lighting, and common recreation areas. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.

PRIOR TO BUILDING PERMIT

- P25. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P26. (BP) Prior to issuance of building permits, final front and street side yard landscape and irrigation plans, private slope landscape plans, basin landscape plans, common area lighting and fence and wall plans shall be approved.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 5 OF 40

PRIOR TO BUILDING FINAL

P27. (BF) Prior to the issuance of Certificates of Occupancy or building final all private and common area landscape and irrigation, common area lighting, and fence and walls shall be installed. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)

Mitigation Measures

Traffic

TR-1: Prior to the issuance of building permits, the Project applicant shall participate in the City's DIF and County TUMF fee programs by paying the requisite fees at the time of building permit, and in addition pay the Project's fair share amount of \$43,497 for improvements at the intersections of Indian Street at Cactus Avenue and Indian Street at Gentian Avenue as identified in Table 1-5 that are consistent with the improvements shown on Table 6-3, or as otherwise agreed to by the City and Project Applicant. Project fair share payment shall only be collected if the City creates a fee program that includes the improvements the fair share contribution is intended to construct.

TR-2: Prior to the final approval of the street improvement plans, traffic signal plans will be required for a new traffic signal located at the intersection of Perris Boulevard and Santiago Drive. Prior to issuance of Certificate of Occupancy, the traffic signal and Perris Boulevard and Santiago Drive shall be completed per the approved plans to the satisfaction of the City Engineer.

Biological Resources

BR-1. A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls within 14 days prior to site disturbance. If burrowing owls are detected onsite, the owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of the RCA and wildlife agencies.

BR-2. As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including diking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 6 OF 40

Cultural Resources

CR-1: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a professional archaeological monitor has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and that the monitor has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project archaeologist, with input from the appropriate Tribe, shall prepare a Cultural Resources Monitoring Plan (CRMP) to document protocols for inadvertent finds, to determine potential protection measures from further damage and destruction for any identified archaeological resource(s)/ tribal cultural resources (TCRs), outline the process for monitoring and for completion of the final Phase IV Monitoring Report. If any archaeological and/or TCRs are identified during monitoring, these will also be documented and addressed per standard archaeological protocols in the Phase IV report, with the exception of human remains which will be addressed per CUL-5. The Project Archaeologist shall attend the pregrading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

CR-2: At least 30 days prior to the issuance of a grading permit, the Applicant shall contact the appropriate Luiseño tribe to develop a Cultural Resources Treatment Agreement and shall provide evidence to the City of Moreno Valley that the professionally qualified Luiseño Native American monitor(s) has been secured from the interested tribe(s), and that the monitor shall be allowed to monitor all mass grading and trenching activities. The Tribal representative(s) shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

CR-3: If, during mass grading and trenching activities, the Archaeologist or Tribal representatives suspect that an archaeological resource and/or TCR may have been unearthed, the monitor identifying the potential resources, in consultation with the other monitor as appropriate, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. The Native American monitor(s) or appropriate representative(s) and the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. The archaeological monitor and tribal monitor(s) or appropriate representative(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). All sacred sites, should they be encountered within the Project area, shall be avoided and preserved as the preferred mitigation, if feasible.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 7 OF 40

CR-4: Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."

CR-5: If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

CR-6: Prior to construction involving excavation four feet or more below existing surface grade, the construction contractor shall provide evidence that a qualified paleontologist has been retained, and that the paleontologist(s) shall be present during all grading and other significant ground-disturbing activities that reach four feet or more below existing surface grade. In the event fossiliferous deposits are encountered, the following measures shall be implemented:

- Monitoring shall be conducted by qualified paleontological monitor(s) of excavation in areas identified as likely to contain paleontological resources, including very old alluvial fan deposits. Paleontological monitors shall be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.
- Paleontological monitoring of any earthmoving will be conducted by a monitor, under direct guidance of a qualified paleontologist. Earthmoving in areas of the

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 8 OF 40

parcel where previously undisturbed sediments are buried, but not otherwise disturbed, will not be monitored.

- If too few fossil remains are found after 50 percent of the planned-for earthmoving has been completed, monitoring can be reduced or discontinued in those areas at the Project paleontologist's direction.
- Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.
- Identification and curation of specimens into a professional, fully accredited museum repository with permanent retrievable storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities.
- Preparation of a report of findings with and appended itemized inventory of specimens. The report and inventory, when submitted to the city along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.

Noise

N-1: Construction activities shall be operated in a manner that limits noise impacts on surrounding uses (General Plan Policy 6.5.2). In order to limit noise impacts on surrounding property, the construction contractor will ensure the following:

- All construction equipment powered by gasoline or diesel engines will be required to have sound-control devices at least as effective as those originally provided by the manufacturer; no equipment will be permitted to have an unmuffled exhaust.
- Mobile noise-generating equipment and machinery will be shut off when not in use;

Construction vehicles assessing the site will be required to use the shortest possible route to and from local freeways, provided the routes do not expose additional receptors to noise.

N-2: The staging of construction equipment and the construction trailer shall be placed as far as possible from the existing single-family residences located to the west and south and the schools to the south.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 9 OF 40

Building and Safety Division

The following are general comments generated on the information provided and do not constitute a complete list of potential items or issues for this project proposal. Fee estimates for plan review and permits can be obtained by contacting the Building and Safety Division at 951.413.3350.

- B1. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, etc. The current code edition is the 2016 CBC.
- B2. The proposed project may be classified as an R-3/U occupancy and shall comply with the 2016 California Residential Code (CRC).
- B3. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B4. The proposed development may be subject to the payment of required development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
- B5. The proposed project may be subject to approval by the Water District serving this location and all applicable fees and charges shall be paid to the District prior to permit issuance. Contact the appropriate water district for details.
- B6. Prior to final inspection, all plans shall be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division. In addition, a site plan showing the path of travel from public right of way with elevations will be required.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 10 OF 40

SCHOOL DISTRICT

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community & Economic Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 11 OF 40

FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
- F2. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F3. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F4. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F5. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F6. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F7. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
- F8. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F9. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 12 OF 40

- F10. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
- F11. Prior to construction, “private” driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060, CFC 501.4)
- F12. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
- F15. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
- a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3)

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 13 OF 40

- F16. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
- F17. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 ½") shall be located at each intersection of all residential streets. Hydrants shall be spaced no more than 500 feet apart in any direction so that no point on the street is more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 1 hour duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
 Page 14 OF 40

PUBLIC WORKS DEPARTMENT

Land Development Division

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
- LD2. (G) The tentative map shall correctly show all existing easements, traveled ways, and drainage courses. Any omission may require the map or plans associated with this application to be resubmitted for further consideration. [MC 9.14.040(A)]
- LD3. (G) In the event right of way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right of way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right of way or offsite easements and complete the improvements at such time the City acquires the right of way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right of way or easement acquisition. [GC 66462.5]
- LD4. (G) If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - b. Observance of working hours as stipulated on permits issued by the Land Development Division.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
 Page 15 OF 40

- c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
- d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc.). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
- LD7. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: *“Drainage Easement – no structures, obstructions, or encroachments by landfills are allowed.”* In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD8. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales, and must be directed to a driveway or drainage devices located outside the right of way in accordance with City Standard MVSI-154-0. No cross-lot or over the sidewalk drainage shall be allowed.
- LD9. (G) Prior to any plan approval, a final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
- LD10. (G) Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner’s Association (HOA). The Homeowner’s Association shall enter into an agreement with the City for basin maintenance.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
 Page 16 OF 40

- LD11. (G) The final approved conditions of approval (COAs) and any applicable Mitigation Measures issued by the Planning Division shall be photographically or electronically placed on Mylar sheets and included in the Grading and Street Improvement plans.
- LD12. (G) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Prior to Grading Plan Approval

- LD13. (GPA) Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
- LD14. (GPA) Landscape & Irrigation plans (prepared by a registered/licensed landscape architect) for water quality BMPs shall be submitted for review and approved by the City Engineer per the current submittal requirements, if applicable.
- LD15. (GPA) The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
- LD16. (GPA) The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
 Page 17 OF 40

- LD17. (GPA) For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
- LD18. (GPA) Two (2) copies of the final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
- LD19. (GPA) A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
- LD20. (GPA) The developer shall pay all remaining plan check fees.
- LD21. (GPA) Resolution of all drainage issues shall be as approved by the City Engineer.

Prior to Grading Permit

- LD22. (GP) The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- LD23. (GP) A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
- LD24. (GP) Security, in the form of a cash deposit (preferable), or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 18 OF 40

- LD25. (GP) Security, in the form of a cash deposit (preferable), or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
- LD26. (GP) The developer shall pay all applicable inspection fees.
- LD27. (GP) A digital (pdf) copy of the approved grading plans shall be submitted to the Land Development Division.

Prior to Map Approval

- LD28. (MA) Final maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
- LD29. (MA) Resolution of all drainage issues shall be as approved by the City Engineer.
- LD30. (MA) A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review and approved by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
- LD31. (MA) All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
- LD32. (MA) The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
- LD33. (MA) All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
- LD34. (MA) The developer shall enter into a Cooperative Agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project.
- LD35. (MA) The developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities.
- LD36. (MA) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right of way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 19 OF 40

Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

- LD37. (MA) All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
- LD38. (MA) Under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act, this project is subject to the following requirements:
- a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality BMPs". Any lots which are identified as "Water Quality BMPs" shall be owned in fee by the HOA.
 - b. Dedicate a maintenance easement to the City of Moreno Valley.
 - c. Execute a maintenance agreement between the City of Moreno Valley and the HOA, which shall be approved by City Council.
 - d. Establish a trust fund per the terms of the maintenance agreement.
 - e. Provide a certificate of insurance per the terms of the maintenance agreement.
 - f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
 - g. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in place prior to the issuance of certificate of occupancy. [California Government Code & Municipal Code]
- LD39. (MA) After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.

Prior to Improvement Plan Approval

- LD40. (IPA) All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 20 OF 40

- LD41. (IPA) The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
- LD42. (IPA) The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
- LD43. (IPA) The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
- LD44. (IPA) The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer.
- LD45. (IPA) All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
- LD46. (IPA) The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD47. (IPA) Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
- LD48. (IPA) The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be submitted for review and approved of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]

Prior to Encroachment Permit

- LD49. (EP) All work performed within public right of way requires an encroachment permit. Security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. For non-subdivision projects, the City Engineer may require the execution of a Public Improvement

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 21 OF 40

Agreement (PIA) as a condition of the issuance of a construction or encroachment permit. All inspection fees shall be paid prior to issuance of construction permit. [MC 9.14.100(C.4)]

- LD50. (EP) A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
- LD51. (EP) All applicable inspection fees shall be paid.

Prior to Building Permit

- LD52. (BP) For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]
- LD53. (BP) Certification to the line, grade, flow test, and system invert elevations for the water quality control BMPs shall be submitted or review and approved by the City Engineer (excluding models homes).
- LD54. (BP) An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.

Prior to Occupancy

- LD55. (CO) All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
- LD56. (CO) The engineered final/precise grade certification shall be submitted for review and approved by the City Engineer.
- LD57. (CO) All outstanding fees shall be paid.
- LD58. (CO) The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 22 OF 40

- e. Under grounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD59. (CO) For residential subdivisions, prior to releasing the last 20% or last 5 permitted structures (whichever is greater, unless otherwise determined by the City Engineer) of any Map Phase, punch list work for improvements and capping of streets in that phase shall be completed and approved for acceptance by the City Engineer.
- LD60. (CO) The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawings if necessary.
 - f. Provide City with updated Engineer's Line and Grade Certification.
 - g. Obtain approval and complete installation of the irrigation and landscaping.
- LD61. (CO) The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

Special Conditions

- LD62. (GP) Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. The Agreement must be submitted prior to the issuance of a grading permit and must be approved by the City Council prior to receiving credit for applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, no credits will be given. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 23 OF 40

- LD63. (GP) Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. The Agreement must be submitted prior to the issuance of a grading permit and must be approved by the City Council prior to receiving credit for applicable improvements. If the developer fails to complete this agreement by the timing specified above, no credits will be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]
- LD64. Prior to final map approval, the map shall show the following:
- a. The appropriate right-of-way dedication along Indian Street frontage shown as Lot S on the tentative tract map. This includes right-of-way required for a bus turn-out as conditioned by the Transportation Engineering Division.
 - b. The appropriate right-of-way dedication on Santiago Drive frontage shown as Lots Q and R on the tentative tract map.
 - c. The appropriate right-of-way dedication on Gentian Street frontage shown as Lot D on the tentative parcel map.
 - d. A 10-foot landscape easement along the east side of Indian Street and south side of Gentian Avenue.
 - e. A 1.5-foot landscape easement along the north side of Santiago Drive.
- LD65. Prior to final map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements along the project frontage shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer:
- a. Indian Street, Minor Arterial, City Standard MVSI-105A-0 (88-foot RW / 64-foot CC) shall be constructed to complete the half-width along the entire project's east frontage. Remaining improvements shall consist of, but not be limited to pavement and base, sidewalk, catch basin, streetlights, pedestrian access ramps, and dry and wet utilities. In addition, the applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements that do not meet current City standards.
 - b. Santiago Drive (east), Collector, City Standard MVSI-106B-0 (66-foot RW / 44-foot CC) shall be constructed to half-width plus an additional 12 feet south of the centerline from Street "L" to the project easterly boundary and half-width plus an additional 18 feet south of the centerline from the project easterly boundary to Perris Boulevard. Improvements shall consist of, but not be limited to, pavement and base, curb, gutter, sidewalk, driveway approaches, catch basins, storm drain, streetlights, pedestrian access ramps, and dry and wet utilities.
 - c. Santiago Drive (west), Collector, City Standard MVSI-106B-0 (66-foot RW / 44-foot CC) shall be constructed to full-width between Indian Street and

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
 Page 24 OF 40

- Street "N". Improvements shall consist of, but not be limited to, pavement and base, curb, gutter, sidewalk, driveway approaches, catch basins, storm drain, streetlights, pedestrian access ramps, and dry and wet utilities.
- d. Gentian Street, Minor Arterial (modified), City Standard MVSI-105A-0 (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 18 feet north of the centerline, along the entire project's north frontage. Improvements shall consist of, but not be limited to, a raised median, pavement and base, curb, gutter, sidewalk, catch basins, streetlights, pedestrian access ramps, dry and wet utilities.
 - e. Street "D", Local Street (modified), City Standard MVSI-107A-0 (56-foot RW / 36-foot CC) shall be constructed to full-width as shown on the tentative map. Improvements shall consist of, but not be limited to, pavement and base, curb, gutter, sidewalk, catch basins, storm drain streetlights, pedestrian access ramps, dry and wet utilities.
 - f. Street "L", Collector (modified), City Standard MVSI-106B-0 (66-foot RW / 40-foot CC) shall be constructed to full-width as shown on the tentative map. Improvements shall consist of, but not be limited to, pavement and base, curb, gutter, sidewalk, catch basins, storm drain, streetlights, pedestrian access ramps, dry and wet utilities.
 - g. Streets "A", "B", "C", "E", "F", "G", "H", "I", "J", "K", "M", "N", "O", and "P", Local Street, City Standard MVSI-107A-0 (56-foot RW / 36-foot CC) shall be constructed to full-width as shown on the tentative map. Improvements shall consist of, but not be limited to, pavement and base, curb, gutter, sidewalk, catch basins, storm drain streetlights, pedestrian access ramps, dry and wet utilities.
 - h. All knuckles and cul-de-sacs shall be constructed per City Standards MVSI-162-0 and MVSI-163A-0, respectively.
 - i. Sunnymead Master Drainage Plan (MDP) Line M-2 within the public right-of-way in Santiago Drive, Perris Boulevard and Iris Avenue or an alignment as approved by both the RCFC&WCD and the City. This includes, but not limited to, construction of a 39-inch minimum storm drain, laterals, catch basins/inlets, and local depressions as needed.
 - j. The intersection of Perris Boulevard and Santiago Drive shall be fully improved to the ultimate right-of-way and street width in order to construct a traffic signal required by the Transportation Engineering Division condition TE8.
- LD66. Lettered Lots "AA" and "DD" shall be designated for water quality bio-retention purposes and shall be reserved in fee title for the owner, heirs and assigns.
- LD67. Lettered Lots "CC" and "HH" shall be designated for park purposes and reserved per the Parks and Community Services Department requirements.
- LD68. Lettered Lots "BB", "EE", "FF", "GG", "II", "JJ", "KK", "LL", "MM", and "NN", shall be designated open space and reserved in fee title for the owner, heirs and assigns.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 25 OF 40

- LD69. Lettered Lots “BB”, “EE”, and “FF” shall show a 25-foot drainage easement for storm drain maintenance purposes.
- LD70. Prior to the final map approval, the developer shall secure the following:
- a. Additional right-of-way along the south side of Santiago Drive (east) between Street “L” and approximately 650 feet east of Street “L” for the construction of an eastbound travel lane as shown on the tentative map. The dedication shall be submitted for review, approval, and recorded.
 - b. Additional right-of-way between Indian Street and Street “N” for the full construction of Santiago Drive (west) as shown on the tentative map. The dedication shall be submitted for review, approval, and recorded.
 - c. Vacation of a portion of the south side of Santiago Drive (west), including utilities and drainage easements, as shown on the approved tentative tract map and as approved by City Engineer
- LD71. Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition, unless the study demonstrates that the existing or proposed drainage facilities can accommodate the increased run-off. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures may be required beyond those shown on the tentative map and preliminary drainage study.
- LD72. Prior to rough grading plan approval, the Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP, as well as in full conformance with the document; “Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: stormwater BMPs; LID principles; Source control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of two (2) bio-retention basins. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - c. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 26 OF 40

- d. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in grading plans.
 - e. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
- LD73. Prior to precise grading plan approval, emergency overflow area(s) shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the proposed detention basin(s).
- LD74. Prior to issuance of a building permit, the precise grading plans shall be approved.
- LD75. Prior to street improvement plan approval, all dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
- LD76. Prior to occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD77. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
 - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.
- LD78. Prior to occupancy, as-built street improvement plans, storm drain plans and precise grading plans shall be submitted for review and approved.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
 Page 27 OF 40

Special Districts Division

Conditions are standard to all or most development projects. Some special conditions, modified conditions or clarification of conditions may be included. Please review conditions as listed and contact the Division at 951.413.3480 for any questions.

Acknowledgement of Conditions

The following are the Special Districts Division's Conditions of Approval for PA14-0052 and PA14-0053; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD-2 Plans for external parkway and median landscape areas designated in the project's Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
- SD-3 In the event the City of Moreno Valley determines that funds authorized by any Proposition 218 mail ballot proceeding are insufficient to meet the costs for external parkway maintenance and utility charges, the City shall have the right, at its option, to terminate the grant of any or all parkway maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the Developer or the Developer's successors in interest, all rights, title, and interest in said parkway areas, including but not limited to responsibility for perpetual maintenance of said areas.
- SD-4 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of Special Districts staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the District accepts maintenance responsibilities.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 28 OF 40

- SD-5 Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD-6 The ongoing maintenance of any internal parkway landscaping required to be installed within the tract shall be the responsibility of the Home Owner's Association.
- SD-7 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
- SD-8 Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD-9 Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.
- SD-10 Parkway and median landscape areas maintained as part of the City of Moreno Valley Community Facilities District 2014-01 shall be required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas not associated with the City of Moreno Valley Community Facilities District (CFD) landscaping will not be permitted.

Prior to Grading Permit

- SD-11 This project is included within the future annexation boundaries for Community Facilities District No. 7 (CFD No. 7) – Improvement Area No. 3. If Bonds have been sold for CFD No. 7 – Improvement Area No. 3, then the Local Component portion of the Area Drainage Plan (ADP) fee for Riverside County Flood Control and Water Conservation District (RCFCWCD) has been allocated toward the debt service payments on CFD No. 7 bonds and/or paid directly for acquisition of RCFCWCD facilities.

In order for the Developer to meet its financial obligation, it must notify the Special Districts Division when submitting the application for grading permit and select one of the funding options outlined below.

Or

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 29 OF 40

If a grading permit is not required, the Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org when submitting the application for building permit issuance and select one of the funding options outlined below.

- a. Participate in a special election to annex into CFD No. 7 and pay the equivalent to the Local Component portion of the ADP fee including interest as a special tax levied annually on the Riverside County property tax bill; or
- b. Pay the Local Component portion of the ADP fee directly to the City of Moreno Valley, Special Districts Division which shall be used for any authorized purpose for CFD No. 7.

If the funding option selected is participation in a special election, a minimum of 90 days is needed to complete the special election process. This allows adequate time to complete the special election process in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

Annexation to CFD No. 7 shall be completed or proof of payment of the Local Component portion of the ADP fee shall be provided to the Special Districts Division prior to the issuance of the first building permit for this project.

Prior to Recordation of Final Map

SD-12(R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems. The Developer shall satisfy this condition with one of the options below.

- a. Participate in a special election for annexation into Community Facilities District No. 1 and pay all associated costs of the special election process and formation, if any; or
- b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

Annexation to CFD No. 1 shall be completed or proof of payment to establish the endowment fund shall be provided prior to the issuance of the first building permit for this project.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 30 OF 40

SD-13(R) This project has been identified to be included in the formation of a Community Facilities District for Public Safety services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its intent to record the final map for the development 90 days prior to City Council action authorizing recordation of the map. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)

SD-14(R) This project is conditioned to provide a funding source for the following special financing program(s):

- a. Street Lighting Services for capital improvements, energy charges, and maintenance.
- b. Landscape Maintenance Services for external parkway and median landscaping on Indian Street, Gention Avenue, and Santiago Drive.

The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. The Developer shall satisfy this condition with one of the options below.

- i. Participate in a special election (mail ballot proceeding) and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- ii. Establish a Property Owner's Association or Home Owner's Association which will be responsible for any and all operation and maintenance costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. The option for participating in a special election requires approximately 90 days to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit for this project.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 31 OF 40

SD-15(R) This project is conditioned to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options below.

- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit for the project.

SD-16 *Residential* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, systems evaluation and enhancements of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated storm water regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program (see Land Development's related condition). Participating in a special election the process requires a 90 day period prior to City Council action authorizing recordation of the final map for the development and to participate in a special election process. This allows adequate time to be in compliance with the provisions of Article 13D of the California Constitution. California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

SD-17(R) Easements for reverse frontage parkway areas abutting Indian Street, Gentian Avenue, and Santiago Drive shall be 6 ft. or to top of parkway facing slope or to face of perimeter tract wall, whichever is greater. Easements shall be dedicated to the City of Moreno Valley for landscape maintenance purposes, and shall be depicted on the final map, and an offer of their dedication made thereon.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 32 OF 40

SD-18(R) Prior to the recordation of the final map, the Developer shall provide all necessary documents to convey to the City the required easements for parkway and/or slope maintenance as specified on the tentative map or in these Conditions of Approval.

Prior to Building Permit Issuance

SD-19(BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (*specialdistricts@moval.org*). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or *specialdistricts@moval.org*.

SD-20(BP) For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community Development Department), Special Districts Division (the Public Works Department) and Transportation Division (the Public Works Department) shall review and approve the final median and external parkway landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.

SD-21(BP) External parkway and median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the City of Moreno Valley Public Works Design Guidelines and completed prior to the issuance of 25% (or 55) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

Prior to Certificate of Occupancy

SD-22(CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 33 OF 40

Transportation Engineering Division

GENERAL CONDITIONS

- TE1. Indian Street is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0. Traffic Signal Interconnect along project frontage shall be required per City Standard Plan No. MVSI-186-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
- TE2. Gentian Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0, modified for a raised median. Traffic Signal Interconnect along project frontage shall be required per City Standard Plan No. MVSI-186-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
- TE3. Santiago Drive is designated as a Collector (66'RW/44'CC) per City Standard Plan No. MVSI-106B-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
- TE4. Interior street (A-P, except L) is designated as a Local Street (56'RW/36'CC) per City Standard Plan No. MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
- TE5. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
- TE6. Conditions of approval may be modified if project is phased or altered from any approved plans.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE7. Prior to the final approval of the street improvement plans, traffic signal modification plans shall be required for the existing traffic signal located at Indian Street and Santiago Drive intersection. Modifications may include, but not limited to, new signal poles, new pull boxes, new traffic detector loops or video detection system, relocation of signal controller cabinet, etc.
- TE8. Prior to the final approval of the street improvement plans, traffic signal plans will be required for a new traffic signal located at the intersection of Perris Boulevard and Santiago Drive.
- TE9. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and City of Moreno Valley Standard Plans for Indian Street, Gention Avenue, Santiago Drive, and all interior streets A-P.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 34 OF 40

TE10. Prior to the final approval of the street improvement plans, the intersection of Indian Street and Gentian Avenue shall be designed to provide the following (at a minimum):

- Northbound: One left turn lane, two through lanes;
- Southbound: One left turn lane, two through lanes;
- Eastbound: One left turn lane, one shared through/right turn lane;
- Westbound: One left turn lane, one shared through/right turn lane.

TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval or as required by the City Traffic Engineer.

TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE13. (CO) Prior to issuance of Certificate of Occupancy, improvements identified in TE7, TE8, TE9, and TE10 shall be completed per the approved plans to the satisfaction of the City Engineer.

TE14. (CO) Prior to issuance of Certificate of Occupancy, all signing and striping shall be installed per current City Standards and the approved plans.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE15. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 35 OF 40

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PEN16-0094 AND PEN16-0095 (Tract 36760); this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to: intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

Specific Conditions of Approval

PCS1. The developer shall construct a 2-acre (approximate) active park, per these CONDITIONS OF APPROVAL, BONDS, and the PUBLIC FACILITIES FEE CREDIT AGREEMENT for TRACT 36760 (PA14-0052/53) and ASSOCIATED CUP/PUD, FOR DEDICATION AND CONSTRUCTION OF PUBLIC PARK. The developer shall additionally dedicate and construct a BIKEWAY LINEAR PARK WITHIN THE DWR RIGHT-OF-WAY, per these CONDITIONS OF APPROVAL and BONDS for TRACT 36760 (PA14-0052/53) and ASSOCIATED CUP/PUD.

Appropriate Quimby and Parkland Facility Fee credits will be credited to Tract 36760 for the dedication and construction of the active park.

A neighborhood park shall be located within the site per the Conditions of Approval for Tract 36760. The park shall be constructed to the latest edition of the City of Moreno Valley Parks and Community Services Department "Park Specification Guide", "GREENBOOK FOR PUBLIC WORKS CONSTRUCTION", CALIFORNIA BUILDING CODE", and "City Standard Plans". Additionally, the developer shall comply with the following:

- a. Minimum site amenities shall include: separate play equipment for ages 2 to 5 and 5 to 12 on; one (1) 30' x 50' picnic shelter and one (1) 24' hexagon gazebo; large group barbeques; concrete picnic tables, concrete benches; concrete waste/recycle containers; two (2) drinking fountains (Std. MVGF-615B-0); lighted monument signs; LED walkway security lighting; conduit and wiring for security cameras; 10' wide decorative concrete walkways; stabilized decomposed granite walking path; combination of 24" and 30" boxed trees, 5-gallon sized shrubs; 1-gallon sized ground cover; sodded turfgrass; Calsense irrigation controller; 4' tall tubular steel fencing surrounding the park; anti-graffiti coating on all adjacent walls, restroom, and monument sign(s); and other amenities typical of parks. All drainage from the park shall be contained in the tract's water quality basin.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 36 OF 40

- b. The park and bikeway/linear park design shall be fully completed and approved in conjunction with the grading plans. Construction shall commence prior to the issuance of 30% of building permits for residential units and be completed prior to the issuance of 70% of building permits for residential units.
- c. The developer shall enter into a Facilities Fee Credit Agreement to obtain credit/reimbursement of Quimby and Parkland Facilities Development Impact Fees (DIF).
- d. The park and bikeway/linear park shall be shown as lettered lots and dedicated in fee to the Moreno Valley Community Services District, on the Final Map.

PCS2. A bikeway/linear park shall be designated for Tract 36760, per the Bikeway Master Plan. The bikeway shall have an adjacent walkway for pedestrians. Access points from the tract and the adjacent commercial center to the bikeway/walkway shall be provided. Planters, automated (Calsense) irrigation, turf areas, waste containers, and three-rail PVC fencing typical of parks shall be included in the design. Additionally, the developer shall comply with the following:

PCS3. Any recreational amenities within the pocket park located on Gentian Avenue and adjacent to the DWR aqueduct shall be reviewed and approved by Parks and Community Services. Dedication of such facilities to the CSD shall be at the discretion of the CSD.

STANDARD CONDITIONS:

PCS4. A restriction shall be placed on lots that back up to City/CSD owned or maintained parks, trails, bikeways, and landscaped areas, preventing openings or gates accessing the City/CSD owned or maintained property. This shall be documented through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee, prior to the recordation of the Final Map.

PSC5. Within the improvements for PCS, the applicant shall show all existing and planned easements on all maps and plans. Easements on City/CSD owned or maintained parks, trails, bikeways, and landscape shall be identified on each of these plans with the instrument number of the recorded easement.

PCS6. The following plans require PCS written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to bikeways; trail improvement plans. PCS will not approve any permits without review and approval of the above items.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 37 OF 40

- PCS7. Prior to recordation of the Final Map, the applicant shall post security to guarantee construction or modification of parks, trails and/or bikeways for the City/CSD. Copies of said documentation shall be provided to PCS, prior to the approval of the Final Map.
- PCS8. Detailed final plans (mylars, PDF, and AutoCAD file on a DVD-R) for parks, trails/bikeways, fencing, and adjoining landscaped areas shall be submitted to and approved by the Director of Parks and Community Services, or his/her designee, prior to the issuance of any building permits. All plans are to include a profile showing grade changes.
- PSC9. Applicable plan check and inspection fees shall be paid, per the approved City fee schedule.
- PCS10. This project may be required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. This can be achieved through annexing into Community Facilities District No. 1 (Park Maintenance). Please contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org to complete the annexation process.
- PCS11. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements. Proof of such shall be supplied to Parks and Community Services upon Final Map and at Building Permits.
- PSC12. This project is subject to current Development Impact Fees, at time of building permit issuance (unless exempted in a Public Facilities Fee Credit Agreement).
- PCS13. This project is subject to current Quimby Fees, at time of building permit issuance (unless exempted in a Public Facilities Fee Credit Agreement).

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 38 OF 40

MORENO VALLEY UTILITY

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PEN16-0094 AND PEN16-0095; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Finance and Management Services Department 951.413.3500, mvuengineering@moval.org. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU-1 (R) This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 39 OF 40

not include sewer, water, and natural gas services, which are addressed by other conditions of approval.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system.

- MVU-3 This project is subject to a Reimbursement Agreement and is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.
- MVU-4 For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

PEN16-0094 / PEN16-0095
CONDITIONS OF APPROVAL
Page 40 OF 40

POLICE DEPARTMENT

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (MC 9.08.080)



Report to City Council

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

FROM: Patti Solano, Parks & Community Services Director

AGENDA DATE: October 16, 2018

TITLE: AGREEMENT FOR PRINTING AND DISTRIBUTION OF
 THE CITY OF MORENO VALLEY SOARING ACTIVITY
 GUIDE

RECOMMENDED ACTION

Recommendation:

1. Approve the Professional Services Agreement with Southwest Offset Printing Co, Inc. to print and distribute the tri-annual Moreno Valley Soaring Activity Guide and flip book for one-year from the date of the agreement execution, with the option to extend four additional one-year terms of its expiration date with an annual contract price of \$43,053; and
2. Authorize the City Manager, or his designee, to execute all necessary documents to implement the Agreement, and extend the Agreement for four additional one-year terms.

SUMMARY

This report recommends the approval of the Professional Services Agreement with Southwest Offset Printing Co, Inc. to print and distribute the tri-annual Moreno Valley Soaring Guide and interactive flip book. The current Soaring Guide is a 36-page publication with a full-color glossy cover and full-color vellum inside pages. The approval of the Professional Services Agreement with Southwest Offset Printing Co, Inc. contains enhancements to the Soaring Guide that includes full-color glossy pages throughout the entire publication, an additional 4 pages (40-page publication) and compilation of an interactive web-based flip book within the current budget. Funding is currently available in Zone A (Fund 5011).

DISCUSSION

On September 21, 2018, PCSD posted a Request for Proposal for the Printing and Distribution of the Moreno Valley Soaring Activity Guide, RFP 2018-020. The City received three responses from the following qualified bidders:

	COMPANY	LOCATION
1	Southwest Offset Printing Co, Inc.	Gardena, CA
2	Sky Publishing	Redlands, CA
3	The Sauce Creative Services	Monrovia, CA

Staff performed a competitive review process and based on proposer background, qualifications, methodology, references, and cost, and selected Southwest Offset Printing Co, Inc. as the most qualified bidder.

ALTERNATIVES

- 1 (a). Approve the Professional Services Agreement with Southwest Offset Printing Co, Inc. to print and distribute the tri-annual Moreno Valley Soaring Activity Guide and flip book for one year from the date of the agreement execution, with the option to extend four additional one-year terms of its expiration date with an annual contract price of \$43,053; and
 - (b). Authorize the City Manager, or his designee, to execute all necessary documents to implement the Agreement, and extend the Agreement for four additional one-year terms.
2. Elect not to approve the Professional Services Agreement with Southwest Offset Printing Co, Inc. to print and distribute the tri-annual Moreno Valley Soaring Activity Guide and flip book, and provide further direction to staff.

FISCAL IMPACT

The Parks & Community Services Department has Parks Zone A fund (Fund 5011) for project cost. **There is no impact on the General Fund.**

The not to exceed amount shall be \$43,053 for the initial year and if the contract is extended each year thereafter for \$43,053 annually for years two through five for a maximum contract amount of \$215,265.

FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23
\$43,053	\$43,053	\$43,053	\$43,053	\$43,053

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 18/19 Budget
Project Budget	Zone A	5011-50-58-35311-630214	Exp	\$71,000

NOTIFICATION

Request for Proposal was advertised through the Press Enterprise. Additional notification was provided through the publication of agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Erica Green
Parks and Community Services Deputy Director

Department Head Approval:
Patti Solano
Parks and Community Services Director

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.

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, including home rehabilitation and neighborhood restoration.

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

Objective 5.5: Promote a healthy community and lifestyle.

Objective 6.2: Improve health, wellness and fitness for Moreno Valley youth through recreation and sports programs.

ATTACHMENTS

- 1. Agreement for Professional Services - Southwest Offset Printing Co

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/08/18 6:14 PM
City Attorney Approval	<u>✓ Approved</u>	10/08/18 4:40 PM
City Manager Approval	<u>✓ Approved</u>	10/09/18 2:00 PM

City of Moreno Valley

AGREEMENT FOR ON-SITE AND/OR PROFESSIONAL SERVICES

This Agreement is made by and between the **Moreno Valley Community Services District**, California, a municipal corporation, with its principal place of business at 14177 Frederick Street, Moreno Valley, CA 92552, hereinafter referred to as the “City”, and **The Southwest Offset Printing Co, Inc.**, a CORPORATION, with its principal place of business at **13650 Gramercy Place, Garden, CA 90249**, hereinafter referred to as the “Contractor,” based upon City policies and the following legal citations:

RECITALS

- A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors;
- B. Contractor desires to perform and assume responsibility for the provision of professional **design and print** contracting services required by the City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing professional **design and print** contracting services, is licensed in the State of California, if applicable;
- C. City desires to engage Contractor to render such services for the **design and print services** as set forth in this Agreement;
- D. The public interest, convenience, necessity and general welfare will be served by this Agreement; and
- E. This Agreement is made and entered into effective the date the City signs this Agreement.

TERMS**1. CONTRACTOR INFORMATION:**

Contractor’s Name: Southwest Offset Printing Co, Inc./Jeremy Barton
 Address: 13650 Gramercy Place
 City: Gardena State: CA Zip: 90249
 Business Phone: 310.323.0112 Fax No. 310.323.6927
 Other Contact Number: j.barton@Southwestoffset.com
 Business License Number: _____
 Federal Tax I.D. Number: 95-4027869

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

- A. The Contractor’s scope of service is described in Exhibit “A” attached hereto and incorporated herein by this reference.
- B. The City’s responsibilities, other than payment, are described in Exhibit “B” attached hereto and incorporated herein by this reference.

- C. Payment terms are provided in Exhibit “C” attached hereto and incorporated herein by this reference.
- D. The term of this Agreement shall be from _____ to _____ unless terminated earlier as provided herein. The City acknowledges that it will not unreasonably withhold approval of the Contractor’s requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor’s reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

3. **STANDARD TERMS AND CONDITIONS:**

- A. Control of Work. Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Contractor or his/her/its employees.
- B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services is paid by the Contractor, an agent or employee of the City, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the City, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the City.
- C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the City. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].
- D. Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.
- E. Substitution of Key Personnel. Contractor has represented to City that certain key personnel will perform and coordinate the services under this Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence upon written approval of City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. As discussed below, any personnel who fail or refuse to perform the services in a manner acceptable to the City, or who are determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the project or a threat to the safety of persons or property, shall be promptly removed from the project by the Contractor at the request of the City. The key

personnel for performance of this Agreement are as follows: **Jeremy Barton, Dutch Greve.**

- F. City's Representative. The City hereby designates the City Manager, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). Contractor shall not accept direction or orders from any person other than the City's Representative or his or her designee.
- G. Contractor's Representative. Contractor hereby designates **Jeremy Barton, Sales Executive**, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of the Contractor for all purposes under this Agreement. The Contractor's Representative shall supervise and direct the services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the services under this Agreement.
- H. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Agreement. Contractor shall be liable for all violations of such laws and regulations in connection with services. If the Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to the City, Contractor shall be solely responsible for all costs arising therefrom. Contractor shall defend, indemnify and hold City, its officials, directors, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.
- I. Standard of Care; Performance of Employees. Contractor shall perform all services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the profession necessary to perform the services. Contractor warrants that all employees and subcontractor shall have sufficient skill and experience to perform the services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the services and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any employee of the Contractor or its subcontractors who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the services in a manner acceptable to the City, shall be promptly removed from the project by the Contractor and shall not be re-employed to perform any of the services or to work on the project.
- J. Contractor Indemnification. Contractor shall indemnify, defend and hold the City, the Moreno Valley Housing Authority, and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and

demands, including, without limitation, the payment of all consequential damages, expert witness fees, reasonable attorney's fees and other related costs and expenses, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Agreement and this Agreement. Acceptance of this Agreement signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage. Contractor's obligation to indemnify shall survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees.

- K. Additional Indemnity Obligations. Contractor shall defend, with counsel of City's choosing and at Contractor's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by Section "J" that may be brought or instituted against City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse City for the cost of any settlement paid by City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorney's fees and costs, including expert witness fees. Contractor shall reimburse City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.
- L. Insurance Requirements. The Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

The Contractor shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Contractor and the City, the Housing Authority and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Agreement

- ✓ General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons

whomever, resulting directly or indirectly from any act or activities of the Contractor, sub-Contractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence/ \$2,000,000 aggregate
Property Damage	\$500,000 per occurrence/ \$500,000 aggregate

✓ Professional Errors and Omission Insurance—such coverage shall not be less than \$1,000,000 per claim and aggregate.

✓ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/CSD/Housing Authority premises. Such coverage limits shall not be less than \$1,000,000 combined single limit.

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

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

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

M. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The Contractor may retain copies of any and all

material, including drawings, documents, and specifications, produced by the Contractor in performance of this Agreement. The City and the Contractor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

- N. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.
- O. (a) The City may terminate the whole or any part of this Agreement at any time without cause by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue work through the date of termination, provided that no work or service(s) shall be commenced or continued after receipt of the notice which is not intended to protect the interest of the City. The City shall pay the Contractor within thirty (30) days after receiving any invoice after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.
- (b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Contractor shall perform no further work or service(s) under the Agreement unless the notice of termination authorizes such further work.
- (c) If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished documents and data and other information of any kind prepared by Contractor in connection with the performance of services under this Agreement. Contractor shall be required to provide such documents and other information within fifteen (15) days of the request.
- (d) In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, similar to those terminated.
- P. Payment. Payments to the Contractor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Contractor. Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Agreement. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Agreement.
- Q. Restrictions on City Employees. The Contractor shall not employ any City employee or official in the work performed pursuant to this Agreement. No

officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

- R. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.
- S. Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

Southwest Offset Printing Co, Inc.
 13650 Gramercy Place
 Gardena, CA 90249
 Attn: Jeremy Barton, Sales Executive

City:

City of Moreno Valley
 14177 Frederick Street
 P.O. Box 88005
 Moreno Valley, CA 92552
 Attn: Patti Solano, Parks and Community Services Director

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

- T. Time of Essence. Time is of the essence for each and every provision of this Agreement.
- U. City’s Right to Employ Other Contractors. City reserves right to employ other contractors in connection with this project.
- V. Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both parties.
- W. Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a party shall give the other party any contractual rights by custom, estoppel, or otherwise.
- X. No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the parties.

- Y. Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.
- Z. Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.
- AA. Assignment or Transfer. Contractor shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.
- BB Supplementary General Conditions (for projects that are funded by Federal programs). The following provisions, pursuant to 44 Code of Federal Regulations, Part 13, Subpart C, Section 13.36, as it may be amended from time to time, are included in the Agreement and are required to be included in all subcontracts entered into by CONTRACTOR for work pursuant to the Agreement, unless otherwise expressly provided herein. These provisions supersede any conflicting provisions in the General Conditions and shall take precedence over the General Conditions for purposes of interpretation of the General Conditions. These provisions do not otherwise modify or replace General Conditions not in direct conflict with these provisions. Definitions used in these provisions are as contained in the General Conditions.
1. CONTRACTOR shall be subject to the administrative, contractual, and legal remedies provided in the General Conditions in the event CONTRACTOR violates or breaches terms of the Agreement.
 2. CITY may terminate the Agreement for cause or for convenience, and CONTRACTOR may terminate the Agreement, as provided the General Conditions.
 3. CONTRACTOR shall comply with Executive Order 11246 of September 24, 1965, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by CITY and/or subcontracts in excess of \$10,000 entered into by CONTRACTOR.)
 4. CONTRACTOR shall comply with the Copeland Anti-Kickback Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3) (All contracts and subcontracts for construction or repair.)
 5. CONTRACTOR shall comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a7) as supplemented by Department of Labor regulations (29 CFR Part 5).
 6. CONTRACTOR shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327330) as supplemented by Department of Labor regulations (29 CFR Part 5).

7. CONTRACTOR shall observe CITY requirements and regulations pertaining to reporting included in the General Conditions.
8. Patent rights with respect to any discovery or invention which arises or is developed in the course of or under the Agreement shall be retained by the CITY.
9. Copyrights and rights in data developed in the course of or under the Agreement shall be the property of the CITY. FEMA/CalOES reserve a royalty-free, nonexclusive, irrevocable license to reproduce, publish or otherwise use or authorize to others to use for federal purposes a copyright in any work developed under the Agreement and/or subcontracts for work pursuant to the Agreement.
10. CONTRACTOR shall provide access by the City, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
11. CONTRACTOR shall retain all required records for three years after CITY makes final payments and all other pending matters relating to the Agreement are closed.
12. CONTRACTOR shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (This provision applies to contracts exceeding \$100,000 and to subcontracts entered into pursuant to such contracts.)
13. CONTRACTOR shall comply with mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94163, 89 Stat. 871).

SIGNATURE PAGE TO FOLLOW

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

City of Moreno Valley

Southwest Offset Printing Co, Inc.

BY: _____
City Manager

BY: _____

TITLE: _____
Chief Executive Officer

Date

Date

BY: _____

TITLE: _____
Chief Financial Officer

Date

Attachment: Agreement for Professional Services - Southwest Offset Printing Co (3270 : AGREEMENT FOR PRINTING AND DISTRIBUTION OF

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

City Attorney

Date

RECOMMENDED FOR APPROVAL:

Department Head

Date

Exhibit A

Scope of Services

I. General

A. All printing services performed shall be done in a prompt, thorough, lawful, and professional manner. Proposer will use digital press or other printing techniques necessary to avoid smudging or smearing of ink. Due to the nature of the work and laws governing the rights of property owners as specified by the Parks and Community Services Department of the City of Moreno Valley, mailing services shall be performed according to the mailing deadlines for each project. The Proposer shall secure and pay for all necessary permits, governmental authorizations, licenses, inspections, and all other similar requirements, *excluding* postal permits. Postal Permits and Indicia will be provided by the City.

1. Annual Total copies = 180,000

a. 60,000* three times per year (April, August, late November)

b. An over or under run of 3% of the quantity ordered will constitute an acceptable delivery and shall be billed accordingly to the actual quantity delivered. All extras will be delivered to the Conference & Recreation Center, 14075 Frederick Street, Moreno Valley, Attn: Lisa Smethurst.

2. The vendor will deliver 57,000 pieces, three times per year, with Simplified Mail preparation & deliver to:

U.S. Post Office, Moreno Valley Main Branch
23580 Alessandro Blvd., Moreno Valley, CA 92552.
(Phone: 951.656.9720).

The remaining 3,000 pieces are to be delivered to the City.

B. The City will host the Flipbook electronic version of the Soaring Activity Guide on its own servers.

- 100 – 300 links depending on edition
- City will provide CSV file with hyperlinks

Perform coding functions to create hyperlinks in originating graphics file so that the hyperlinks appear and function in final composite PDF version of Activity Guide from which an electronic Flipbook version will be created.

Includes:

- Hyperlink cover to PCSD website
- Hyperlink any cover photos to appropriate pages in the brochure, etc.
- Hyperlink table of contents – hyperlink sections and page numbers
- Hyperlinking of all codes and email addresses, website addresses, etc.
- Page flipping animation
- Navigation functions
- Text search
- Hyperlink functionality
- Zoom levels

- Sharp vector text
 - Thumbnail viewing
Continued on Next Page
 - Slide show viewing
 - Bookmarking and notes
 - Print and download functionality as a PDF
- C. *SCHEDULE OF EVENTS*: Due to the nature of the work being done and the laws governing the rights of property owners, the schedule will be very tight. Mailing deadlines as presented in the Proposal Schedule will be strictly followed.
- D. *MATERIAL AND EQUIPMENT*: The Proposer shall provide, at his/her expense, all labor and equipment necessary to effectively perform printing, collating, sorting, and mailing services, and general transportation, exclusive of deliver costs to the post office for each job. All printers, mechanisms for sorting, stuffing, and vehicles used in transporting the final Jobs are the financial responsibility of the Proposer.
- E. *RESPONSIBILITY OF THE VENDOR FOR WORK PRODUCTS*: The Proposer shall be responsible for the accuracy in printing, collating, sorting and mailing recreation brochures.
- F. *PRODUCT DELIVERY*: Mailing dates will be in accordance with the Scope of Services for each print job. Print shop must contact the post office in advance of delivery of each print job and allow sufficient time for the post office to process. Failure to mail print job by the date provided may constitute grounds for payment penalties, up-to and including non-payment for late submissions. Proposer will deliver the number of pieces stated in each print job with Simplified Mail preparation and deliver to: U.S. Post Office - Moreno Valley Main Branch located at 23580 Alessandro Blvd., Moreno Valley, CA 92553 (Phone 951.656.9720).
- Delivery jobs shall occur no later than 11:00 a.m. to meet deadlines provided by the Parks and Community Services Department or as directed by the U.S. Post Office. Proposer must place the print job in U.S. Postal trays provided by the U.S. Postal Service, label each tray with the carrier route information and place "Face Label" as per the U.S. Postal Service preparation standards. The City will pay for postage costs via permit number.
- G. Additional graphics work or corrections may incur charges.

II. SPECIFICATIONS

Please quote on both proposals below (see pricing sheet for details):

COVER PAPER AND INTERNAL PAGE STOCK:

Proposal 1: 4 Cover pages – Glossy 80# CFS and Text pages 50 lb Vellum Offset
4/4

Proposal 2: 4 Cover pages – Glossy 80# CFS and Text pages 38 lb CGW #5

PRINTS/INKS:

Cover: 4 page color process (full bleed)

Text pages: color process (full bleed)

INK COVERAGE:

Product should have solid ink coverage with no pinholes or streaks

BLEEDS:

Yes. Full bleed-both sides

BINDING: Saddle Stich on 10” 7/8 side

SIZE:

Finished/folded size: 8 3/8” x 10 7/8”

ARTWORK:

Preferably uploaded to ftp or vendor website. Please advise if other arrangements are preferred. It’s the responsibility of the vendor to make sure they have the same versions of PC platform software as identified below. One or more of the following programs have been used: Adobe Illustrator CC 18, Adobe InDesign CC 18, Adobe Photoshop CC 18, Adobe PageMaker.

OUTPUT:

Vendor is responsible for output.

PREPRESS:

Single page digital files (pdf, or other) supplied to printer specifications for computer to plate processing. Note: all digital files must be accompanied by a SWOP certified contract proof. Printer generates 4/c content and color break soft proof. Additional graphics work or corrections may incur charges.

G. **STAFF SCHEDULE AND HOLIDAYS:** City staff work on alternate Fridays and are not available on Saturdays and Sundays. Please plan deadlines, proofs and schedules accordingly. The following days have been designated as holidays by the City:

New Year’s Day	January 1
Martin Luther King Jr. Day	3 rd Monday in January
President’s Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran’s Day	November 11
Thanksgiving	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve	December 24
Christmas	December 25

If a holiday falls upon the normal scheduled service day, service shall be provided on the previous working day, the next working day following the holiday, or other day as determined by the City. The schedule for the in-lieu service day shall be

agreed upon and communicated with the Parks and Community Department prior to each holiday.

EXHIBIT B**CITY OF MORENO VALLEY RESPONSIBILITIES**

1. Provide single page digital files (pdf or other) to vendor specifications for computer to plate processing.
2. Provide vendor with CSV file with hyperlinks to compile flip book.
3. Host the flip book electronic version of the Soaring Activity Guide on its own servers.

EXHIBIT C

TERMS OF PAYMENT

1. The Contractor's compensation shall not exceed \$43,053.
2. The Contractor 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
3. The Contractor will electronically submit an invoice to the City on a monthly basis 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 since the last invoice. At no time will the City pay for more services than have been satisfactorily completed and the City's determination of the amount due for any progress payment shall be final. The Contractor will submit all original invoices to Accounts Payable staff at AccountsPayable@moval.org

Accounts Payable questions can be directed to (951) 413-3073.

Copies of invoices may be submitted to the Parks and Community Services Department at Ericag@moval.org or calls directed to (951) 413-3705.

3. The Contractor 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
4. 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 Contractor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
7. Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.
8. Maintenance and Inspection. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.



Report to City Council

TO: Mayor and City Council

FROM: Michael L. Wolfe, P.E., Public Works Director/City Engineer

AGENDA DATE: October 16, 2018

TITLE: PUBLIC HEARING FOR ONE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDING

RECOMMENDED ACTION

Recommend that the City Council:

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceeding(s) for the National Pollutant Discharge Elimination System (NPDES) Common Interest, Commercial, Industrial, and Quasi-Public Use maximum Regulatory Rate to be applied to two property tax bill(s);
2. Direct the City Clerk to open and count the returned NPDES ballot(s);
3. Verify and accept the results of the mail ballot proceeding(s) as maintained by the City Clerk on the Official Tally Sheet;
4. Receive and file the Official Tally Sheet with the City Clerk's office; and,
5. If approved, set the rate and impose the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate on the Assessor's Parcel Number(s) as mentioned.

SUMMARY

The action before the City Council is to conduct a Public Hearing for one NPDES mail ballot proceeding(s). The process to accept two parcel(s) into the City's NPDES funding program impacts one property owner(s), not the general citizens or taxpayers of the City.

The City requires property owners of development projects to mitigate the cost of certain impacts created by the proposed development, such as the cost of complying with state

and federal NPDES requirements. The City offers the NPDES funding program to assist property owners in satisfying the requirement. After a property owner approves the City's NPDES rate through a mail ballot proceeding, the City can levy the rate on the annual property tax bill of the authorized parcel(s).

Balwinder Kang ("Property Owner") is approved to construct a truck parking lot on the southeast corner of Rivard Rd. and San Celeste Rd. The Property Owner has requested the City conduct a mail ballot proceeding to satisfy the condition of approval. If the Property Owner approves the mail ballot and the City Council accepts the results, the condition of approval will be satisfied for their project. Tonight's Public Hearing is a required part of the process.

The revenue generated by this program provides funding to monitor pollution control of stormwater runoff into municipally owned drainage facilities, lessening the financial impact of compliance with the state and federal requirements on the general taxpayer in Moreno Valley.

DISCUSSION

The Clean Water Act of 1987 established requirements for the discharge of Urban Runoff from Municipal Separate Storm Sewer Systems under the NPDES program. The Santa Ana Regional Water Quality Control Board administers the NPDES program through the issuance of a Permit. The NPDES program requires public agencies to obtain coverage under the Permit to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. The City's current NPDES Permit requires all new development projects to comply with stormwater management requirements.

The City Council adopted the NPDES Residential Regulatory Rate on June 10, 2003, and the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate ("Commercial/Industrial Rate") on January 10, 2006. As a condition of approval from the Planning Commission, development projects are required to provide a funding source, consistent with the rates established by the City Council, to support activities for the NPDES program requirements. Revenue received from the rate supports the increased compliance activities related to the development. It also reduces the financial impact to the General Fund to maintain compliance with the unfunded requirements of the Permit.

With revenue received from the NPDES Commercial/Industrial Rate, the City annually inspects site design, inspects source and treatment control Best Management Practices, monitors maintenance records for those on-site facilities that require periodic monitoring, and performs annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The Property Owner(s) for the project(s) identified below is required to provide a funding source for the NPDES program as a condition of approval of their respective project(s).

Property Owner/Project	Assessor's Parcel Number(s)	Location	FY 2018/19 Maximum ¹ NPDES Commercial/Industrial Rate(s) per Parcel
Balwinder Kang Rivard Truck Storage PEN17-0114/SBP18-0006	316-190-012 and 316-190-049	southeast corner of Rivard Rd. and San Celeste Rd.	\$245.38
¹ The NPDES applied rate levied on the property tax bill will be based on the development status of the property at the time rates are evaluated each year, prior to levying them onto the tax roll.			

Property owners have two options to satisfy the condition of approval:

1. Approve the NPDES rate and authorize the City to collect the rate on the annual Riverside County property tax bill through participation in a successful mail ballot proceeding; or
2. Fund an endowment.

The Property Owner(s) has decided to have the NPDES rate applied to the annual property tax bill. Before the City can levy the NPDES rate on the property tax bill, a property owner must first approve it and authorize the City to levy it on the annual property tax bill through a mail ballot proceeding. A mail ballot proceeding is a legally required process to approve new charges, or an increase to existing charges, on property tax bills (Proposition 218). The Property Owner(s) was mailed a notice and a ballot to cast their vote (Attachment 1) for their property. Among other things, the notice provides the purpose and amount of the charge and the potential annual inflationary adjustment. The City is required to provide a property owner with 45 days to review the notice and an opportunity to address the City Council (i.e. public comment portion of the Public Hearing). The ballot(s) is due to the City Clerk prior to the close of the Public Hearing. At the close of the Public Hearing, the ballot(s) can be opened and counted, and results announced.

The condition of approval to provide a funding source for the NPDES program will be satisfied with the Property Owner's approval of the NPDES mail ballot (marked yes and signed) and City Council acceptance of the results. In the event a property owner does not return their ballot, does not approve the ballot, or returns an invalid ballot (unmarked or unsigned), this condition of approval will remain unsatisfied and may delay development of their project. In the event more than one mail ballot proceeding is being conducted tonight, each ballot will be counted separately to determine if a property owner approved inclusion of their respective property in the NPDES program.

This action meets the Strategic Plan Priorities to manage and maximize Moreno Valley's public infrastructure to ensure an excellent quality of life, develop and implement innovative, cost effective infrastructure maintenance programs, public facilities management strategies, and capital improvement programming and project delivery.

ALTERNATIVES

1. Conduct the Public Hearing and upon its close, open, count, and verify the returned ballot(s) and accept the results. *Staff recommends this alternative as it will satisfy the project's condition of approval so long as the Property Owner approves their respective ballot.*
2. Open the Public Hearing and continue it to a future regularly scheduled City Council meeting. *Staff does not recommend this alternative as it will delay announcement of the ballot results and may delay project development.*
3. Do not conduct the Public Hearing. *Staff does not recommend this alternative as it will delay the condition of approval from being satisfied and may delay project development. The City will incur additional costs to restart the 45-day noticing period.*
4. Do not conduct the Public Hearing at this time but reschedule it to a date certain during a regularly scheduled City Council meeting. *Staff does not recommend this alternative as it may delay project development and the City will incur additional costs to restart the 45-day noticing period.*

FISCAL IMPACT

The fiscal year (FY) 2018/19 maximum NPDES Commercial/Industrial Rate is \$245.38 per parcel, and any division thereof. The maximum NPDES rate for FY 2019/20 and each subsequent FY is subject to an annual inflationary adjustment. The increase to the maximum rate cannot exceed the annual inflationary adjustment without approval of the property owners subject to the charge. The NPDES Commercial/Rate applied to the property tax bill will be based on the development status of the property at the time the rates are calculated for the upcoming FY. The applied rate can be lower than, but cannot exceed the maximum rate. Each year, the City Council must authorize the annual inflationary adjustment to the maximum rate and approve the applied rate prior to its levy on the property tax roll.

Revenue received from the NPDES rate is restricted and can only be used within the stormwater management program. This revenue offsets stormwater management program expenses, which reduces financial impacts to the General Fund and maintains compliance with the unfunded requirements of the Permit. The NPDES rate is only applied to the property tax bills of parcels where approval of the rate has been authorized through a successful mail ballot proceeding.

NOTIFICATION

The ballot documents were mailed to the Property Owner(s) at least 45 days in advance of the Public Hearing. The documents included a notice, map of the project area, NPDES Commercial/Industrial Rate schedule, NPDES ballot, instructions for marking

and returning the ballot, and a postage paid return envelope addressed to the City Clerk.

Newspaper advertising for tonight’s Public Hearing was published in The Press-Enterprise on September 27 and October 4, 2018.

PREPARATION OF STAFF REPORT

Prepared by:
Candace E. Cassel
Special Districts Division Manager

Department Head Approval:
Michael L. Wolfe, P.E.
Public Works Director/City Engineer

Concurred by:
Michael Lloyd, P.E.
Engineering Division Manager/Assistant City Engineer

CITY COUNCIL GOALS

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

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

See the Discussion section above for details of how this action supports the City Council’s Strategic Priorities.

ATTACHMENTS

- 1. Balwinder Kang Ballot Documents

APPROVALS

Budget Officer Approval	<u> ✓ Approved </u>	10/04/18 9:29 AM
City Attorney Approval	<u> ✓ Approved </u>	10/03/18 4:44 PM

City Manager Approval

✓ Approved

10/08/18 3:45 PM

Tel: 951.413.3480
 Fax: 951.413.3170
 www.moval.org



14177 FREDERICK STREET
 P. O. BOX 88005
 MORENO VALLEY, CA 92552-0805

August 27, 2018

Balwinder Kang
 14587 Valley Blvd
 Fontana, CA 92335

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APN(s) 316-190-012 and 316-190-049

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

In November of 1996, California voters passed Proposition 218 (“The Right to Vote on Taxes Act”). As a result, any new or proposed increase in a property-related charge requires approval by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor’s Parcel Number APN(s) **316-190-012 and 316-190-049** the opportunity to express support for or opposition to the approval of the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate and services. Approval of the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate through a mail ballot proceeding fulfills the Land Development Division’s Condition of Approval to provide a funding source for the NPDES financial program.

Background

The Clean Water Act of 1987 established requirements for the discharge of Urban Runoff from Municipal Separate Storm Sewer Systems under the NPDES Program. The NPDES Program is administered by the Santa Ana Regional Water Quality Control Board through the issuance of a Permit. The City’s current NPDES Permit mandates all new development projects comply with storm water management activities. The NPDES Program requires public agencies to obtain coverage under the Permit to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall provide annual and periodic facility inspections for site design, NPDES permit compliance, and Best Management Practices implementation and maintenance for specified facilities.

How is the Amount of the Charge Determined?

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

Notice of Mail Ballot Proceeding for Balwinder Kang
August 27, 2018

Proposed Charge

For FY 2018/19, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$245.38 per parcel. The total amount of the NPDES rates levied for FY 2018/19 was \$515,482.98 for the program as a whole.

Annual Adjustment

Beginning in FY 2019/20, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Long Beach-Anaheim Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum select rate Regulatory Rate, the annual levy amount will be assessed to APN(s) **316-190-012 and 316-190-049** and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding, the City has scheduled a Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Hearing

Tuesday, October 16, 2018

6:00 p.m.

(Or As Soon Thereafter As The Matter May Be Called)

Tabulation of the returned ballot will commence after the close of the public testimony portion of the Public Hearing. Any ballot received shall be tabulated under the direction of the City Clerk in compliance with the City's Policy for Conducting Mail Ballot Proceedings Policy #1.12.

Effect if the Charge is Approved

Approval of the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate will be confirmed if the ballot is marked in favor (marked Yes) of the NPDES rate. Approving the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate through a mail ballot proceeding will fulfill the Land Development Division's Condition of Approval to provide an ongoing funding source for the NPDES financial program.

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate to meet state and federally mandated NPDES Permit requirements **will not** satisfy the Land Development Division's Condition of Approval to provide a funding

Notice of Mail Ballot Proceeding for Balwinder Kang
August 27, 2018

source for the NPDES financial program. If the returned ballot is marked “No”, the NPDES rate will not be levied on the property tax bill.

Effect if the Ballot is Deemed Invalid or Incomplete

Not marking the corresponding box on the ballot in support of or opposition to the proposed program and annual rate and/or not signing the ballot will result in an invalid ballot. In order to satisfy the Land Development Division’s Condition of Approval by placement of the NPDES rate on the annual property tax bill, the mail ballot proceeding and 45-day noticing period will need to start over. Reinitiating the process will require payment of the mail ballot proceeding fee.

For More Information

If you have any questions about the mail ballot proceeding process, please contact Candace Cassel, Special Districts Division Manager, with the City’s Special Districts Division at 951.413.3480 or via email at CandaceC@moval.org or SpecialDistricts@moval.org during the City’s business hours.

Questions regarding the NPDES financial program, the annual rate, or the Land Development Division’s Conditions of Approval should be directed to the Land Development Division at 951.413.3120 or via email at landdevelopment@moval.org during the City’s business hours.

The City’s business hours are Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m.

Completing Your Ballot








Please follow the instructions below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk’s office.

1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate **by placing a mark in the corresponding box.** Ballots received without a designated vote will be considered invalid.
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk’s office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the public testimony portion of the Public Hearing scheduled for **October 16, 2018**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

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

Notice of Mail Ballot Proceeding for Balwinder Kang
August 27, 2018


-  A check mark substantially inside a box;
-  An X mark substantially inside a box;
-  A dot or oval mark substantially inside a box;
-  A completely shaded or filled mark substantially inside a box;
-  A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;
-  A circle around the box and/or associated clause; or
-  A square or rectangle around the box and/or associated clause.


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

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

Balwinder Kang Rivard Truck Parking PEN17-0114


APN

 316190012

 316190049

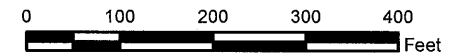
 Parcels

 City Boundary

 Roads

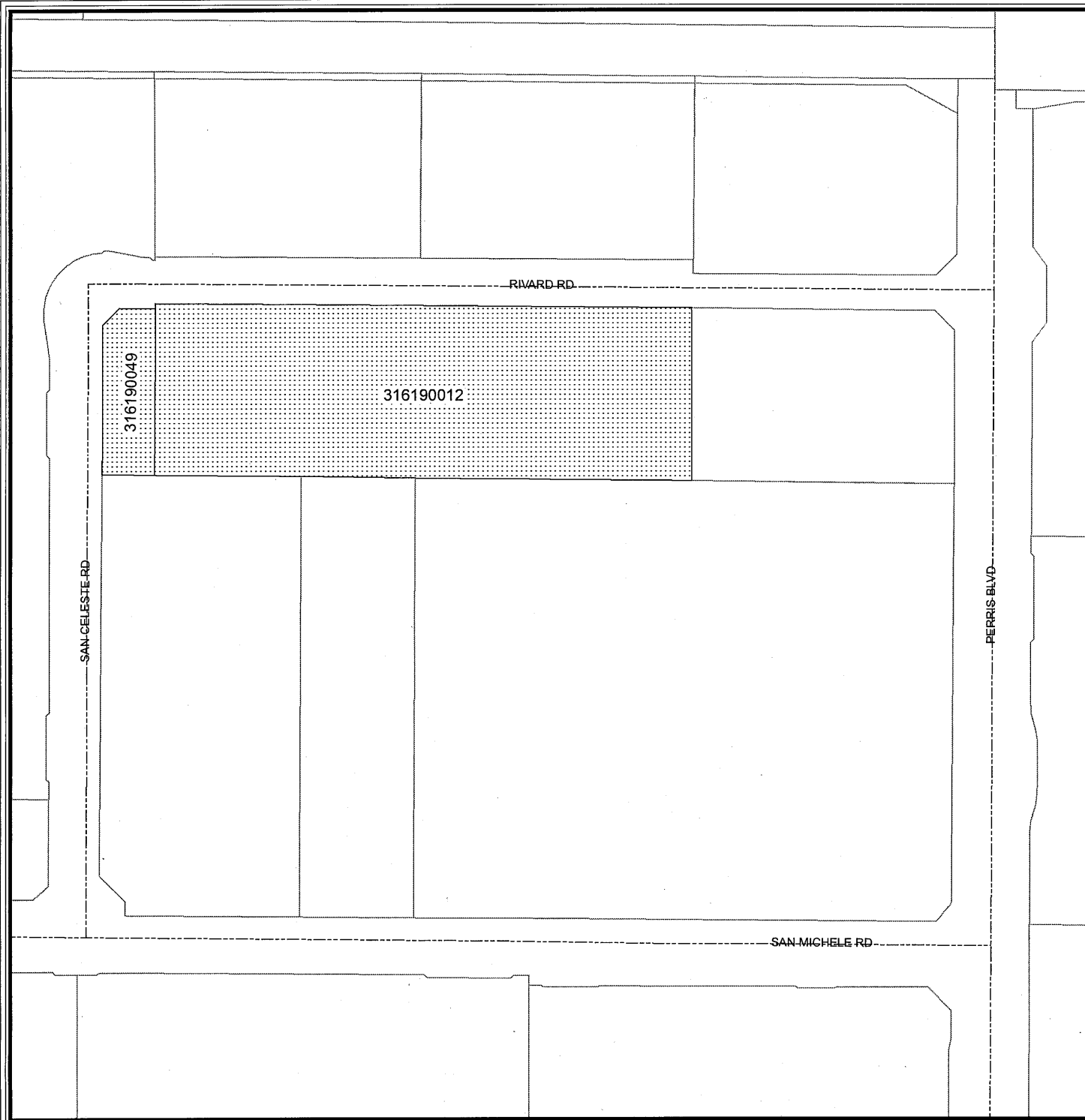
Map reflects all changes indicated on Riverside County Assessor Maps as of August 14, 2018.

N



G:\Divisions\SpecialDist\2018\MXD\Template2018.mxd

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



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

LEVEL 1			LEVEL II		
NPDES Administration			Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance		
<i>(Not covered by CSA 152)</i>					
Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PARCEL RATE	Per Month	Per Year	PARCEL RATE	Per Month	Per Year
	\$3.58	\$42.90		\$16.87	\$202.48

Inflation Factor Adjustments

- FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
- FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
- FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
- FY 2009/2010 - no change = (\$35.00 & \$170.00)
- FY 2010/2011 - no change = (\$35.00 & \$170.00)
- FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)
- FY 2012/2013 - 2.7% = (\$37.00 & \$181.00)
- FY 2013/2014 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar
- FY 2014/2015 - 1.14% = (\$39.52 & \$186.49) Pursuant to City Council approval on June 10, 2014.
- FY 2015/2016 - 0.73% = (\$39.81 & \$187.85)
- FY 2016/2017 - 2.03% = (\$40.62 & \$191.66)
- FY 2017/2018 - 1.97% = (\$41.42 & \$195.44)
- FY 2018/2019 - 3.61% = (\$42.90 & \$202.48)

Attachment: Balwinder Kang Ballot Documents (3219 : PUBLIC HEARING FOR ONE NATIONAL

**OFFICIAL MAIL BALLOT for
Assessor's Parcel Number (APN) 316-190-012 and 316-190-049**

**National Pollutant Discharge Elimination System (NPDES)
Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate**

YES* — as property owner of APN(s) 316-190-012 and 316-190-049, **I approve** the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate and services. For fiscal year (FY) 2018/19, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$245.38 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the annual Riverside County property tax bill or included as a monthly charge on a utility bill. Beginning FY 2019/20, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Long Beach-Anaheim Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City shall provide annual and periodic facility inspections for site design, NPDES permit compliance, and Best Management Practices implementation and maintenance for specified facilities.

NO** — as property owner of APNs 316-190-012 and 316-190-049, **I do not approve** the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate and services. I understand that not approving the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate to fund state and federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate will not be levied on the annual Riverside County property tax bill.

YES*	NO**	Weighted Ballot Count*	Fiscal Year 2018/19 NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	2	\$245.38

*Each Assessor's Parcel Number equals 1 Weighted Ballot.

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the public testimony portion of the Public Hearing to be held on October 16, 2018, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called.

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot, and return to the City Clerk's office in the enclosed envelope prior to the close of the public testimony portion of the October 16, 2018 Public Hearing.

Ballot(s) deemed invalid or incomplete will be discarded and a new process must be initiated in order to place the charge on the annual Riverside County property tax bill, which includes payment of the mail ballot fee.



Report to City Council

TO: Mayor and City Council

FROM: Michael L. Wolfe, P.E., Public Works Director/City Engineer

AGENDA DATE: October 16, 2018

TITLE: PA14-0027 – 39 UNIT APARTMENT COMPLEX – ADOPTION OF THE PROPOSED RESOLUTION FOR THE VACATION OF A PORTION OF THE NORTH SIDE OF HEMLOCK AVENUE LOCATED WEST OF HEACOCK STREET. OWNER: OM MACARTHER, LLC

RECOMMENDED ACTION

Recommendations:

1. Conduct a public hearing and accept public testimony for the vacation proceedings for a portion of Hemlock Avenue.
2. Adopt Resolution No. 2018-XX. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Vacation of a Portion of the North Side of Hemlock Avenue located West of Heacock Street.
3. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

SUMMARY

The action before the City Council is to conduct a Public Hearing for the vacation of a portion of the north side of Hemlock Avenue located west of Heacock Street. The project conditions of approval for PA14-0027 require the vacation of this portion of Hemlock Avenue prior to the construction of the proposed 39-unit apartment project. The project site is located on the north side of Hemlock Avenue between Graham Street and Heacock Street.

DISCUSSION

Land Development Division staff reviewed the developer's request for the vacation of existing right-of-way on the north side of Hemlock Avenue located west of Heacock Street (Attachment 1). The right-of-way is specifically located along Assessor's Parcel Numbers 292-211-001, 292-181-001, and 292-181-002. This portion of Hemlock Avenue was dedicated for public use through the Sunnymead Orchard Tract recorded on March 10, 1926. At the time of recordation, the dedication for half-street right-of-way was 40 feet. Currently, Hemlock Avenue is designated a Collector street with a required half street right-of-way of 33 feet. Staff has determined that seven (7) feet of the existing 40 feet of right-of-way along the project frontage is no longer necessary.

Currently, all properties contiguous to this portion of Hemlock Avenue have access to local public roads. The City Council's approval to vacate this portion of Hemlock Avenue would abandon all of the City's rights for public use except as requested by the Eastern Municipal Water District, Southern California Edison, and Southern California Gas Company for existing facilities. Vacation of the seven (7) feet of right-of-way along Hemlock Avenue, as described and shown in the exhibits attached to the proposed resolution (Attachment 2), is in accordance with the Streets & Highway Code. In addition, the project conditions of approval require that seven (7) feet of the existing right-of-way along the project frontage be vacated due to excess right-of-way and to accommodate the project's proposed on-site improvements. Specifically, the street vacation must be completed prior to the issuance of building permits.

Pursuant to the provisions of Division 9, Part 3, Chapter 2 of the Streets and Highways Code of the State of California, a finding from the Planning Commission is required prior to formal review and action by the City Council on the requested street vacation. The Planning Commission reviewed the proposed vacation of this portion of Hemlock Avenue at its July 26, 2018 meeting and found that vacating this portion of Hemlock Avenue was in conformity with the General Plan and Zoning Regulations (Attachment 3).

ALTERNATIVES

1. Approve the recommended actions as presented in this staff report. *Staff recommends this alternative as this portion of Hemlock Avenue is no longer needed for existing or prospective public use except as requested by said utility companies.*
2. Do not approve the recommended actions as presented in this staff report. *Staff does not recommend this alternative as this portion of Hemlock Avenue is no longer needed for existing or prospective public use except as requested by said utility companies. This would not allow the project to be completed as approved by the City.*

FISCAL IMPACT

No fiscal impact is anticipated.

NOTIFICATION

Written notice has been given to the various utility companies. The Eastern Municipal Water District, Southern California Gas Company, and Southern California Edison have requested a public easement for existing facilities and an easement will be reserved for those utility agencies. Notices were published in the newspaper (Attachment 4) on October 5, 2018 and October 12, 2018; three public display notices were posted on the project site (Attachment 5), and at required City locations. The notifications meet the requirements of Streets and Highways Code Sections 8322 and 8323.

PREPARATION OF STAFF REPORT

Prepared By:
Vince Girón
Associate Engineer

Department Head Approval:
Michael L. Wolfe, P.E.
Public Works Manager/City Engineer

Concurred By:
Michael D. Lloyd, P.E.
Engineering Division Manager/Assistant City Engineer

CITY COUNCIL GOALS

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

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**

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

ATTACHMENTS

1. Vicinity Map - PA14-0027 Vacation
2. Resolution 2018-XX - PA14-0027 Vacation
3. PC Summary of Actions - PA14-0027
4. PA14-0027 Newspaper Notice - Hemlock Avenue Vacation
5. PA14-0027 Site Posting - Hemlock Avenue Vacation

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/03/18 9:50 AM
City Attorney Approval	<u>✓ Approved</u>	10/03/18 4:43 PM
City Manager Approval	<u>✓ Approved</u>	10/08/18 3:44 PM



Hemlock Avenue Vacation



- Legend**
- Public Facilities
 - Public Facilities
 - ★ Fire Stations
 - Road Labels
 - Parcels
 - ⊞ City Boundary
 - ⊞ Sphere of Influence

Notes

315.5 0 157.74 315.5 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 9/11/2018

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

Attachment: Vicinity Map - PA14-0027 Vacation (2916 : PA14-0027 - 39-UNIT APARTMENT COMPLEX -

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF THE NORTH SIDE OF HEMLOCK AVENUE LOCATED WEST OF HEACOCK STREET.

WHEREAS, the City Council on the 18th day of September, 2018, adopted Resolution of Intention No. 2018-72 declaring its intention to among other things order the vacation of a portion of Hemlock Avenue west of Heacock Street along assessor parcel numbers 292-211-001, 292-181-001, and 292-181-002 as shown in the Sunnymead Orchard Tract filed in Book 9, Page 17 of Maps in the Office of the County Recorder of Riverside County, California, as hereinafter described, and set October 16, 2018 at 6:00 P.M., as the time for all persons interested in the proposed vacation; and

WHEREAS, the City Council of the City of Moreno Valley, California, acquired right-of-way for public use purposes, along this portion of Hemlock Avenue as shown in said tract map; and

WHEREAS, this public hearing was duly noticed and held as required by law; and

WHEREAS, this right-of-way is no longer needed for present or prospective public use; and

WHEREAS, the proposed vacation is consistent with the City of Moreno Valley Municipal Code and General Plan and complies with the requirements for street vacations as cited in the California Streets and Highways Code.

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

1

Resolution No. 2018-XX
Date Adopted: October 16, 2018

Section 1

That pursuant to the provisions of Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California, designated the "Public Streets, Highways and Service Easements Vacation Law," the following described portion of right-of-way is fully vacated and abandoned:

That said portion of Hemlock Avenue as described in the legal description and illustrated on the plat, attached hereto and made a part hereof, marked as Exhibits "A" and "B", respectively.

Excepting and reserving, from the vacation any easement and fee right-of-way for existing public utilities and public service facilities, together with the right to maintain, operate, replace, remove or renew such facilities, pursuant to Section 8340 of the Streets and Highway Code, as requested by the Eastern Municipal Water District (EMWD), Southern California Gas Company, and Southern California Edison.

Section 2

That pursuant to the provisions of Sections 831 of Title 3 and 1112 of Title 4, Part 2, Division 2 of the California Civil Code of the State of California, title to the above-described portion of land revert to the owners of the underlying fee thereof, free from use as an easement for public road purposes.

Section 3

That the City Clerk of the City of Moreno Valley, California, shall cause a certified copy of this Resolution to be recorded in the office of the Recorder for the County of Riverside, California.

APPROVED AND ADOPTED this 16th day of October, 2018.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____ City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2018-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 16th day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

EXHIBIT 'A' LEGAL DESCRIPTION STREET VACATION

A PORTION OF THE NORTHERLY 7.00 FEET OF HEMLOCK AVENUE, 40.00 FEET WIDE, AS SHOWN ON A MAP OF THE SUNNYMEAD ORCHARD FARMS TRACT, AS RECORDED IN BOOK 14 PAGES 12-13 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 30 OF SAID SUNNYMEAD ORCHARD FARMS TRACT, SAID CORNER ALSO LYING ON THE NORTHERLY RIGHT OF WAY LINE FOR HEMLOCK AVENUE, 40.00 FEET WIDE; THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE FOR HEMLOCK AVENUE, AND ALONG THE SOUTHERLY LINE OF SAID LOT 30, NORTH 89°01'30" EAST, 87.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR HEMLOCK AVENUE AND ALONG THE SOUTHERLY LINE OF LOT 30 AND 31 OF SAID SUNNYMEAD ORCHARD FARMS TRACT, NORTH 89°01'30" EAST, 221.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 31, SOUTH 00°08'15" WEST, 7.00 FEET TO A POINT WHICH IS DISTANT 33.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF SAID HEMLOCK AVENUE; THENCE PARALLEL WITH THE SOUTHERLY LINE OF SAID LOTS 30 AND 31, SOUTH 89°01'30" WEST, 47.85 FEET; THENCE NORTH 45°58'30" WEST, 5.66 FEET; THENCE PARALLEL WITH THE SOUTHERLY LINE OF SAID LOTS 30 AND 31, SOUTH 89°01'30" WEST, 32.01 FEET; THENCE SOUTH 44°01'30" WEST, 5.66 FEET TO A POINT WHICH IS DISTANT 33.00 FEET NORTHERLY, AS MEASURED AT RIGHTS ANGLES TO THE CENTERLINE OF SAID HEMLOCK AVENUE; THENCE PARALLEL WITH THE SOUTHERLY LINE OF SAID LOTS 30 AND 31, SOUTH 89°01'30" WEST, 133.14 FEET TO A POINT LYING ON THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF THE EASTERLY 67.00 FEET OF SAID LOT 30; THENCE NORTHERLY ALONG SAID PROLONGATION NORTH 00°08'15" EAST, 7.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1402.90 SQUARE FEET, MORE OR LESS.

PREPARED UNDER THE SUPERVISION OF:

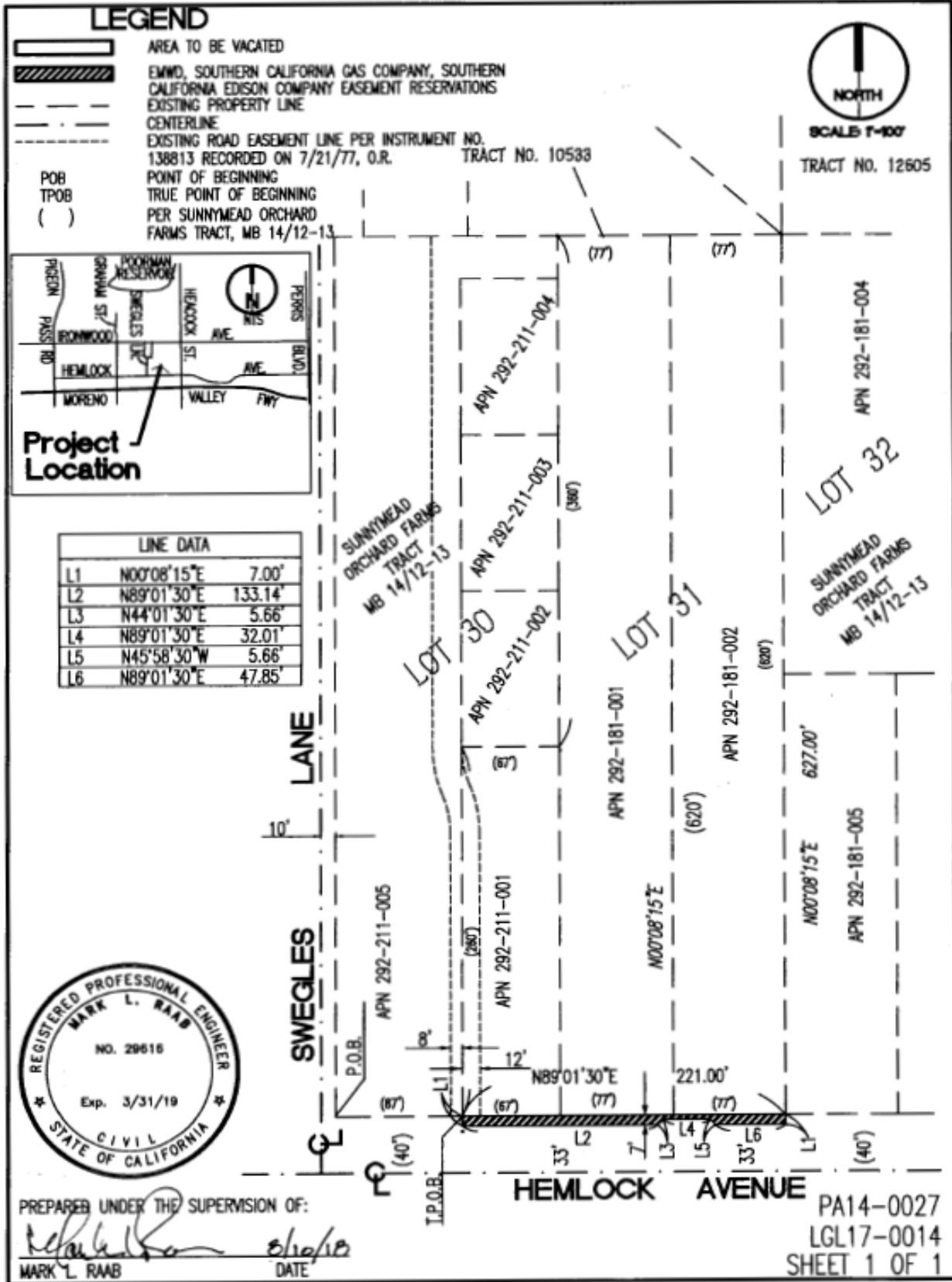

MARK L. RAAB RCE 29616 2/7/18
DATE



PA14-0027
LGL17-0014
SHEET 1 OF 1

EXHIBIT 'B' PLAT

STREET VACATION



Resolution No. 2018-XX
 Date Adopted: October 16, 2018

Attachment: Resolution 2018-XX - PA14-0027 Vacation [Revision 2] (2916 : PA14-0027 - 39-UNIT APARTMENT COMPLEX - ADOPTION OF THE

PLANNING COMMISSION
SUMMARY OF ACTIONS JULY 26, 2018

APPROVAL OF AGENDA

Vote: 5-0-0-2
Ayes: Vice Chair Korzec, Commissioners Harris, Stephan, Dejohnette,
and Chair Barnes
Noes:
Abstain:
Action: Approved
Excused: Commissioners Sims and Baker

CONSENT CALENDAR

APPROVAL OF MINUTES

Minutes - Regular Meeting – of May 24, 2018

Vote: 5-0-0-2
Ayes: Vice Chair Korzec, Commissioners Harris, Stephan, Dejohnette,
and Chair Barnes
Noes:
Abstain:
Action: Approved
Excused: Commissioners Sims and Baker

PUBLIC COMMENTS PROCEDURE

Rafael Brugueras
Ken Iglesias
Louise Zulueta

NON-PUBLIC HEARING ITEMS

No items for Discussion

PUBLIC HEARING ITEMS

1. Street Vacation of a Portion of Hemlock Avenue, westerly of Heacock Street and easterly of Swegles Lane along the Frontage of an Approved Multi-family Project

Public Comments

Rafael Brugueras

Vote: 5-0-0-2

Ayes: Vice Chair Korzec, Commissioners Harris, Stephan, Dejohnette, and Chair Barnes

Noes:

Abstain:

Action: Approved

Excused: Commissioners Sims and Baker

- 2. Conditional Use Permit and Zone Change for Moreno Valley Storage, a proposed 538 unit mini-storage facility with a caretaker's residence. The Zone Change from Neighborhood Commercial to Community Commercial is required for the proposed use to be approved.

Public Comments

Rafael Brugueras

Ken Iglesias

Vote: 5-0-0-2

Ayes: Vice Chair Korzec, Commissioners Harris, Stephan, Dejohnette, and Chair Barnes

Noes:

Abstain:

Action: Approved

Excused: Commissioners Sims and Baker

- 3. Conditional Use Permit for Yum Yum Donuts Moreno Valley, a service station with convenience store and car wash on a 1.77 acre site located at the northeast corner of Perris Boulevard and Cottonwood Avenue. The applicant is also requesting approval for beer and wine sales in the convenience store. A General Plan Amendment from Residential Office to Commercial and a Zone Change from Office Commercial (OC) to Community Commercial (CC) is requested.

Public Comments

Rafael Brugueras

Ken Iglesias

Theresa Anchuleta

Vote: 5-0-0-2

Ayes: Vice Chair Korzec, Commissioners Harris, Stephan, Dejohnette, and Chair Barnes

Noes:

Abstain:

Action: Approved

Excused: Commissioners Sims and Baker

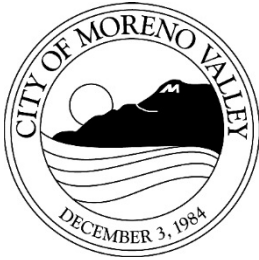
STAFF COMMENTS

No items for Discussion

PLANNING COMMISSIONER COMMENTS

No items for Discussion

ADJOURNMENT – To Next Regular Meeting of August 9, 2018.



Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s)

CASE: PA14-0027 – Street Vacation

APPLICANT/OWNER: OM Macarther, Tilak Chopra

REPRESENTATIVE: Design Concepts, Shiv Talwar

LOCATION: Hemlock Avenue approximately 1,200 feet west of Heacock Street

PROPOSAL: The City Council of the City of Moreno Valley, California, intends to order the vacation of seven (7) feet of right-a-way on the north side of Hemlock Avenue west of Heacock Street along assessor parcel numbers 292-211-001, 292-181-001, and 292-181-002, as shown in the Sunnymead Orchard Tract filed in Book 9, Page 17 of Maps in the Office of the County Recorder of Riverside County, California.

This vacation proceeding is conducted pursuant to the provisions of Chapter 3, Part 3 of Division 9 of the Streets and Highways Code of the state of California, designated "General Vacation Procedure" (beginning at Section 8320 of said Code).

COUNCIL DISTRICT: 1

STAFF RECOMMENDATION: Approval

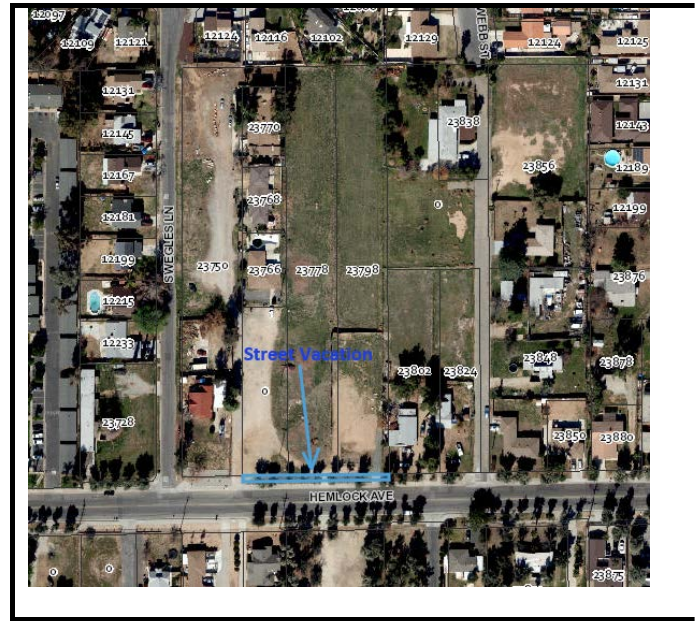
Any person interested in any listed proposal can contact the Public Works Department, land Development Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, 7:30 a.m. to 4:30 p.m. Friday), or may telephone (951) 413-3120 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the proposal at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else

raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: October 16, 2018 at 6PM

PROJECT ENGINEER: Vince Giron

PHONE: (951) 413-3120



Report to City Council

TO: Mayor and City Council

FROM: Marshall Eyerman, Chief Financial Officer

AGENDA DATE: October 16, 2018

TITLE: INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER 5.05 COMMERCIAL CANNABIS REGULATIONS AND ORDINANCE ___ AMENDING CHAPTER 9.09 RELATED TO COMMERCIAL CANNABIS BUSINESSES CONDITIONAL USE PERMITS; ADOPTION OF RESOLUTION 2018-__ DEFINING CERTAIN PROCESSES; AND ADOPTION OF A RESOLUTION ESTABLISHING THE NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Introduce and conduct the first reading of Ordinance __, amending Chapter 5.05 Commercial Cannabis Activity and schedule the second reading and adoption for the next regular Council meeting.
2. Introduce and conduct the first reading of Ordinance ____, amending Title 9, Chapter 9.09, Section 9.09.293 relating to the number of conditional use permits allowed for Commercial Cannabis Businesses and schedule the second reading and adoption for the next regular Council meeting.
3. Adopt Resolution 2018-____, defining certain processes for Commercial Cannabis Business Permits.
4. Adopt a Resolution establishing the maximum number of Commercial Cannabis Business Permits and conditional use permits allowed pursuant to the Moreno Valley Municipal Code.

SUMMARY

This report recommends consideration and first reading of an Ordinance amending Chapter 5.05 Commercial Cannabis regulations of the permitting process and adoption of a Resolution establishing the future application processes for commercial cannabis activity in the City of Moreno Valley. The minor amendments are necessary to clarify regulations for the permitting process, and to conform with the new State laws and Bureau of Cannabis Control interpretations.

This report also recommends consideration and first reading of an Ordinance amending Title 9, Chapter 9.09, Section 9.09.293 relating to the number of conditional use permits allowed for Commercial Cannabis Businesses and adoption of a Resolution establishing the maximum number of commercial cannabis business permits as set forth in Section 5.05.080 and conditional use permits allowed pursuant to the Moreno Valley Municipal Code.

The City Council is also being presented with four options for the maximum number of Commercial Cannabis Business Permits. These alternatives allow the City Council to proceed with the current number of permits approved, adjust the number based on business interest levels expressed during the initial application process, or to grant permits to all businesses that meet all State and local compliance requirements.

DISCUSSION

In November of 2017, the City Council took the first step in establishing regulations that will ultimately allow commercial cannabis businesses to operate in the City. Council adopted Ordinance 926, which established the processes for obtaining and maintaining a Commercial Cannabis Business Permit (CCBP). On April 3, 2018, City Council adopted Ordinance 933 amending Chapter 5.05 Commercial Cannabis regulations to add the micro-business category in order to standardize the land use entitlements in Article 9 with the business regulations in Article 5. The minor amendments included in the proposed Ordinance are necessary to clarify regulations of the permitting process, and to conform with the new State laws and Bureau of Cannabis Control interpretations, which include, but not limited to, terminology, formatting, and removal of language duplicated in State law and Title 9.

On March 20, 2018, City Council adopted Resolution 2018-11, which created the Initial Application Procedures for Commercial Cannabis Business Permits. On April 3, 2018, City Council adopted Resolution 2018-13 amending the Initial Application Procedures for Commercial Cannabis Business Permits. As these procedures were established for the Initial Application period, refined procedures are recommended for use in subsequent application periods. Staff has drafted application procedures primarily based on the initial procedures, but with the removal of the individual fees and reference to the fees being listed in the City's user fee schedule that may be used as set forth in the attached resolution submitted for Council's consideration.

In April 2018, the City Council adopted Ordinance which amended sections 9.02.020 "Permitted Uses" and 9.15.030 "Definitions and add Section 9.09.290 "Commercial Cannabis Activities" to Title 9 of the Municipal Code, establishing the land use process

for Commercial Cannabis Activity in the City of Moreno Valley. The Ordinance provides land use regulations for six commercial cannabis uses including dispensaries, testing, cultivation, manufacturing, microbusinesses and distribution centers within five zoning districts. The proposed Ordinance would remove the language concerning the Commercial Cannabis Business Permit limits, with limits to be set by Resolution as required in Section 5.05.080.

The following table sets forth the current number of Commercial Cannabis Business Permits allowed (Option A) along with three alternative options to adjust the number of permits, for City Council consideration.

	Dispensaries	Testing Facilities	Cultivation Facilities	Microbusinesses	Distribution Centers	Manufacturing Facilities	Total
Option A	8	2	8	2	2	5	27
Option B	23	2	8	3	2	5	43
Option C	30	2	8	3	2	5	50
Option D	Permits will be issued to all businesses that meet State and Local compliance requirements.						

If the City Council amends the number of permits, all pending or previously submitted applications for a Commercial Cannabis Business Permit shall be subject to the application procedures, policies and criteria in effect at the time of such application. *New applications shall be subject to any and all adopted policies, procedures and criteria in effect at the time the City opens up a new application period.*

ALTERNATIVES

1. Adopt the proposed Recommended Actions numbers one through three as set forth in this staff report and select the number of Commercial Cannabis Business Permits as set forth in Options A, B, C or D and Adopt the appropriate Resolution establishing the maximum number of Commercial Cannabis Business Permits allowed. *Staff recommends this alternative.*
2. Do not adopt the proposed Recommended Actions as set forth in this staff report. *Staff does not recommend this alternative.*

FISCAL IMPACT

There are no fiscal impacts anticipated from the approval and adoption of this Ordinance and Resolution.

NOTIFICATION

Publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By:
 Brian Mohan
 Financial Resources Division Manager

Department Head Approval:
 Marshall Eyerman
 Chief Financial Officer

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.

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, including home rehabilitation and neighborhood restoration.

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. 1. MVTitle5Regulatory Ordinance Revisions 10162018 Redline
2. 1. MVTitle5Regulatory Ordinance Revisions 10162018 Clean
3. Title 9 Cannabis Revisions Ordinance
4. Reso - Application Procedure
5. 1. Moreno Valley Application Procedure Guideline 10162018
6. Cannabis Resolution A - No Change
7. Cannabis Resolution B - Increase Dispensaries to 23 and Micro to 3
8. Cannabis Resolution C - Increase Dispensaires to 30 and Micro to 3
9. Cannabis Resolution D - No Cap or Limit

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/09/18 5:13 PM
City Attorney Approval	<u>✓ Approved</u>	10/11/18 1:30 PM
City Manager Approval	<u>✓ Approved</u>	10/11/18 5:46 PM

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AMENDING MORENO VALLEY MUNICIPAL CODE BY ADDING CHAPTER 5.05 SETTING RULES FOR THE ESTABLISHMENT, OPERATION AND REGULATION OF COMMERCIAL CANNABIS USES TO INCLUDE THE CULTIVATION, MANUFACTURING, TESTING, DISPENSATION, TRANSPORTATION AND TESTING/DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property lie within the City's police power; and

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense, marijuana; and

WHEREAS, the Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation or possession of marijuana for medicinal purposes; and

WHEREAS, notwithstanding federal law, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and titled the "Compassionate Use Act of 1996"), the intent of Proposition 215 being to enable Persons who need marijuana for medical purposes to be able to obtain and use it without fear of state criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code Section 11362.7 et seq. and titled the "Medical Marijuana Program Act" to clarify the scope of the Compassionate Use Act of 1996 ("CUA"); and

WHEREAS, the Medical Marijuana Program Act ("MMPA") establishes rules wherein counties and cities can adopt and enforce rules and regulations consistent with its provisions; and

WHEREAS, in 2011, Assembly Bill 2650 was enacted (codified as California Health and Safety Code Section 11362.768) affirming that counties and cities can under state law adopt ordinances that control and restrict the location and establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider; and

WHEREAS, in November, 2016, Proposition 64 was enacted (“The Adult Use Marijuana Act”) (“AUMA”) (codified as amendments to California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code and Food and Agricultural Code), the intent of Proposition 64 being to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana, as well as other marijuana related activities; and

WHEREAS, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 753 (“*Inland Empire*”) that the objectives of the CUA and MMPA were modest and that those acts did not create a broad right to access medical marijuana, and *Inland Empire* goes on to provide that neither the CUA nor the MMPA “expressly or impliedly preempts the authority of California cities and counties, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude” the distribution of medical marijuana. (Id. At p. 762.); and

WHEREAS, the Court of Appeal, Third Appellate District, held in *James Maral, et al. v. City of Live Oak* (2013) 221 Cal.App.4th 975, that the reasoning of *Inland Empire* applies to the cultivation of medical marijuana as well as its distribution, as both are addressed in the CUA and the MMPA; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the “Medical Marijuana Regulation and Safety Act” (“MMRSA”) into law hereafter known as the “Medical Cannabis Regulation and Safety Act” (MCRSA); and

WHEREAS, the MCRSA, which is comprised of three separate pieces of legislation, establishes, among other matters, a dual licensing structure requiring both a state license and a local license or permit for medical marijuana activities, a regulatory structure imposing health, safety and testing standards for cultivation and dispensary facilities, and the criteria for licensing medical marijuana businesses; and

WHEREAS, on June 27, 2017 Governor Jerry brown signed the “Medical and Adult-Use Cannabis Regulations and Safety Act” (“MAUCRSA”) which further amends and in some parts supersedes prior enactments; and

WHEREAS, with limited exceptions, neither the Compassionate Use Act, the Medical Marijuana Program, the Medical Cannabis Regulation and Safety Act, the Adult Use of Marijuana Act, nor the Medical and Adult-Use Cannabis Regulation and Safety Act require or impose an affirmative duty or mandate upon local governments to allow, authorize or sanction the establishment and the operation of facilities for distribution, cultivation, manufacturing or processing medical or non-medical marijuana within its jurisdiction, and

WHEREAS, the City Council ~~desires to establish consistent with the above legislation and court rulings established~~ reasonable land use controls and reasonable regulations on the operation of marijuana-related businesses which are ~~intended to operate codified in conjunction with Title 5 and Title 9 of~~ the City of Moreno Valley Municipal Code ~~Title 9 land use regulation and which are intended to address the negative impacts and nuisance impacts of marijuana-related businesses;~~ and

WHEREAS, the City Council now desires also to ~~establish reasonable land use controls~~clarify and reasonable~~amend some of those~~ regulations ~~on the operation of marijuana-related business consistent with the state law; and~~

~~WHEREAS, marijuana-related businesses will be subject to the zoning and land use regulations of the zone in which such business is established and operates, as will be set forth in by amending Title 5 and portions of Title 9, of the City of Moreno Valley Municipal Code; and; and~~

WHEREAS, mindful of the fact that marijuana possession and use is prohibited under federal law and partially decriminalized under state law, it is the Council's intention that nothing in this ordinance shall be construed, in any way, to expand the rights of anyone to use or possess marijuana under state law; engage in any public nuisance; violate federal law, or engage in any activity in relation to the cultivation, manufacturing, testing, dispensation and distribution, ~~testing~~ or consumption of marijuana that is otherwise illegal. It is further the intent of the City Council of Moreno Valley to maintain local control over these matters to the fullest extent permitted by law.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AS FOLLOWS:

PART 1. Chapter 5.05 of Title 5 of the Moreno Valley Municipal Code, Commercial Cannabis Activity is hereby ~~added to the Moreno Valley Municipal Code~~deleted in full and replaced as follows:

Chapter 5.05. Commercial Cannabis Activity.

- 5.05.010 Purpose and Intent
- 5.05.020 Legal Authority
- 5.05.030 Commercial Cannabis Activity ~~prohibited unless specifically authorized~~Prohibited Unless Specifically Authorized by the Code
- 5.05.040 Compliance with ~~laws~~Laws
- 5.05.050 Definitions-
- 5.05.060 Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business
- 5.05.070 Commercial Cannabis Employee ~~Permit~~Identification Required
- 5.05.080 Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted
- 5.05.090 ~~Initial~~ Application Procedure(s)
- 5.05.100 Expiration of Commercial Cannabis Business Permits
- 5.05.110 Revocation of Permits
- 5.05.120 Renewal Applications
- 5.05.130 Effect of State License Suspension, Revocation, or Termination
- 5.05.140 Appeals
- 5.05.150 Written ~~request~~Request for Appeal
- 5.05.160 Appeal Hearing
- 5.05.170 Permittee Selection Process
- 5.05.180 Change in ~~location; updated registration form~~Location; Updated Application Form
- 5.05.190 Transfer of Commercial Cannabis Business Permit

- 5.05.200 City Business License
- 5.05.210 Building Permits and Inspection
- 5.05.220 Certification from the Community Development Director
- 5.05.230 Right to Occupy and to Use Property
- 5.05.240 Location and Design of ~~Medicinal~~ Cannabis Businesses
- 5.05.250 Limitations on City's Liability
- 5.05.260 Records and Recordkeeping
- 5.05.270 Security Measures
- [5.05.280 Restriction on Alcohol & Tobacco Sales](#)
- [5.05.290 Compliance with Laws](#)
- [5.05.300 Fees and Charges](#)
- [5.05.310 Miscellaneous Operating Requirements](#)
- [5.05.320 Other Operational Requirements](#)
- [5.05.330 Operating Requirements for Retailer Facilities; Delivery](#)
- [5.05.340 Operating Requirements for Cultivation Facilities](#)
- [5.05.350 Operating Requirements for Testing Labs](#)
- [5.05.360 Commercial Cannabis Manufacturing Type-6 License Only](#)
- [5.05.365 Operating Requirements for Micro-Businesses](#)
- [5.05.370 Promulgation of Regulations, Standards and Other Legal Duties](#)
- [5.05.380 Community Relations](#)
- [5.05.390 Fees Deemed Debt to the City of Moreno Valley](#)
- [5.05.400 Permit Holder Responsible for Violations](#)
- [5.05.410 Inspections and Enforcement](#)
- [5.05.420 Compliance with State Regulation](#)
- [5.05.430 Violations Declared a Public Nuisance](#)
- [5.05.440 Each Violation a Separate Offense](#)
- [5.05.450 Criminal Penalties](#)
- [5.05.460 Remedies Cumulative and Not Exclusive](#)

Section 5.05.010. Purpose and Intent.

(a) It is the purpose and intent of this Title to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act ("AUMA" or "Proposition 64" passed by California voters in 2016), while imposing sensible regulations on the use of land to protect the City's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Title to regulate the cultivation, ~~processing,~~ manufacturing, testing, ~~sale, delivery, dispensation and~~ distribution ~~and transportation~~ of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Moreno Valley and to enforce rules and regulations consistent with state law. It is the further purpose of intent of this Title to require all commercial cannabis operators to obtain and renew annually a permit to operate within the City of Moreno Valley. Nothing in this Title is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or

Formatted: Indent: Left: 1.07", No bullets or numbering

federal law. The provisions of this Title are in effect and need to be complied with, in addition to necessary land use entitlements, i.e. Conditional Use Permits, any other permits, business licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, City, or other law.

Section 5.05.020. Legal Authority.

(a) Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter "MAUCRSA"), any subsequent state legislation and/or regulations regarding same, the City of Moreno Valley is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial medicinal and adult-use cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Moreno Valley to all commercial cannabis activity.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.030. Commercial Cannabis Activities Prohibited Unless Specifically Authorized by the Code.

(a) Except as specifically authorized in this Title, and Title 9, the commercial cultivation, ~~manufacture, processing, storing, laboratory manufacturing,~~ testing, ~~labeling, sale, delivery, dispensation and~~ distribution ~~or transportation~~ (other than as provided under Bus. & Prof. Code section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of Moreno Valley.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.040. Compliance with Laws.

(a) It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Title shall be construed as authorizing any actions that violate federal, state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, including for as long as applicable, the Compassionate Use Act ("Prop. 215"), the Medical Marijuana Program Act ("MMPA") and the 2008 Attorney General Guidelines for the Security and Non-Diversion of Cannabis for Medical Purposes ("AG Guidelines") (collectively "the Medical Cannabis Collective Laws"), conditions of Conditional Use Permit, or any other land use entitlements as may be subsequently adopted and specified in Title 9 of this Code, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit. ~~Nothing in this Title shall~~

Formatted: Indent: Left: 1.07", No bullets or numbering

~~be construed as authorizing any actions that violate federal or state law regarding the operation of a commercial cannabis business.~~

Section 5.05.050. Definitions.

Section 5.05.050. When used in this Title, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (1) "A-license" means a state license issued under this division for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.
- (2) "A-licensee" means any person holding a license under this division for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.
- (3) "Applicant" means an owner(s) applying for a City Permit pursuant to this division.
- (4) "Batch" means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:
 - (a) "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals, and harvested at the same time.
 - (b) "Manufactured cannabis batch" means either of the following:
 - (1) An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.
 - (2) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.
- (5) "Bureau" means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (6) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- (7) "Cannabis accessories" has the same meaning as in Section 11018.2 of the Health and Safety Code.
- (8) "Cannabis Business Park" a park or campus is one contiguous commercial area

Formatted: Indent: Left: 0.57", Hanging: 0. stops: 1", Left + Not at 1.07"

- of land ~~which~~that has many cannabis related businesses grouped together. Each individual business would be clearly defined, as having a unique entrance and immovable physical barriers between uniquely licensed premises.
- (9) “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
 - (10) “Cannabis product” means a product containing cannabis or cannabis, including, but not limited to, manufactured cannabis, —intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or to persons pursuant to the Adult Use of Cannabis Act. For purposes of this Title, “cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
 - (11) “Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code.
 - (12) “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.
 - (13) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
 - (14) “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.
 - (15) “City” means the City of Moreno Valley, a California-a general law city.
 - (16) “Commercial cannabis activity” includes the dispensing, cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, ~~transportation~~, delivery or sale of medicinal and adult-use cannabis and cannabis products as provided for in this division.
 - (17) “Commercial cannabis business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity.
 - (18) “Commercial cannabis business permit” means a regulatory permit issued by the City of Moreno Valley pursuant to this Title to a commercial cannabis business, and is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Title, Title 9 regulations as may be subsequently adopted and any regulations adopted by the City governing the commercial cannabis activity at issue.
 - (19) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 - (20) “Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
 - (21) “Customer” means a natural person 21 year of age or over or a natural person 18 year of age or older who possesses a physician’s recommendation.
 - (22) “Day care center” has the same meaning as in Section 1596.76 of the Health

- and Safety Code.
- (23) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
 - (24) “Director” means the Director of Consumer Affairs.
 - (25) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.
 - (26) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.
 - (27) “Distributor” means a person holding a valid commercial cannabis business permit for distribution issued by the City of Moreno Valley, and, a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed retailer.
 - (28) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
 - (29) “Edible cannabis product” means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
 - (30) “Fund” means the Cannabis Control Fund established pursuant to Section 26210.15
 - (31) “Greenhouse” means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.
 - (32) “Kind” means applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.
 - (33) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.
 - (34) “Labor peace agreement” means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant’s employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.
 - (35) “License” means a state license issued under this division, and includes both an A-license and an M-license, as well as a testing laboratory license.
 - (36) “Licensee” means any person holding a license under this division, regardless

- of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.
- (37) "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
- (38) "Live plants" means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (39) "Local jurisdiction" means a city, County or city and County.
- (40) "Lot" means a batch or a specifically identified portion of a batch.
- (41) "M-license" means a state license issued ~~under this division~~ for commercial cannabis activity involving medicinal cannabis.
- (42) "M-licensee" means any person holding ~~a-an M-license-under this division~~ for commercial cannabis activity involving medicinal cannabis.
- (43) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (44) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.
- (45) "Manufacturer" means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.
- (46) "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Moreno Valley and, a valid state license as required for manufacturing of cannabis products.
- (47) "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.
- (48) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and cultivation of cannabis.
- (49) "Operation" means any act for which licensure is required under the provisions of this division, or any commercial transfer of cannabis or cannabis products.
- (50) "Owner" means any of the following:
- (a) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (b) The manager of a nonprofit or other entity.
 - (c) A member of the board of directors of a nonprofit.
 - (d) An individual who will be participating in the direction, control, or management

Formatted: Indent: Left: 1.06", Tab stops: Left + Not at 1"

Formatted: Tab stops: 1.06", Left + Not at

Formatted: Indent: Left: 1.06", Tab stops: Left + Not at 1"

- of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property.
- (51) “Package” means any container or receptacle used for holding cannabis or cannabis products.
- (52) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.
- (53) “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (54) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.
- (55) “Physician’s recommendation” means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (56) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted [aan](#) M-License and [aan](#) A-License for the same type of activity and such operation is lawful under state and local laws, rules and regulations.
- (57) “Purchaser” means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (58) “Retailer” means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of Moreno Valley authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.
- (59) “Sell,” “sale,” and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- ~~(60)~~ —
- (60) “Site” means the property lines of the parcel map for a given assessor parcel number.
- (61) “State License” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.

- (62) "Testing laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:
- (a) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
 - (b) Licensed by the ~~bureau~~Bureau.
- (63) "Topical cannabis" means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (64) "Transport" means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA, which may be amended or repealed by any subsequent State of California legislation regarding the same.
- (65) "Unique identifier" means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.
- (66) "Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

Formatted: Indent: Left: 1.06"

Formatted: Tab stops: 0.44", Left + 0.56", 1.06", Left + Not at 0.54" + 0.54"

Section 5.05.060. Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business.

- ~~(a)~~ No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City of Moreno Valley including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid commercial cannabis business permit from the City of Moreno Valley; (2) has a valid Seller's Permit from the State; (3) has the necessary land use entitlements under Title 9 of this Code and (4) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain any required state licenses.
- ~~(b)~~ ~~Until Health & Safety Code Section 11362.775, subdivision (a), is repealed, the City intends that person's eligible to operate collectives or cooperatives under that subdivision shall be eligible to apply for a City conditional permit to conduct commercial cannabis activities, but only to the degree those activities are authorized under state law for collectives and cooperatives. When the Health & Safety Code Section 11362.775, subdivision (a), is repealed, or as soon as collectives and cooperatives are no longer permitted to engage in commercial cannabis activity without a state license under state law, any conditional permit issued to a commercial cannabis business that has not obtained a state license for the commercial cannabis activities shall expire and shall be null and void. Such businesses shall no longer be authorized to engage in any commercial cannabis activities in the City until they obtain both a City issued commercial cannabis business permit and a state license for that commercial cannabis activity.~~

Formatted: Indent: Left: 1.07", No bullets numbering

Section 5.05.070. Commercial Cannabis Employee Permit Identification Required.

- (a) Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business must be legally authorized to do so under applicable state law.
- (b) Any person who is an employee or ~~whewhom~~ otherwise works or volunteers within a commercial cannabis business must obtain a commercial cannabis employee work permit identification from the City prior to performing any work at any commercial cannabis business. This requirement does not apply to temporary visitors, vendors or delivery persons who may be present from time to time within the commercial cannabis business.
- (c) Applications for a commercial cannabis employee work permit identification shall be developed, made available, and processed by the Chief Financial Officer/City Treasurer (CFO) or his/her designee(s), and shall include, but not be limited to, the following information:
 - (1) Name, address, and phone number of the applicant;
 - (2) ~~Age and verification of applicant.~~ A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application;
 - (3) Name, address of the commercial cannabis businesses where the person will be employed, and the name of the primary manager of that business;
 - (4) A list of any crimes enumerated in California Business and Professions Code Section 26507(b)(4) for which the applicant has been convicted;
 - (5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
 - (6) The application shall be accompanied by ~~fingerprints and a recent passport~~ photograph of the applicant ~~in a form and manner as required by the CFO or his/her designee(s).~~
 - (7) A signed statement under penalty of perjury that the information provided is true and correct.
 - ~~(8) If applicable, verification that the applicant is a qualified patient or primary caregiver.~~
 - ~~(9)~~(8) A fee paid in an amount ~~set by resolution of the City Council in an amount~~ necessary to cover the costs of administering the employee ~~work permit programs identification program as set forth in section 5.05.300.~~ The fee is

non-refundable and shall not be returned in the event the ~~work permit~~identification is denied or revoked.

- (d) The CFO or his/her designee(s) shall review the application for completeness, shall conduct a background check to determine whether ~~the~~ applicant was convicted of a crime or left a previous employer for reasons that show the applicant:
 - (1) Is dishonest; or
 - (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
 - (3) Was convicted of a violent felony, a crime of moral turpitude; or
 - (4) ~~The~~Committed a felony or misdemeanor involving illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of those types of crimes are grounds for denial of the ~~work permit~~identification. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis ~~work permit~~employee identification. Furthermore, an applicant shall not be denied ~~a permit~~an identification if the denial is based solely on any of the following (i) a conviction for any crime listed in subsection ~~(d)~~ (4) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

Formatted: Indent: Left: 1.07", Right: 0.08" stops: 1.07", Left

Formatted: Not Expanded by / Condensed

Formatted: Not Expanded by / Condensed

~~(e) The CFO or his/her designee(s) shall issue the commercial cannabis work permit or a written denial to the applicant within thirty (30) days of the date the application was deemed complete. In the event the cannabis work permit can't be issued within this time period then the CFO or his/her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the CFO or his/her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the CFO or his/her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.~~

~~(e)~~ A work permitThe CFO or his/her designee(s) shall issue the commercial

cannabis employee identification or a written denial to the applicant.

- (f) An identification as described in subsection (j) below shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (b)(c) above including the payment of a renewal application fee in an amount to be as set by resolution of the City Council forth in section 5.05.300.
- (g) In the event a person changes employment from one commercial cannabis business in the City to another, the work permit holder commercial cannabis employee shall notify the CFO or his/her designee(s) in writing of the change within ten (10) days, or the work permit commercial cannabis employee identification shall be suspended or revoked and such person shall not be permitted to work at any commercial cannabis business in the City.
- (h) The City may immediately revoke the commercial cannabis work permit employee identification should the permit holder commercial cannabis employee be convicted of a crime listed in subsection (e) and (d) above or if facts become known to the CFO or his/her designee(s) that the permit holder commercial cannabis employee has engaged in activities showing that he or she is dishonest.
- (i) The CFO or his/her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit commercial cannabis employee identification process and requirements.
- ~~(j) The applicant may appeal the denial or revocation of a commercial cannabis work permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial, which appeal shall be conducted as set forth in Section 5.05.140 of this Title.~~
- ~~(k)(j)~~ The CFO or his/her designee(s) shall issue a permit an identification in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.
- (k) The requirement for commercial cannabis employee identification maybe satisfied by a valid employee identification issued under the same requirements by the Bureau or any other related division of the State of California.

Section 5.05.080. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

~~(a)~~ The number of each type of commercial cannabis business that shall be permitted to operate in the City, as well as the total number of all types of Commercial Cannabis Business Permits may shall be established and set forth in Title 9, or by resolution of the City Council, which may be amended from time to time.

Formatted: List Paragraph, Left, Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.090. ~~Initial~~ Application Procedure ~~(s)~~.

- (a) The City Council shall adopt by resolution the procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s), which resolution shall include or require the CFO to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria"). The resolution shall authorize the CFO or his/her designee(s) to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to make a final determination on the issuance of the permits.
- (b) At the time of filing, each applicant shall pay an application fee ~~established by resolution of the City Council~~ as set forth in section 5.05.300, to cover all costs incurred by the City in the application process.
- (c) ~~After the initial review, ranking, and scoring under the Review Criteria, Any decision made by~~ the CFO or his/her designee(s) ~~after each of the phases described under the Review Criteria,~~ will ~~make a final determination~~ be made in accordance with ChapterSection 5.05.090. CFO's decision is appealable ~~to the City Manager~~ in accordance with the provisions of SectionSections 5.05.150 and 5.05.160.
- (d) THE CITY 'S RESERVATION OF RIGHTS:
 - (1) The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this title, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Title, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information or amendments from any candidate submitting an application. ~~In addition~~ Applications MAY BE REJECTED due to any other justification provided a timely submission, failure to comply with other provide the required elements, exhibits, not being organized in the required format, or not being fully responsive to the requirements in this Title, an of the application RISKS BEING REJECTED for any of the following reasons:process.
 - (1) ~~Proposal received after designated time and date.~~
 - (2) ~~Proposal not containing the required elements, exhibits, nor organized in the required format.~~
 - (3) ~~Proposal considered not fully responsive to this request for permit application.~~

Formatted: Right: 0.08", Numbered + Level Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.81" + Indent 1.31", No widow/orphan control, Don't adjust between Latin and Asian text, Don't adjust between Asian text and numbers, Tab stops Left

Section 5.05.100. Expiration of Commercial Cannabis Business Permits.

~~(a)~~ Each commercial cannabis business permit issued pursuant to this Title shall expire twelve (12) months after the effective date of the permit. Commercial cannabis permits may be renewed as provided in Section 5.05.120.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.110. Revocation of Permits.

~~(a)~~ Commercial cannabis business permits may be revoked for any violation of any ~~law and/or any rule~~applicable laws, regulation and/or standard adopted pursuant to ~~this Title 5.05.130 and Title 9 of this Code.~~

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.120. Renewal Applications.

- (a) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount ~~to be set by the City Council~~ to cover the costs of processing the renewal permit application, ~~together with any costs incurred by the City to administer the program created under this Title, as set forth in section 5.05.300.~~
- (d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
 - (1) The application is filed less than sixty (60) calendar days before ~~the~~permit expiration.
 - (2) The commercial cannabis business permit is suspended or revoked at the time of the application. If permit revocation process has been initiated but not completed, the renewal application will be accepted and held pending the outcome. If the permit is revoked, the application will be rejected and fees refunded.
 - ~~(3) The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.~~
 - ~~(4) The commercial cannabis business has failed to conform to the requirements of this Title, or of any regulations adopted pursuant to this Title.~~
 - ~~(5)~~(3) The permittee fails or is unable to renew its State of California license.
 - ~~(6)~~(4) If the City or state has determined, based on substantial~~available~~ evidence, that the permittee or applicant is in violation of the requirements of this Title, of the City Ordinance, or of the state rules and regulations, and the City or

state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.

- (e) The CFO or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the ~~City Manager~~CFO or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. ~~Appeals from the CFO's decision is appealable in accordance with the provisions of the City Manager or his/her designee(s) shall be handled pursuant to Chapter Sections 5.05.140150 and 5.05.160.~~
- (f) If a renewal application is rejected, ~~a person~~the applicant may file a new application pursuant to this Title ~~no sooner than one (1) year from the date of~~during the ~~rejection~~next application period.

Section 5.05.130. Effect of State License Suspension, Revocation, or Termination.

~~(a)~~ Suspension of a license issued by the State of California, or by any of its departments or divisions, shall ~~immediately~~automatically suspend the ~~ability of a commercial cannabis business to operate within~~Commercial Cannabis Business Permit issued by the City. ~~Such suspension will be in effect~~ until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also ~~automatically~~ revoke or terminate the ~~ability of Commercial Cannabis Business Permit, precluding~~ a commercial cannabis business ~~to operate within~~from operating in the City of Moreno Valley. ~~Neither the suspension or the revocation under these circumstances is appealable under Sections 5.05.150 or 5.05.160.~~

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.140. Appeals.

~~(a)~~ Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Title from a decision of the CFO or his/her designee(s), the appeal shall be conducted as prescribed ~~in this Section~~below.

Formatted: Indent: Left: 1.07", Right: 0.08" widow/orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: 1.07", L

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.150. Written ~~request~~Request for Appeal.

- (a) Within ten (10) calendar days after the date of a decision of the CFO or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action to the City Manager by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. City Manager may hear the appeal him/herself or appoint a Hearing Officer to conduct the hearing.
- (b) At the time of filing, the appellant shall pay the designated appeal fee, ~~established by resolution of the City Council from time to time~~ as set forth in ~~section 5.05.300~~.

Section 5.05.160. Appeal Hearing.

- (a) Upon receipt of the written appeal, the City Clerk shall set the matter for appeal before the City Manager. The City Manager shall review the matter ~~de novo~~, and shall conduct the hearing pursuant to the procedures set forth ~~by the City in this Code~~.
- (b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ~~ninety (90)~~sixty (60) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
- (c) At the hearing, the appellant may present ~~any~~ information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- (d) At the conclusion of the hearing, the City Manager may affirm, reverse or modify the decision appealed. The decision of the City Manager (or Hearing Officer if appointed by the City Manager) shall be appealable to the City Council consistent with provisions of Municipal Code Sections 2.04.100 through 2.04.130.

Section 5.05.170. Permittee Selection Process.

- (a) The City Council shall adopt by resolution a procedure guideline and Review Criteria by which the ~~top~~ applicants in each category of each commercial cannabis business will be evaluated by the CFO or his/her designee.
- (b) ~~The top~~Prior to final eligibility decision being made, the selected applicants for each category may be invited to attend ~~a meeting~~an interview with the CFO or his/her designee where they may be expected to ~~make a presentation introducing answer questions related to their team and providing an overview of their proposal. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.~~application
- ~~(c)~~ ~~At least ten (10) days prior to such a meeting, notice of the meeting may be sent to all property owners located within three hundred (300) feet of the proposed business locations of each of the finalists to be considered by the CFO.~~
- ~~(d)~~(c) Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the ~~prevailing candidate~~successful applicant(s) obtaining all required land use approvals. ~~The candidate~~Within sixty (60) days of receipt of the provisional commercial cannabis business permit, the applicant(s) shall apply to the City's Community Development Department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The CFO or his/her designee(s) shall formally issue the commercial cannabis

Formatted: Indent: Left: 0", Right: 0", Tab: Not at 1.07"

business permit(s) once the Community Development Director or his/her designee(s) affirms that all of the required land use approvals ~~have been obtained, conditional use permit, certificate of occupancy and building permits have been obtained and all state license have been obtained.~~ Failure to comply with the 60-day deadline will result in withdrawal of the provisional permit by the City.

~~(e)~~(d) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of twelve (12) months from the effective date, and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Title and of the permit, have been complied with and until a state license is available and obtained by the permitted operator, including compliance with all provisions of the Medical Cannabis Collective Laws as set forth at Section 5.05.060.

~~(f)~~(e) Notwithstanding anything in this Title to the contrary, the City ~~reserves, City Council or the CFO reserve~~ the right to reject any or all applications if it ~~determines it is determined such action~~ would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only ~~for the duration of the permit's permits~~ term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may amend, terminate or delay the program created under this Title. If such action is taken by the CFO, the decision is subject to appeal under the provisions of this Chapter.

~~(g)~~(f) If an application is denied, a new application may ~~not~~ be filed ~~for one (1) year from~~ the date of the denial next application period.

~~(h)~~(g) Each ~~person~~ applicant granted a commercial cannabis business permit shall be required to pay the permit fee ~~established by resolution of the City Council,~~ to cover the costs of administering and monitoring the commercial cannabis business permit program created in this Title along with any other fees ~~set by the City to cover other related costs~~ as set forth in section 5.05.300.

Section 5.05.180. Change in ~~location; updated registration form~~ Location; Updated Application Form.

- (a) Any time the dispensing, cultivation, manufacturing, ~~transportation testing lab~~ and distribution location specified in the regulatory permit is changed, the applicant shall ~~re-register~~ reapply with the CFO or his/her designee(s). The process and the fees for ~~re-registration~~ reapplying shall be the same as the process and fees set forth for ~~registration application~~ in sections 5.05.090, 5.05.120 and 5.05.420 300.
- (b) Within fifteen (15) calendar days of any other change in the information provided

in the registration application form or any change in status of compliance with the provisions of this chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated registration application form with the CFO or his/her designee(s) for review along with a registration application amendment fee, as set forth in section 5.05.090 and 5.05.120300.

Section 5.05.190. Transfer of Commercial Cannabis Business Permit.

- (a) The owner of a commercial cannabis business permit shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to the permit from the CFO or his/her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the CFO or his/her designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee), and the transfer fee as set forth in section 5.05.300. CFO or his/her designee determines, after hearing, in accordance with this section that the transferee passed the background check(s) required for permittees and meets all other requirements of this Chapter.
- (b) Commercial cannabis business permits issued through the grant of a transfer by the CFO or his/her designee shall be valid for a period of one year beginning on the day the CFO or his/her designee approves the transfer original term of the transferred permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership 19% of the original ownership or a change to the an individual who will be participating in the direction, control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property), must be approved by the CFO or his/her designee through the transfer process contained in this subsection. ~~(a)~~

~~(a)~~ Failure to comply with this provision is grounds for permit revocation.

~~(e)~~(d) A permittee may change the form of business entity without applying to the CFO or his/her designee for a transfer of permit, provided that either:

- (1) The membership of the new business entity is substantially similar to original permit holder business entity ~~(at least 51% of the membership is identical),~~ or
- (2) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under

Formatted: List Paragraph, Left, Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and number

Formatted: No bullets or numbering

the MAUCRSA and to comply with Section 5.05.060, subdivision (b), provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

- (3) Although a transfer is not required in these two circumstances, the permit holder is required to notify the CFO in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.

~~(e)~~(e) No commercial cannabis business permit may be transferred when the CFO or his/her designee has notified the permittee that the permit has been or may be suspended or revoked.

~~(e)~~(f) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

Section 5.05.200. City Business License.

~~(a)~~ Prior to commencing operations, a commercial cannabis business shall obtain a City of Moreno Valley business license.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.210. Building Permits and Inspection.

~~(a)~~ Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory building and occupancy inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes, but is not limited, to obtaining any required building permit(s), the Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.220. Certification from the Community Development Director.

~~(a)~~ Prior to commencing operations, a commercial cannabis business must obtain a certification from the Community Development Director or his/her designee(s) certifying that the business is located on a site that meets all of the requirements of the Title 9 of the Municipal Code.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.230. Right to Occupy and to Use Property.

~~(a)~~ As a condition precedent to the City's issuance of a commercial cannabis business permit pursuant to this Title, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Title and consents to the

Formatted: Indent: Left: 1.07", No bullets or numbering

operation of the commercial cannabis business on the owner's property.

Section 5.05.240. Location and Design of Cannabis Businesses.

(a) Cannabis businesses permitted to engage in Cultivation, Distribution, Manufacturing, Testing Labs, and Retail Sales, for cannabis and cannabis products are subject to the zoning and locational requirements as set forth in Title 9 of ~~the~~ the Municipal Code and amended from time to time.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.250. Limitations on City's Liability.

- (a) To the fullest extent permitted by law, the City of Moreno Valley shall not ~~assume any liability~~ be liable whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Title or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:
- (1) They must execute an agreement, in a form approved by the City ~~attorney~~ Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Moreno Valley, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the commercial cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, ~~to~~ the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
 - (2) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Council or City Attorney.
 - (3) Reimburse the City of Moreno Valley for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of Moreno Valley may be required to pay as a result of any legal challenge related to the City's approval of the applicant's commercial cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of Moreno Valley may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Section 5.05.260. Records and Recordkeeping.

- (a) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than

an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Title), or at any time upon reasonable request of the City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to ~~multiple~~ regulatory compliance ~~reviews~~ and financial ~~audits~~ as determined by the ~~City Manager~~CFO or his/her designee(s).

- (b) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the CFO or his/her designee(s) upon a reasonable request.
- (c) ~~Prior to state licensing, each commercial cannabis business shall maintain a record of all persons, patients, collectives and primary caregivers served by the commercial cannabis business, for a period of no less than four (4) years.~~ Once a state license is obtained, the commercial cannabis business must maintain such records ~~only to the extent permitted or as~~ may be required by MAUCRSA.
- (d) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth in MAUCRSA.
- (e) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial cannabis business shall allow the City of Moreno Valley officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

Section 5.05.270. Security Measures.

- (a) A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or

cannabis products at the commercial cannabis business. Except as may otherwise be determined by the CFO or— his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:

- (1) Preventing individuals from remaining on the Site and/or premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.
- (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
- (3) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
- (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the CFO or his/her designee(s), and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the CFO or his/her designee(s). Video recordings shall be maintained for a minimum of forty-five (45) days, and shall be made available to the CFO or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.
- (5) Sensors shall be installed to detect entry and exit from all secure areas.
- (6) Panic buttons shall be installed in all commercial cannabis businesses.
- (7) Having a professionally installed, maintained, and monitored alarm system. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.
- (8) Security personnel or consultants shall be on-site 24 hours a day or alternative security measures shall be instituted as authorized by the CFO or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services ~~personnel and shall be subject to the prior review and approval of the CFO or his/her designee(s), with such approval not to be unreasonably withheld. Additionally, a commercial cannabis employee identification is required as set forth in section 5.05.070.~~

- (9) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- (b) Each commercial cannabis business shall identify a designated security representative/liaison to the City of Moreno Valley, who shall be reasonably available to meet with the CFO or his/her designee(s) regarding any security related measures or and operational issues.
- (c) As part of the application and permitting process each commercial cannabis business shall have a storage and ~~transportation~~ distribution plan, which describes in detail the procedures for safely and securely storing and ~~transporting~~ distributing all cannabis, cannabis products, and any currency.
- (d) The commercial cannabis business shall cooperate with the City whenever the CFO or his/her designee(s) makes a request, upon reasonable notice to the commercial cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Title.
- (e) A commercial cannabis business shall notify the CFO or his/her designee(s) within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the ~~City Manager~~CFO or his/her designee(s).
 - (2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis business.
 - (3) Any other breach of security.

Section 5.05.280. Restriction on Alcohol & Tobacco Sales.

- (a) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
- (b) No person shall cause or permit the sale or tobacco products on or about the premises of the commercial cannabis business.

Section 5.05.290. Compliance with Laws.

~~(a)~~ It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations

Formatted: Indent: Left: 1.07", No bullets or numbering

promulgated thereunder. Nothing in this Title shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit. Nothing in this Title shall be construed as authorizing any actions which violate state law with regard to the operation of a commercial cannabis business.

Section 5.05.300. Fees and Charges.

- (a) No person may commence or continue any commercial cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council, which may be amended from time to time.
- (b) All commercial cannabis businesses authorized to operate under this Title shall pay all sales, use, business and other applicable taxes including those that may be adopted by the City, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited, to a verification of the amount of taxes required to be paid during any period.

Section 5.05.310. Miscellaneous Operating Requirements.

- (a) Commercial cannabis businesses may operate only during the hours specified in the land use entitlement obtained under Title 9 ~~and documented in the commercial cannabis business permit issued by the City.~~
- (b) Cannabis shall not be consumed by any ~~retail customer~~ individual on the Site and or premises of any commercial cannabis businesses.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales.
 - (1) Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of

the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. ~~Furthermore, any system selected must be approved and authorized by the CFO or his/her designee(s) prior to being used by the permittee, and meet state and local requirements.~~

- (2) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and ~~transported~~distributed by licensed facilities that maintain operations in full conformance with the ~~State~~state and local regulations.
- (3) There shall not be a physician located in or around any commercial cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.
- (e) Prior to dispensing medicinal cannabis or medicinal cannabis products where applicable to any person, the commercial medicinal cannabis business shall obtain verification from the recommending physician that the person requesting medicinal cannabis or medicinal cannabis products is a qualified patient.
- (f) Emergency Contact.
 - (1) Each commercial cannabis business shall provide the CFO or his/her designee(s) with the name, telephone number (both land-line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- (g) Signage and Notices.
 - ~~(1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Moreno Valley Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.~~
 - ~~(2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.~~
 - ~~(3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited except as provided in 5-05.310(e).~~
 - ~~(4) Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that~~

~~identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.~~

- ~~(5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.~~
- ~~(6) In accordance with state law and regulations or as stipulated in the City of Moreno Valley regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit must be in compliance with all signage and advertising regulations contained in this Code and as may be adopted by Resolution of the City Council. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.~~
- (1) Commercial cannabis businesses shall maintain compliance with Title 9 requirements.

(h) Minors.

- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of an A-Type commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Title for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age. Persons under the age of eighteen (18) years shall not be allowed on the premises of an M-Type commercial cannabis business.
- (2) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of ~~the an A-Type commercial cannabis business and under the age of eighteen (18) years of age of an M-Type~~ commercial cannabis business.

(i) Odor Control.

- (1) Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such,

commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:

- (2) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - (3) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
- (j) Display of Permit and City Business License.
- (1) The original copy of the commercial cannabis business permit issued by the City pursuant to this Title and the City issued business license shall be posted inside the commercial cannabis business in a location readily visible to the public.
- (k) Background Check.
- (1) Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice ~~to be transmitted to~~ and the Federal Bureau of Investigation, ~~every~~. Every person listed as an owner, manager, supervisor, employee or volunteer, of the commercial cannabis business must submit fingerprints and other information deemed necessary by the CFO or his/her designee(s) for a background check by the City of Moreno ~~Valley's Police Department~~. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the ~~Police Department~~ City Attorney or his/her designee(s), as required by this section. A fee as set forth in section 5.05.300 for the cost of the background investigation, which shall be the actual cost to the City of Moreno Valley to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted.
- (l) Loitering for Unlawful Purposes.
- (1) The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises and site.

(m) Permits and other Approvals.

- (1) Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.

~~(n) If a commercial cannabis business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), members of the applicant authorized to possess cannabis shall sign an agreement with the commercial cannabis business which states that members shall not distribute cannabis or cannabis products to non-members or in violation of the "Memorandum for all United States Attorneys," issued by the United States Department of Justice, from James M. Cole, Deputy Attorney General and any other applicable state and federal laws, regulations, or guidelines.~~

~~(e) If the commercial cannabis business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), the commercial cannabis business shall terminate the membership of any member violating any of the provisions of this Title.~~

Formatted: Indent: Left: 0.5", Hanging: 0.5
Widow/Orphan control, Adjust space between
and Asian text, Adjust space between Asian
and numbers

Section 5.05.320. Other Operational Requirements.

~~(a) The CFO or his/her designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.~~

Formatted: Indent: Left: 1.07", No bullets
numbering

Section 5.05.330. Operating Requirements for Retailer Facilities; Delivery.

~~(a) No more than the number of retailers adopted by resolution may operate within the City of Moreno Valley at any one time and no more than that number adopted by resolution shall be issued a permit by the City of Moreno Valley to operate a retailer at one time. Both retailers offering storefront purchase (customers purchase and obtain cannabis onsite) and retailers offering delivery only shall be permitted. Each shall be required to maintain a physical location from which commercial cannabis activities are conducted that is permitted under this Title.~~

~~(b) Retailers may only deliver to customers within a County or City that does not expressly prohibit delivery by ordinance. Security plans developed pursuant to this chapter shall include provisions relating to vehicle security and the protection of employees and product during loading and in transit.~~

~~(c) For M type Retailers, verify the age and all necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years and that the potential customer has a valid doctor's recommendation. For A type retailers, verify the age of customers to ensure persons under the age of twenty-~~

~~one (21) are not permitted.~~

- ~~(d) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area. Individuals must show their cannabis card in order to gain access into the retailer.~~
- ~~(e) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.~~
- ~~(f) Retailers may have only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale on-site in the retail sales area of the retailer.~~
- ~~(g) All restroom facilities shall remain locked and under the control of management. It is the stated intent of this Section to regulate commercial cannabis activity in the City of Moreno Valley in compliance with all provisions MAUCRSA and any subsequent state legislation.~~

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.340. Operating Requirements for Cultivation Facilities.

- (a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors. All outdoor cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) If a commercial cannabis cultivation is permitted in the City of Moreno Valley then it shall only be allowed to cultivate the square feet of canopy space permitted by state law and City's zoning laws.
- (d) Cannabis Commercial cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) The cultivation of commercial cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

- (g) All applicants for a commercial cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:
- (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - (2) A description of a legal water source, irrigation plan, and projected water use.
 - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

Section 5.05.350. Operating Requirements for Testing Labs.

- (a) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code 26100 and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under Section 5.05.350 (a) of this Title, Title 9 and any subsequent State of California legislation regarding the same.
- (b) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (c) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- (d) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- ~~(e) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.~~
- ~~(f)~~(e) Except as provided by state law, a testing laboratory shall not acquire or receive

cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or ~~transportation~~distribution shall be performed pursuant to a specified chain of custody protocol.

~~(g)~~(f) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

Section 5.05.360. Commercial Cannabis Manufacturing Type-6 License only.

- (a) Only commercial cannabis manufacturing facilities requiring a Type-6 state license (using non-volatile compounds) as defined in MAUCRSA are allowed to operate within City limits and may be permitted to operate within those zone districts as defined in Title 9 of this Municipal Code.
- (b) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Moreno Valley in containers that exceeds the amount which is approved by the Fire Department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the Fire Department on the property at any time.

Section 5.05.365. Operating Requirements for Cannabis-Micro-Businesses.

- (a) A ~~Cannabis-Micro-Business~~business must operate with at least three of the four allowed uses, cultivation (not to exceed 10,000 sq.ft.), manufacturing, distribution and retail dispensing.
- (b) Micro-~~business~~businesses shall comply with all of the operational requirements of this ~~Chapter~~Title for each of the commercial cannabis activities that are present on site of the micro-business.
- (c) Micro-business shall comply with all applicable state laws with regard to its licensing and operation, as well as the provisions of City Municipal Code Title 5 and 9.

Section 5.05.370. Promulgation of Regulations, Standards and Other Legal Duties.

- (a) In addition to any regulations adopted by the City Council, the ~~City Manager~~CFO or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial

cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Title.

~~(b)~~ Regulations shall be published on the City's website.

~~(e)~~(b) Regulations promulgated by the ~~City Manager~~CFO shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the ~~City Manager~~CFO or his/her designee.

~~(d)~~(c) Testing Labs, and Distribution facilities shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed under Section 5.05.370 (a) of this Title and any subsequent State of California legislation regarding the same.

Section 5.05.380. Community Relations.

(a) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business site.

~~(b)~~ After the first year of operation, the ~~The~~ owner, manager, and community relations representative from each ~~such~~ commercial cannabis business shall meet with the CFO or his/her designee(s) when and as requested by the CFO or his/her designee(s).

(c) Commercial cannabis businesses to which a permit is issued pursuant to this Title shall develop a city approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

Section 5.05.390. Fees Deemed Debt to the City of Moreno Valley.

~~(a)~~ The amount of any fee, cost or charge imposed pursuant to this Title shall be deemed a debt to the City of Moreno Valley that is recoverable via an authorized administrative process as set forth in the City ordinance, or in any court of competent jurisdiction.

Formatted: Indent: Left: 1.07", No bullets numbering

Section 5.05.400. Permit Holder Responsible for Violations.

~~(a)~~ The person to whom a permit is issued pursuant to this Title shall be responsible for all violations of the laws of the State of California or of the regulations and/or the provisions of ~~the City of Moreno Valley Municipal Code~~ this Title or other City adopted policies and procedures, whether committed by the

Formatted: Indent: Left: 1.07", No bullets numbering

permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

Section 5.05.410. Inspection and Enforcement.

- (a) The CFO, or his/her designee(s) charged with enforcing the provisions of ~~the City of Moreno Valley Code~~this Title, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Title or under applicable provisions of ~~State~~state law.
- (b) It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Title or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Title or under state or local law.
- (c) The CFO, or his/her designee(s) charged with enforcing the provisions of this Title may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Moreno Valley shall be logged, recorded, and maintained in accordance with established procedures by the ~~City of Moreno Valley~~ CFO or these regulations.

Section 5.05.420. Compliance with State Regulation.

~~(a)~~ It is the stated intent of this Title to regulate commercial cannabis activity in the City of Moreno Valley in compliance with all provisions MAUCRSA and any subsequent state legislation.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.430. Violations ~~declared~~Declared a ~~public nuisance~~Public Nuisance.

~~(a)~~ Each and every violation of the provisions of this Title is hereby deemed unlawful and a public nuisance.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.440. Each ~~violation~~Violation a ~~separate-offense~~Separate Offense.

~~(a)~~ Each and every violation of this Title shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Moreno Valley Municipal Code. Additionally, as a nuisance per se, any violation of this Title shall be subject to injunctive relief, any permit issued pursuant to this Title being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in

Formatted: Indent: Left: 1.07", No bullets or numbering

equity. The City of Moreno Valley may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the CFO, or his/her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending a hearing before the City Manager, or his/her designee(s).

Section 5.05.450. Criminal Penalties.

(a) Each and every violation of the provisions of this Title may in the discretion of the City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Formatted: Indent: Left: 1.07", No bullets or numbering

Section 5.05.460. Remedies ~~cumulative~~Cumulative and ~~not-exclusive~~Not Exclusive.

(a) The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

Formatted: Indent: Left: 1.07", No bullets or numbering

PART 2. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

PART 3. This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council on October ~~16th~~16, 2018 and PASSED, APPROVED, and ADOPTED by the City Council on November ~~20th~~20, 2018 by the following roll call vote, to wit:

Formatted: Justified

- AYES: Council Members -
 - NOES: Council Members -
 - ABSENT: Council Members -
 - ABSTAIN: Council Members -
-

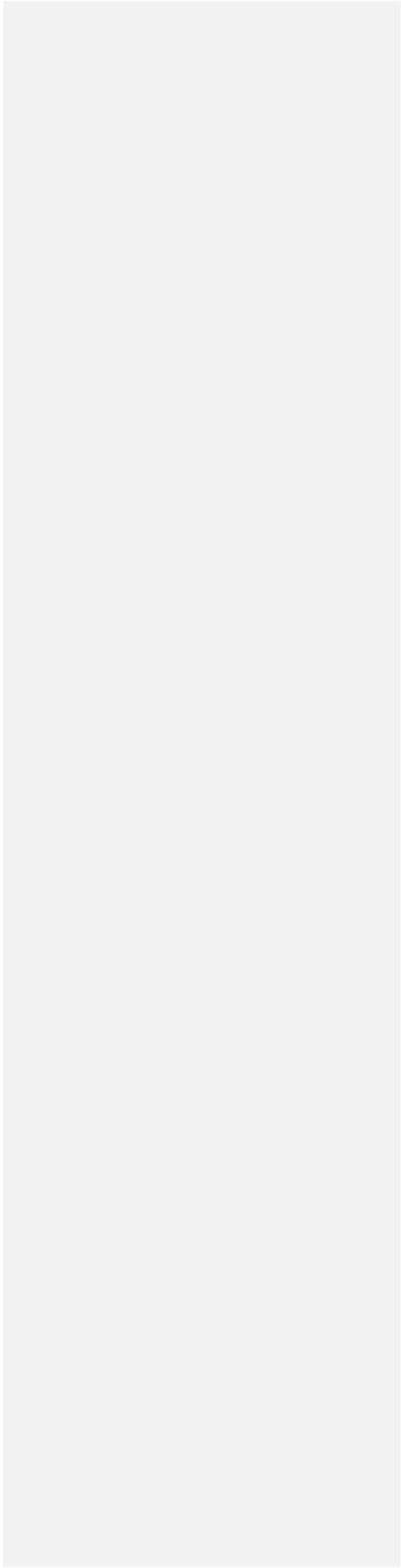
Dr. Yxstian A. Gutierrez
Mayor
City of Moreno Valley

ATTEST:

Pat Jacquez-Nares, City Clerk

APPROVED AS TO FORM:

Martin D. Koczanowicz, City Attorney



ORDINANCE JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City Council of the City of MORENO VALLEY, California, do hereby certify that the foregoing Ordinance No. , was introduced at a regular meeting of the City Council of the City of MORENO VALLEY held on the 16th day of October, 2018 and was passed by the City Council of the City of MORENO VALLEY at a regular meeting held the 20th day of November, 2018, by the following vote:

Formatted: Not Superscript/ Subscript

Formatted: Not Superscript/ Subscript

AYES:

NOES:

ABSENT: None

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)

PAT JACQUEZ-NARES, CITY CLERK

(SEAL)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AMENDING MORENO VALLEY MUNICIPAL CODE BY ADDING CHAPTER 5.05 SETTING RULES FOR THE ESTABLISHMENT, OPERATION AND REGULATION OF COMMERCIAL CANNABIS USES TO INCLUDE THE CULTIVATION, MANUFACTURING, TESTING, DISPENSATION AND DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property lie within the City's police power; and

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense, marijuana; and

WHEREAS, the Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation or possession of marijuana for medicinal purposes; and

WHEREAS, notwithstanding federal law, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and titled the "Compassionate Use Act of 1996"), the intent of Proposition 215 being to enable Persons who need marijuana for medical purposes to be able to obtain and use it without fear of state criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code Section 11362.7 et seq. and titled the "Medical Marijuana Program Act" to clarify the scope of the Compassionate Use Act of 1996 ("CUA"); and

WHEREAS, the Medical Marijuana Program Act ("MMPA") establishes rules wherein counties and cities can adopt and enforce rules and regulations consistent with its provisions; and

WHEREAS, in 2011, Assembly Bill 2650 was enacted (codified as California Health and Safety Code Section 11362.768) affirming that counties and cities can under state law adopt ordinances that control and restrict the location and establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider; and

WHEREAS, in November, 2016, Proposition 64 was enacted (“The Adult Use Marijuana Act”) (“AUMA”) (codified as amendments to California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code and Food and Agricultural Code), the intent of Proposition 64 being to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana, as well as other marijuana related activities; and

WHEREAS, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 753 (“*Inland Empire*”) that the objectives of the CUA and MMPA were modest and that those acts did not create a broad right to access medical marijuana, and *Inland Empire* goes on to provide that neither the CUA nor the MMPA “expressly or impliedly preempts the authority of California cities and counties, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude” the distribution of medical marijuana. (Id. At p. 762.); and

WHEREAS, the Court of Appeal, Third Appellate District, held in *James Maral, et al. v. City of Live Oak* (2013) 221 Cal.App.4th 975, that the reasoning of *Inland Empire* applies to the cultivation of medical marijuana as well as its distribution, as both are addressed in the CUA and the MMPA; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the “Medical Marijuana Regulation and Safety Act” (“MMRSA”) into law hereafter known as the “Medical Cannabis Regulation and Safety Act” (MCRSA); and

WHEREAS, the MCRSA, which is comprised of three separate pieces of legislation, establishes, among other matters, a dual licensing structure requiring both a state license and a local license or permit for medical marijuana activities, a regulatory structure imposing health, safety and testing standards for cultivation and dispensary facilities, and the criteria for licensing medical marijuana businesses; and

WHEREAS, on June 27, 2017 Governor Jerry brown signed the “Medical and Adult-Use Cannabis Regulations and Safety Act” (“MAUCRSA”) which further amends and in some parts supersedes prior enactments; and

WHEREAS, with limited exceptions, neither the Compassionate Use Act, the Medical Marijuana Program, the Medical Cannabis Regulation and Safety Act, the Adult Use of Marijuana Act, nor the Medical and Adult-Use Cannabis Regulation and Safety Act require or impose an affirmative duty or mandate upon local governments to allow, authorize or sanction the establishment and the operation of facilities for distribution, cultivation, manufacturing or processing medical or non-medical marijuana within its jurisdiction, and

WHEREAS, the City Council consistent with the above legislation and court rulings established reasonable land use controls and reasonable regulations on the operation of marijuana-related businesses which are codified in Title 5 and Title 9 of the City of Moreno Valley Municipal Code; and

WHEREAS, the City Council now desires to clarify and amend some of those regulations by amending Title 5 and portions of Title 9; and

WHEREAS, mindful of the fact that marijuana possession and use is prohibited under federal law and partially decriminalized under state law, it is the Council's intention that nothing in this ordinance shall be construed, in any way, to expand the rights of anyone to use or possess marijuana under state law; engage in any public nuisance; violate federal law, or engage in any activity in relation to the cultivation, manufacturing, testing, dispensation and distribution or consumption of marijuana that is otherwise illegal. It is further the intent of the City Council of Moreno Valley to maintain local control over these matters to the fullest extent permitted by law.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AS FOLLOWS:

PART 1. Chapter 5.05 of Title 5 of the Moreno Valley Municipal Code, Commercial Cannabis Activity is hereby deleted in full and replaced as follows:

Chapter 5.05. Commercial Cannabis Activity.

- 5.05.010 Purpose and Intent
- 5.05.020 Legal Authority
- 5.05.030 Commercial Cannabis Activity Prohibited Unless Specifically Authorized by the Code
- 5.05.040 Compliance with Laws
- 5.05.050 Definitions
- 5.05.060 Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business
- 5.05.070 Commercial Cannabis Employee Identification Required
- 5.05.080 Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted
- 5.05.090 Application Procedure(s)
- 5.05.100 Expiration of Commercial Cannabis Business Permits
- 5.05.110 Revocation of Permits
- 5.05.120 Renewal Applications
- 5.05.130 Effect of State License Suspension, Revocation, or Termination
- 5.05.140 Appeals
- 5.05.150 Written Request for Appeal
- 5.05.160 Appeal Hearing
- 5.05.170 Permittee Selection Process
- 5.05.180 Change in Location; Updated Application Form
- 5.05.190 Transfer of Commercial Cannabis Business Permit
- 5.05.200 City Business License
- 5.05.210 Building Permits and Inspection
- 5.05.220 Certification from the Community Development Director
- 5.05.230 Right to Occupy and to Use Property
- 5.05.240 Location and Design of Cannabis Businesses
- 5.05.250 Limitations on City's Liability
- 5.05.260 Records and Recordkeeping

- 5.05.270 Security Measures
- 5.05.280 Restriction on Alcohol & Tobacco Sales
- 5.05.290 Compliance with Laws
- 5.05.300 Fees and Charges
- 5.05.310 Miscellaneous Operating Requirements
- 5.05.320 Other Operational Requirements
- 5.05.330 Operating Requirements for Retailer Facilities; Delivery
- 5.05.340 Operating Requirements for Cultivation Facilities
- 5.05.350 Operating Requirements for Testing Labs
- 5.05.360 Commercial Cannabis Manufacturing Type-6 License Only
- 5.05.365 Operating Requirements for Micro-Businesses
- 5.05.370 Promulgation of Regulations, Standards and Other Legal Duties
- 5.05.380 Community Relations
- 5.05.390 Fees Deemed Debt to the City of Moreno Valley
- 5.05.400 Permit Holder Responsible for Violations
- 5.05.410 Inspections and Enforcement
- 5.05.420 Compliance with State Regulation
- 5.05.430 Violations Declared a Public Nuisance
- 5.05.440 Each Violation a Separate Offense
- 5.05.450 Criminal Penalties
- 5.05.460 Remedies Cumulative and Not Exclusive

Section 5.05.010. Purpose and Intent.

It is the purpose and intent of this Title to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” passed by California voters in 2016), while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Title to regulate the cultivation, manufacturing, testing, dispensation and distribution of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Moreno Valley and to enforce rules and regulations consistent with state law. It is the further purpose of intent of this Title to require all commercial cannabis operators to obtain and renew annually a permit to operate within the City of Moreno Valley. Nothing in this Title is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or federal law. The provisions of this Title are in effect and need to be complied with, in addition to necessary land use entitlements, i.e. Conditional Use Permits, any other permits, business licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, City, or other law.

Section 5.05.020. Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter “MAUCRSA”), any subsequent state legislation and/or regulations regarding same, the City of Moreno Valley is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial medicinal and adult-use cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Moreno Valley to all commercial cannabis activity.

Section 5.05.030. Commercial Cannabis Activities Prohibited Unless Specifically Authorized by the Code.

Except as specifically authorized in this Title and Title 9, the commercial cultivation, manufacturing, testing, dispensation and distribution (other than as provided under Bus. & Prof. Code section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of Moreno Valley.

Section 5.05.040. Compliance with Laws.

It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Title shall be construed as authorizing any actions that violate federal, state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, including for as long as applicable, the Compassionate Use Act (“Prop. 215”), the Medical Marijuana Program Act (“MMPA”) and the 2008 Attorney General Guidelines for the Security and Non-Diversion of Cannabis for Medical Purposes (“AG Guidelines”) (collectively “the Medical Cannabis Collective Laws”), conditions of Conditional Use Permit, or any other land use entitlements as may be subsequently adopted and specified in Title 9 of this Code, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit.

Section 5.05.050. Definitions.

Section 5.05.050. When used in this Title, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (1) “A-license” means a state license issued under this division for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician’s recommendations.
- (2) “A-licensee” means any person holding a license under this division for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician’s recommendations.
- (3) “Applicant” means an owner(s) applying for a City Permit pursuant to this division.
- (4) “Batch” means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:
 - (a) “Harvest batch” means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals, and harvested at the same time.
 - (b) “Manufactured cannabis batch” means either of the following:
 - (1) An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.
 - (2) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.
- (5) “Bureau” means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (6) “Cannabis” means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
- (7) “Cannabis accessories” has the same meaning as in Section 11018.2 of the Health and Safety Code.
- (8) “Cannabis Business Park” a park or campus is one contiguous commercial area of land that has many cannabis related businesses grouped together. Each individual business would be clearly defined, as having a unique entrance and immovable physical barriers between uniquely licensed premises.
- (9) “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined

- by Section 109925 of the Health and Safety Code.
- (10) “Cannabis product” means a product containing cannabis or cannabis, including, but not limited to, manufactured cannabis, intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or to persons pursuant to the Adult Use of Cannabis Act. For purposes of this Title, “cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
 - (11) “Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code.
 - (12) “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.
 - (13) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
 - (14) “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.
 - (15) “City” means the City of Moreno Valley, a California general law city.
 - (16) “Commercial cannabis activity” includes the dispensing, cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, delivery or sale of medicinal and adult-use cannabis and cannabis products as provided for in this division.
 - (17) “Commercial cannabis business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity.
 - (18) “Commercial cannabis business permit” means a regulatory permit issued by the City of Moreno Valley pursuant to this Title to a commercial cannabis business, and is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Title, Title 9 regulations as may be subsequently adopted and any regulations adopted by the City governing the commercial cannabis activity at issue.
 - (19) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 - (20) “Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
 - (21) “Customer” means a natural person 21 year of age or over or a natural person 18 year of age or older who possesses a physician’s recommendation.
 - (22) “Day care center” has the same meaning as in Section 1596.76 of the Health and Safety Code.
 - (23) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
 - (24) “Director” means the Director of Consumer Affairs.
 - (25) “Dispensing” means any activity involving the retail sale of cannabis or

- cannabis products from a retailer.
- (26) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- (27) “Distributor” means a person holding a valid commercial cannabis business permit for distribution issued by the City of Moreno Valley, and, a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed retailer.
- (28) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (29) “Edible cannabis product” means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
- (30) “Fund” means the Cannabis Control Fund established pursuant to Section 26210.
- (31) “Greenhouse” means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.
- (32) “Kind” means applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.
- (33) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.
- (34) “Labor peace agreement” means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant’s employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.
- (35) “License” means a state license issued under this division, and includes both an A-license and an M-license, as well as a testing laboratory license.
- (36) “Licensee” means any person holding a license under this division, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.
- (37) “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
- (38) “Live plants” means living cannabis flowers and plants, including seeds,

- immature plants, and vegetative stage plants.
- (39) “Local jurisdiction” means a city, County or city and County.
- (40) “Lot” means a batch or a specifically identified portion of a batch.
- (41) “M-license” means a state license issued for commercial cannabis activity involving medicinal cannabis.
- (42) “M-licensee” means any person holding an M-license for commercial cannabis activity involving medicinal cannabis.
- (43) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (44) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.
- (45) “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.
- (46) “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Moreno Valley and, a valid state license as required for manufacturing of cannabis products.
- (47) “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.
- (48) “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and cultivation of cannabis.
- (49) “Operation” means any act for which licensure is required under the provisions of this division, or any commercial transfer of cannabis or cannabis products.
- (50) “Owner” means any of the following:
- (a) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (b) The manager of a nonprofit or other entity.
 - (c) A member of the board of directors of a nonprofit.
 - (d) An individual who will be participating in the direction, control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property.
- (51) “Package” means any container or receptacle used for holding cannabis or cannabis products.
- (52) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and

- which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.
- (53) “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (54) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.
- (55) “Physician’s recommendation” means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (56) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted an M-License and an A-License for the same type of activity and such operation is lawful under state and local laws, rules and regulations.
- (57) “Purchaser” means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (58) “Retailer” means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of Moreno Valley authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.
- (59) “Sell,” “sale,” and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (60) “Site” means the property lines of the parcel map for a given assessor parcel number.
- (61) “State License” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.
- (62) “Testing laboratory” means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:
- (a) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
 - (b) Licensed by the Bureau.
- (63) “Topical cannabis” means a product intended for external application and/or

- absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (64) “Transport” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA, which may be amended or repealed by any subsequent State of California legislation regarding the same.
- (65) “Unique identifier” means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.
- (66) “Youth center” has the same meaning as in Section 11353.1 of the Health and Safety Code.

Section 5.05.060. Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business.

No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City of Moreno Valley including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid commercial cannabis business permit from the City of Moreno Valley; (2) has a valid Seller’s Permit from the State; (3) has the necessary land use entitlements under Title 9 of this Code and (4) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain any required state licenses.

Section 5.05.070. Commercial Cannabis Employee Identification Required.

- (a) Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business must be legally authorized to do so under applicable state law.
- (b) Any person who is an employee or whom otherwise works or volunteers within a commercial cannabis business must obtain a commercial cannabis employee identification from the City prior to performing any work at any commercial cannabis business. This requirement does not apply to temporary visitors, vendors or delivery persons who may be present from time to time within the commercial cannabis business.
- (c) Applications for a commercial cannabis employee identification shall be developed, made available, and processed by the Chief Financial Officer/City Treasurer (CFO) or his/her designee(s), and shall include, but not be limited to, the following information:
- (1) Name, address, and phone number of the applicant;
 - (2) A copy of a birth certificate, driver’s license, government issued identification card, passport or other proof that the applicant is at least

- twenty-one (21) years of age must be submitted with the application;
- (3) Name, address of the commercial cannabis businesses where the person will be employed, and the name of the primary manager of that business;
 - (4) A list of any crimes enumerated in California Business and Professions Code Section 26507(b)(4) for which the applicant has been convicted;
 - (5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
 - (6) The application shall be accompanied by a passport photograph of the applicant.
 - (7) A signed statement under penalty of perjury that the information provided is true and correct.
 - (8) A fee paid in an amount necessary to cover the costs of administering the employee identification program as set forth in section 5.05.300. The fee is non-refundable and shall not be returned in the event the identification is denied or revoked.
- (d) The CFO or his/her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:
- (1) Is dishonest; or
 - (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
 - (3) Was convicted of a violent felony, a crime of moral turpitude; or
 - (4) Committed a felony or misdemeanor involving illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of those types of crimes are grounds for denial of the identification. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee identification. Furthermore, an applicant shall not be denied an identification if the denial is based solely on any of the

following (i) a conviction for any crime listed in subsection (d) (4) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

- (e) The CFO or his/her designee(s) shall issue the commercial cannabis employee identification or a written denial to the applicant.
- (f) An identification as described in subsection (j) below shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (c) above including the payment of a renewal application fee as set forth in section 5.05.300.
- (g) In the event a person changes employment from one commercial cannabis business in the City to another, the commercial cannabis employee shall notify the CFO or his/her designee(s) in writing of the change within ten (10) days, or the commercial cannabis employee identification shall be suspended or revoked and such person shall not be permitted to work at any commercial cannabis business in the City.
- (h) The City may immediately revoke the commercial cannabis employee identification should the commercial cannabis employee be convicted of a crime listed in subsection (d) above or if facts become known to the CFO or his/her designee(s) that the commercial cannabis employee has engaged in activities showing that he or she is dishonest.
- (i) The CFO or his/her designee(s) is hereby authorized to promulgate all regulations necessary to implement the commercial cannabis employee identification process and requirements.
- (j) The CFO or his/her designee(s) shall issue an identification in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.
- (k) The requirement for commercial cannabis employee identification maybe satisfied by a valid employee identification issued under the same requirements by the Bureau or any other related division of the State of California.

Section 5.05.080. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

The number of each type of commercial cannabis business that shall be permitted to operate in the City, as well as the total number of all types of Commercial Cannabis Business Permits shall be established by resolution of

the City Council, which may be amended from time to time.

Section 5.05.090. Application Procedure(s).

- (a) The City Council shall adopt by resolution the procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s), which resolution shall include or require the CFO to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria"). The resolution shall authorize the CFO or his/her designee(s) to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to make a final determination on the issuance of the permits.
- (b) At the time of filing, each applicant shall pay an application fee as set forth in section 5.05.300, to cover all costs incurred by the City in the application process.
- (c) Any decision made by the CFO or his/her designee(s) after each of the phases described under the Review Criteria, will be made in accordance with Section 5.05.090. CFO's decision is appealable in accordance with the provisions of Sections 5.05.150 and 5.05.160.
- (d) THE CITY 'S RESERVATION OF RIGHTS:
 - (1) The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this title, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Title, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information or amendments from any candidate submitting an application. Applications MAY BE REJECTED due to untimely submission, failure to provide the required elements, exhibits, not being organized in the required format, or not being fully responsive to the requirements of the application process.

Section 5.05.100. Expiration of Commercial Cannabis Business Permits.

Each commercial cannabis business permit issued pursuant to this Title shall expire twelve (12) months after the effective date of the permit. Commercial cannabis permits may be renewed as provided in Section 5.05.120.

Section 5.05.110. Revocation of Permits.

Commercial cannabis business permits may be revoked for any violation of any

applicable laws, regulation and/or standard adopted pursuant to Title 5 and Title 9 of this Code.

Section 5.05.120. Renewal Applications.

- (a) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to cover the costs of processing the renewal permit application as set forth in section 5.05.300.
- (d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
 - (1) The application is filed less than sixty (60) calendar days before permit expiration.
 - (2) The commercial cannabis business permit is suspended or revoked at the time of the application. If permit revocation process has been initiated but not completed, the renewal application will be accepted and held pending the outcome. If the permit is revoked, the application will be rejected and fees refunded.
 - (3) The permittee fails or is unable to renew its State of California license.
 - (4) If the City or state has determined, based on available evidence, that the permittee or applicant is in violation of the requirements of this Title, of the City Ordinance, or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.
- (e) The CFO or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the CFO or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. CFO's decision is appealable in accordance with the provisions of Sections 5.05.150 and 5.05.160.
- (f) If a renewal application is rejected, the applicant may file a new application pursuant to this Title during the next application period.

Section 5.05.130. Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of California, or by any of its

departments or divisions, shall automatically suspend the Commercial Cannabis Business Permit issued by the City. Such suspension will be in effect until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also automatically revoke or terminate the Commercial Cannabis Business Permit, precluding a commercial cannabis business from operating in the City of Moreno Valley. Neither the suspension or the revocation under these circumstances is appealable under Sections 5.05.150 or 5.05.160.

Section 5.05.140. Appeals.

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Title from a decision of the CFO or his/her designee(s), the appeal shall be conducted as prescribed below.

Section 5.05.150. Written Request for Appeal.

- (a) Within ten (10) calendar days after the date of a decision of the CFO or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action to the City Manager by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. City Manager may hear the appeal him/herself or appoint a Hearing Officer to conduct the hearing.
- (b) At the time of filing, the appellant shall pay the designated appeal fee as set forth in section 5.05.300.

Section 5.05.160. Appeal Hearing.

- (a) Upon receipt of the written appeal, the City Clerk shall set the matter for appeal before the City Manager. The City Manager shall review the matter and shall conduct the hearing pursuant to the procedures set forth in this Code.
- (b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than sixty (60) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
- (c) At the hearing, the appellant may present information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- (d) At the conclusion of the hearing, the City Manager may affirm, reverse or modify the decision appealed. The decision of the City Manager (or Hearing Officer if appointed by the City Manager) shall be appealable to the City Council consistent with provisions of Municipal Code Sections 2.04.100 through 2.04.130.

Section 5.05.170. Permittee Selection Process.

- (a) The City Council shall adopt by resolution a procedure guideline and Review Criteria by which the applicants in each category of each commercial cannabis business will be evaluated by the CFO or his/her designee.
- (b) Prior to final eligibility decision being made, the selected applicants for each category may be invited to attend an interview with the CFO or his/her designee where they may be expected to answer questions related to their application
- (c) Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the successful applicant(s) obtaining all required land use approvals. Within sixty (60) days of receipt of the provisional commercial cannabis business permit, the applicant(s) shall apply to the City's Community Development Department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The CFO or his/her designee(s) shall formally issue the commercial cannabis business permit(s) once the Community Development Director or his/her designee(s) affirms that all of the required land use approvals, conditional use permit, certificate of occupancy and building permits have been obtained and all state license have been obtained. Failure to comply with the 60-day deadline will result in withdrawal of the provisional permit by the City.
- (d) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of twelve (12) months from the effective date, and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Title and of the permit, have been complied with and until a state license is available and obtained by the permitted operator, including compliance with all provisions of the Medical Cannabis Collective Laws as set forth at Section 5.05.060.
- (e) Notwithstanding anything in this Title to the contrary, the City, City Council or the CFO reserve the right to reject any or all applications if it is determined such action would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permits term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may amend, terminate or delay the program created under this Title. If such action is taken by the CFO, the decision is subject to appeal under the provisions of this Chapter.
- (f) If an application is denied, a new application may be filed in the next

application period.

- (g) Each applicant granted a commercial cannabis business permit shall be required to pay the permit fee to cover the costs of administering and monitoring the commercial cannabis business permit program created in this Title along with any other fees as set forth in section 5.05.300.

Section 5.05.180. Change in Location; Updated Application Form.

- (a) Any time the dispensing, cultivation, manufacturing, testing lab and distribution location specified in the regulatory permit is changed, the applicant shall reapply with the CFO or his/her designee(s). The process and the fees for reapplying shall be the same as the process and fees set forth for application in sections 5.05.090, 5.05.120 and 5.05.300.
- (b) Within fifteen (15) calendar days of any other change in the information provided in the application form or any change in status of compliance with the provisions of this chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated application form with the CFO or his/her designee(s) for review along with an application amendment fee as set forth in section 5.05.300.

Section 5.05.190. Transfer of Commercial Cannabis Business Permit.

- (a) The owner of a commercial cannabis business permit shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to the permit from the CFO or his/her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the CFO or his/her designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit) accompanied by the transfer fee as set forth in section 5.05.300. CFO or his/her designee determines, after hearing, in accordance with this section that the transferee passed the background check(s) required for permittees and meets all other requirements of this Chapter.
- (b) Commercial cannabis business permits issued through the grant of a transfer by the CFO or his/her designee shall be valid for a period of the original term of the transferred permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 19% of the original ownership or a change to the an individual who will be participating in the direction, control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property), must be approved by the CFO or his/her designee through the transfer process contained in this subsection.

Failure to comply with this provision is grounds for permit revocation.

- (d) A permittee may change the form of business entity without applying to the CFO or his/her designee for a transfer of permit, provided that either:
 - (1) The membership of the new business entity is substantially similar to original permit holder business entity, or
 - (2) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and to comply with Section 5.05.060, subdivision (b), provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.
 - (3) Although a transfer is not required in these two circumstances, the permit holder is required to notify the CFO in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.
- (e) No commercial cannabis business permit may be transferred when the CFO or his/her designee has notified the permittee that the permit has been or may be suspended or revoked.
- (f) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

Section 5.05.200. City Business License.

Prior to commencing operations, a commercial cannabis business shall obtain a City of Moreno Valley business license.

Section 5.05.210. Building Permits and Inspection.

Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory building and occupancy inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes, but is not limited, to obtaining any required building permit(s), the Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

Section 5.05.220. Certification from the Community Development Director.

Prior to commencing operations, a commercial cannabis business must obtain a certification from the Community Development Director or his/her designee(s) certifying that the business is located on a site that meets all of the

requirements of the Title 9 of the Municipal Code.

Section 5.05.230. Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a commercial cannabis business permit pursuant to this Title, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Title and consents to the operation of the commercial cannabis business on the owner's property.

Section 5.05.240. Location and Design of Cannabis Businesses.

Cannabis businesses permitted to engage in Cultivation, Distribution, Manufacturing, Testing Labs, and Retail Sales, for cannabis and cannabis products are subject to the zoning and locational requirements as set forth in Title 9 of the Municipal Code and amended from time to time.

Section 5.05.250. Limitations on City's Liability.

- (a) To the fullest extent permitted by law, the City of Moreno Valley shall not be liable whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Title or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:
- (1) They must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Moreno Valley, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the commercial cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
 - (2) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Council or City Attorney.
 - (3) Reimburse the City of Moreno Valley for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of Moreno Valley may be required to pay as a result of any legal challenge

related to the City's approval of the applicant's commercial cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of Moreno Valley may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Section 5.05.260. Records and Recordkeeping.

- (a) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Title), or at any time upon reasonable request of the City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to multiple regulatory compliance reviews and financial audits as determined by the CFO or his/her designee(s).
- (b) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the CFO or his/her designee(s) upon a reasonable request.
- (c) Once a state license is obtained, the commercial cannabis business must maintain such records as may be required by MAUCRSA.
- (d) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth in MAUCRSA.
- (e) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial cannabis business shall allow the City of Moreno Valley officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after

receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

Section 5.05.270. Security Measures.

- (a) A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the CFO or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:
- (1) Preventing individuals from remaining on the Site and/or premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.
 - (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 - (3) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
 - (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the CFO or his/her designee(s), and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the CFO or his/her designee(s). Video recordings shall be maintained for a minimum of forty-five (45) days, and shall be made available to the CFO or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.
 - (5) Sensors shall be installed to detect entry and exit from all secure areas.
 - (6) Panic buttons shall be installed in all commercial cannabis businesses.
 - (7) Having a professionally installed, maintained, and monitored alarm system. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

- (8) Security personnel or consultants shall be on-site 24 hours a day or alternative security measures shall be instituted as authorized by the CFO or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services. Additionally, a commercial cannabis employee identification is required as set forth in section 5.05.070.
- (9) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- (b) Each commercial cannabis business shall identify a designated security representative/liaison to the City of Moreno Valley, who shall be reasonably available to meet with the CFO or his/her designee(s) regarding any security related measures or and operational issues.
- (c) As part of the application and permitting process each commercial cannabis business shall have a storage and distribution plan, which describes in detail the procedures for safely and securely storing and distributing all cannabis, cannabis products, and any currency.
- (d) The commercial cannabis business shall cooperate with the City whenever the CFO or his/her designee(s) makes a request, upon reasonable notice to the commercial cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Title.
- (e) A commercial cannabis business shall notify the CFO or his/her designee(s) within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the CFO or his/her designee(s).
 - (2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis business.
 - (3) Any other breach of security.

Section 5.05.280. Restriction on Alcohol & Tobacco Sales.

- (a) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.

- (b) No person shall cause or permit the sale or tobacco products on or about the premises of the commercial cannabis business.

Section 5.05.290. Compliance with Laws.

It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Title shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit. Nothing in this Title shall be construed as authorizing any actions which violate state law with regard to the operation of a commercial cannabis business.

Section 5.05.300. Fees and Charges.

- (a) No person may commence or continue any commercial cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council, which may be amended from time to time.
- (b) All commercial cannabis businesses authorized to operate under this Title shall pay all sales, use, business and other applicable taxes including those that may be adopted by the City, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited, to a verification of the amount of taxes required to be paid during any period.

Section 5.05.310. Miscellaneous Operating Requirements.

- (a) Commercial cannabis businesses may operate only during the hours specified in the land use entitlement obtained under Title 9.
- (b) Cannabis shall not be consumed by any individual on the Site and or premises of any commercial cannabis businesses.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of

the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

- (d) Reporting and Tracking of Product and of Gross Sales.
- (1) Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review and meet state and local requirements.
 - (2) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and distributed by licensed facilities that maintain operations in full conformance with the state and local regulations.
 - (3) There shall not be a physician located in or around any commercial cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.
- (e) Prior to dispensing medicinal cannabis or medicinal cannabis products where applicable to any person, the commercial medicinal cannabis business shall obtain verification from the recommending physician that the person requesting medicinal cannabis or medicinal cannabis products is a qualified patient.
- (f) Emergency Contact.
- (1) Each commercial cannabis business shall provide the CFO or his/her designee(s) with the name, telephone number (both land-line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- (g) Signage and Notices.
- (1) Commercial cannabis businesses shall maintain compliance with Title 9 requirements.
- (h) Minors.
- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of an A-Type commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Title for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age. Persons under the age of eighteen (18) years shall not be allowed on the premises of an M-Type commercial cannabis business.

- (2) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of an A-Type commercial cannabis business and under the age of eighteen (18) years of age of an M-Type commercial cannabis business.
- (i) Odor Control.
 - (1) Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology;
 - (2) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - (3) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
 - (j) Display of Permit and City Business License.
 - (1) The original copy of the commercial cannabis business permit issued by the City pursuant to this Title and the City issued business license shall be posted inside the commercial cannabis business in a location readily visible to the public.
 - (k) Background Check.
 - (1) Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice and the Federal Bureau of Investigation. Every person listed as an owner, manager, supervisor, employee or volunteer, of the commercial cannabis business must submit fingerprints and other information deemed

necessary by the CFO or his/her designee(s) for a background check by the City of Moreno Valley. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the City Attorney or his/her designee(s), as required by this section. A fee as set forth in section 5.05.300 for the cost of the background investigation, which shall be the actual cost to the City of Moreno Valley to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted.

- (l) Loitering for Unlawful Purposes.
 - (1) The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises and site.
- (m) Permits and other Approvals.
 - (1) Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.

Section 5.05.320. Other Operational Requirements.

The CFO or his/her designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

Section 5.05.330. Operating Requirements for Retailer Facilities; Delivery.

It is the stated intent of this Section to regulate commercial cannabis activity in the City of Moreno Valley in compliance with all provisions MAUCRSA and any subsequent state legislation.

Section 5.05.340. Operating Requirements for Cultivation Facilities.

- (a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors. All outdoor cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

- (c) If a commercial cannabis cultivation is permitted in the City of Moreno Valley then it shall only be allowed to cultivate the square feet of canopy space permitted by state law and City's zoning laws.
- (d) Commercial cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) The cultivation of commercial cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (g) All applicants for a commercial cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:
 - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - (2) A description of a legal water source, irrigation plan, and projected water use.
 - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

Section 5.05.350. Operating Requirements for Testing Labs.

- (a) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code 26100 and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined

from time to time as more regulations are developed under Section 5.05.350 (a) of this Title, Title 9 and any subsequent State of California legislation regarding the same.

- (b) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (c) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- (d) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- (e) Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or distribution shall be performed pursuant to a specified chain of custody protocol.
- (f) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

Section 5.05.360. Commercial Cannabis Manufacturing Type-6 License only.

- (a) Only commercial cannabis manufacturing facilities requiring a Type-6 state license (using non-volatile compounds) as defined in MAUCRSA are allowed to operate within City limits and may be permitted to operate within those zone districts as defined in Title 9 of this Municipal Code.
- (b) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Moreno Valley in containers that exceeds the amount which is approved by the Fire Department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the Fire Department on the property at any time.

Section 5.05.365. Operating Requirements for Micro-Businesses.

- (a) A Micro-business must operate with at least three of the four allowed uses, cultivation (not to exceed 10,000 sq.ft.), manufacturing, distribution and retail dispensing.
- (b) Micro-businesses shall comply with all of the operational requirements of this Title for each of the commercial cannabis activities that are present on site of the micro-business.
- (c) Micro-business shall comply with all applicable state laws with regard to its licensing and operation, as well as the provisions of City Municipal Code Title 5 and 9.

Section 5.05.370. Promulgation of Regulations, Standards and Other Legal Duties.

- (a) In addition to any regulations adopted by the City Council, the CFO or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Title.
- (b) Regulations promulgated by the CFO shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the CFO or his/her designee.
- (c) Testing Labs and Distribution facilities shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed under Section 5.05.370 (a) of this Title and any subsequent State of California legislation regarding the same.

Section 5.05.380. Community Relations.

- (a) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business site.
- (b) The owner, manager, and community relations representative from each commercial cannabis business shall meet with the CFO or his/her designee(s) when and as requested by the CFO or his/her designee(s).
- (c) Commercial cannabis businesses to which a permit is issued pursuant to this Title shall develop a city approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to

drugs and drug addiction.

Section 5.05.390. Fees Deemed Debt to the City of Moreno Valley.

The amount of any fee, cost or charge imposed pursuant to this Title shall be deemed a debt to the City of Moreno Valley that is recoverable via an authorized administrative process as set forth in the City ordinance, or in any court of competent jurisdiction.

Section 5.05.400. Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Title shall be responsible for all violations of the laws of the State of California or of the regulations and/or the provisions of this Title or other City adopted policies and procedures, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

Section 5.05.410. Inspection and Enforcement.

- (a) The CFO, or his/her designee(s) charged with enforcing the provisions of this Title, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Title or under applicable provisions of state law.
- (b) It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Title or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Title or under state or local law.
- (c) The CFO, or his/her designee(s) charged with enforcing the provisions of this Title may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Moreno Valley shall be logged, recorded, and maintained in accordance with established procedures by the CFO or these regulations.

Section 5.05.420. Compliance with State Regulation.

It is the stated intent of this Title to regulate commercial cannabis activity in the City of Moreno Valley in compliance with all provisions MAUCRSA and any subsequent state legislation.

Section 5.05.430. Violations Declared a Public Nuisance.

Each and every violation of the provisions of this Title is hereby deemed unlawful and a public nuisance.

Section 5.05.440. Each Violation a Separate Offense.

Each and every violation of this Title shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Moreno Valley Municipal Code. Additionally, as a nuisance per se, any violation of this Title shall be subject to injunctive relief, any permit issued pursuant to this Title being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Moreno Valley may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the CFO, or his/her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending a hearing before the City Manager, or his/her designee(s).

Section 5.05.450. Criminal Penalties.

Each and every violation of the provisions of this Title may in the discretion of the City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Section 5.05.460. Remedies Cumulative and Not Exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

PART 2. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

PART 3. This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the

City.

INTRODUCED at a regular meeting of the City Council on October 16, 2018 and PASSED, APPROVED, and ADOPTED by the City Council on November 20, 2018 by the following roll call vote, to wit:

AYES: Council Members -
 NOES: Council Members -
 ABSENT: Council Members -
 ABSTAIN: Council Members -

Dr. Yxstian A. Gutierrez
 Mayor
 City of Moreno Valley

ATTEST:

Pat Jacquez-Nares, City Clerk

APPROVED AS TO FORM:

Martin D. Koczanowicz, City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City Council of the City of MORENO VALLEY, California, do hereby certify that the foregoing Ordinance No. , was introduced at a regular meeting of the City Council of the City of MORENO VALLEY held on the 16th day of October, 2018 and was passed by the City Council of the City of MORENO VALLEY at a regular meeting held the 20th day of November, 2018, by the following vote:

AYES:

NOES:

ABSENT: None

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)

PAT JACQUEZ-NARES, CITY CLERK

(SEAL)

Attachment: 1. MVTtitle5Regulatory Ordinance Revisions 10162018 Clean (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9, CHAPTER 9.09, SECTION 9.09.293 RELATING TO THE NUMBER OF CONDITIONAL USE PERMITS ALLOWED FOR COMMERCIAL CANNABIS BUSINESSES

WHEREAS, the City of Moreno Valley (“City”) has the authority and the responsibility to plan and regulate the use of property within the City under its police powers; and

WHEREAS, City Council recognizes that regulated and licensed commercial cannabis activity is permitted in the State of California, even though the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense marijuana; and

WHEREAS, pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local police, sanitary, and other ordinance and regulations not in conflict with general laws and has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote public health and safety; and

WHEREAS, this amendment of the Moreno Valley Municipal Code (MVMC) is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines until July 1, 2019, as established with Senate Bill 94 “Medicinal and Adult-Use Cannabis Regulation and Safety Act, which exempts the adoption of a specified ordinance, rule or regulation by a local jurisdiction that requires subsequent discretionary review of permits, licenses, or other authorizations to engage in commercial cannabis activity; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred

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

SECTION 1.

Section 9.09.293 of the Moreno Valley Municipal Code is hereby amended to read as follows:

“9.09.293 - Cannabis Business Locations and Use

A. Locations and Numbers of Permits by Land Use Type Allowed

The City Council shall adopt by resolution the number of each type of Commercial Cannabis Business that shall be permitted to operate in the City, as well as the total

number of all types of Commercial Cannabis Business Permits. Commercial cannabis land use activities may be allowed to establish in the City within the Business Park (BP), Business Park-Mixed Use (BPX), Light Industrial (LI), Community Commercial (CC), and Neighborhood Commercial (NC) zoning districts, with limitations, as follows.

1. Dispensaries –Commercial cannabis dispensaries may be allowed to establish within the Community Commercial (CC), Neighborhood Commercial (NC) and Business Park-Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
2. Testing –Commercial cannabis testing facilities may be allowed to establish within Business Park (BP) Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
3. Cultivation –Commercial cannabis cultivation facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
4. Manufacturing –Commercial cannabis manufacturing facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
5. Microbusiness - Commercial cannabis microbusiness facilities may be allowed to establish in the City, only within the Business Park - Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
6. Distribution Center - Commercial cannabis distribution centers may be allowed to establish in the City, within the Community Commercial (CC), Neighborhood Commercial (NC), Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission

B. Conditional Use Permit Required

In order to lawfully operate, all commercial cannabis activities including dispensaries, testing laboratories, cultivation, microbusiness, distribution, and manufacturing facilities shall require an approved Conditional Use Permit as provided under Chapter 9.02, Section 9.02.060 of the Municipal Code, along with a valid Commercial Cannabis Business Permit and a valid State License.”

SECTION 2. SEVERABILITY

That the City Council declares 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 3. 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 4. EFFECT OF ENACTMENT:

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

SECTION 5. NOTICE OF ADOPTION:

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

SECTION 6. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Title 9 Cannabis Revisions Ordinance (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER 5.05 COMMERCIAL

ORDINANCE JURAT

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

I, Pat Jaquez-Narez, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, YYYY, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

RESOLUTION NO. 2018-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE APPLICATION PROCEDURE TO OPERATE A COMMERCIAL CANNABIS BUSINESS UNDER CHAPTER 5.05 OF TITLE 9 OF THE CITY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, consistent with that authority the City Council lawfully adopted Ordinance 926 which became effective in December of 2017 and established a regulatory process for Commercial Cannabis Business Permits in the City by adding Chapter 5.05 to the Municipal Code; and

WHEREAS, Section 5.05.090 requires the City Council adopt by resolution the procedures to govern the Commercial Cannabis Business Permit Application process; and

WHEREAS, Section 5.05.170 requires the City Council adopt by resolution a procedure guideline and review criteria by which commercial cannabis business will be evaluated during the Commercial Cannabis Business Permit Application process;

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

1. The Commercial Cannabis Business Application Procedure, including the requirements under Chapters 5.05.090 and 5.05.170, attached as Exhibit "A" hereto is hereby approved and adopted under Chapter 5.05 of Title 9 of the City Municipal Code.

APPROVED AND ADOPTED this 16th day of October 2018.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Reso - Application Procedure (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER 5.05 COMMERCIAL CANNABIS

2
Resolution No. 2018-xx
Date Adopted: October 16, 2018

RESOLUTION JURAT

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

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2018-xx was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 16th day of October 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. 2018-xx
Date Adopted: October 16, 2018



APPLICATION PROCEDURE FOR A COMMERCIAL CANNABIS BUSINESS PERMIT

This document outlines the Commercial Cannabis Business Permit (“CCBP”) application process, required materials, and other information necessary to operate a Commercial Cannabis Business (“CCB”) in Moreno Valley. Applications will be available from PlanetBids (http://www.moval.org/rfps/bids_rfps.shtml). For additional information regarding Commercial Cannabis Business, please visit our website www.moval.org. Applicants are solely responsible for timely submission of their application online. The City will only consider applications that have been transmitted successfully through PlanetBids. Transmission or submission of applications by any other means will not be accepted. Applicants shall be solely responsible to familiarize themselves with the online application system in order to properly utilize the application management system, for ensuring the capability of their computer system to upload the required documents, and for the stability of their internet service to successfully submit their application. Failure of the Applicant to successfully submit electronic forms shall be at the Applicant’s sole risk and no relief will be given for late and/or improperly submitted proposals. Proposers experiencing any technical difficulties with the submission process may contact PlanetBids at (818) 992-1771. Questions of an operational nature may be directed to the City’s Purchasing Division at (951) 413-3190. Neither the City nor PlanetBids makes any guarantee as to the timely availability of assistance or any assurance that any given problem will be resolved by the application submission deadline. **PLEASE NOTE: In addition to the provisional CCBP, the Plot Plan/Conditional Use Permit (“CUP”) process will need to be completed, as both permits, the CCBP and CUP, are needed to operate a CCB in the City of Moreno Valley. These permits will remain provisional until any combination of the three State Licensing Authorities have permitted your business to operate and the City of Moreno Valley has issued your business a Certificate of Occupancy.**

IT IS RECOMMENDED THAT BEFORE INITIATING THE APPLICATION PROCESS YOU:

- Review the information to learn about the application process and which documents you will need
- Review the application in its entirety to ensure that it is complete and accurate
- Review the information regarding the commercial cannabis business permit application on the City webpage: http://www.moreno-valley.ca.us/rfps/bids_rfps.shtml which includes the following information:
 - Application procedure to Operate a CCB in Moreno Valley
 - CCBP Application Form
 - Employee/Owner Background Application Form
 - Limitations on City’s Liability and Certifications, Assurances and Warranties
- Review the information regarding the CCBP process and other requirements on the City webpage: www.moval.org
 - Local regulations governing Moreno Valley CCB’s: Moreno Valley Municipal Code (“MVMC”) Chapter 5.05 and Title 9 as it pertains to Commercial Cannabis Business Activities
 - Ordinance No. 926, No. 932 and No. 933
 - Resolutions 2018-10, 2018-11 and 2018-13
 - Commercial Cannabis Business Permit Live Scan Instructions
 - Frequently Asked Questions
- Review the information regarding the commercial cannabis business through the state of California
 - Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)
 - Any other state requirements

(1) **Application Process: Evaluation:** The selection process shall consist of the evaluation of the following required documents, which must be submitted electronically in PlanetBids and will be completed in the Four Phases below:

- a. City of Moreno Valley Commercial Cannabis Business Permit Application Form and all attachments specified in those documents.
- b. City of Moreno Valley Commercial Cannabis Business Owner Background Application.
- c. City of Moreno Valley Zoning Verification Letter from the Community Development Department in City Hall.
- d. City of Moreno Valley Limitations on City's Liability and Certifications, Assurances and Warranties. A completed form is required for each Owner.
- e. Copies of receipts for the payment of all applicable fees. Application Fees must be paid in full, prior to the application submittal in PlanetBids in order for your application to be considered.

Phase 1: Preliminary determination of eligibility.

Phase 2: Initial evaluation.

Phase 3: Second evaluation (Interview).

Phase 4: Lottery if needed.

Note: a separate application and fee is required for each category of CCBP.

For more information, see Evaluation and Selection Process section below in this procedure.

(2) **CCB Permit Application:** Applicants must submit a completed and signed copy of the City of Moreno Valley Commercial Cannabis Business Permit Application Form and all attachments specified in those documents in PlanetBids. A complete application will consist of the following information and payment:

- a. The City of Moreno Valley Commercial Cannabis Business Permit Application Form; and
- b. The City of Moreno Valley Commercial Cannabis Business Owner Background Application; and
- c. The City of Moreno Valley Commercial Cannabis Business Zoning Verification Letter; and
- d. Limitations on City's Liability and Certifications, Assurances and Warranties; and
- e. All the information about the proposed Cannabis Business to be evaluated which is described in the Evaluation and Selection Process section below in this procedure.
- f. Application Fee Payment which must be made by a card (debit/credit), check (personal, certified, cashier's) or money order made payable to the City of Moreno Valley. Please note the City will not accept cash and Application Fees are **non-refundable**.

(3) **Owner Background Application:** As part of Phase 1 of the Application Process, each owner must undergo and pass a criminal background check or be subject to "good cause" denial per MVMC Section 5.05.070 (d) or 5.05.310(m). Background checks are required to meet the minimum threshold qualifications pursuant to MVMC Section 5.05.070 (d) and 5.05.310 (k). Applicants/Owners who do not meet criminal history eligibility requirements will be disqualified. Payment must be made by a card (debit/credit), check (personal, certified, cashier's) or money order made payable to the City of Moreno Valley. Please note the City will not accept cash and Owner Background Application Fees are **non-refundable**.

(4) **Live Scan (Fingerprinting):** As part of Phase 1 of the Application Process, each owner must undergo and pass a Live Scan (Fingerprinting) background check through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), which is required to be requested for each Responsible Person associated with the CCB Permit application per MVMC Section 5.05.070 (d) and 5.05.310(k). Owners who do not meet criminal history eligibility requirements will be disqualified. Payment must be made by a card (debit/credit), check (personal, certified, cashier's), money order made payable to the City of Moreno Valley. Please note the City will accept cash for this fee only and Live Scan Fees are **non-refundable**. Please review the Commercial Cannabis Business Permit Live Scan Instructions for further details.

- (5) **Zoning Verification Letter:** As part of Phase 1 of the Application Process, each applicant will be required to obtain a Zoning Verification Letter from the Community Development Department in City Hall. The Zoning Verification Letter will need to be included with the application package in PlanetBids. **PLEASE NOTE:** The issuance of a Zoning Verification Letter does not constitute permission or authorization by the City of Moreno Valley or any of its officials to operate a CCB Payment must be made by a card (debit/credit), check (personal, certified, cashier's) or money order made payable to the City of Moreno Valley. Please note the City will not accept cash and Zoning Verification Letter Fees are **non-refundable**.
- (6) **Limitations on City's Liability and Certifications, Assurances and Warranties:** This document must be signed and notarized by each owner on the application and is required to be included with the application package in PlanetBids.
- (7) **Application Fees:** Application fees are set forth in MVMC Section 505.300. A payment **for the Permit Application Fee, Owner Background Application check fee, Live Scan (Fingerprinting) fee for each owner and Zoning Verification Letter** must be submitted to the Cashier located on the first floor of 14177 Frederick Street, Moreno Valley, CA 92553 (City Hall). **The Application Fees must be paid prior to the submission of the application. Receipts from the payment of fees must be submitted with the application in PlanetBids.** Payment must be made as stated above in items 2 through 5 above. Please note if any form of payment is returned by any financial institution after the application has been submitted in PlanetBids, the application will be considered not fully responsive and will be rejected without the right of appeal.

LATE AND/OR INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

- **Amendments to the Application:** Applicants will not be allowed to make amendments to their application or to supplement their application in PlanetBids after the close of application period, except as otherwise specifically permitted in these procedures or at City's sole discretion may request additional or clarifying information as authorized by the City Manager or his/her designee. During Phase 1, applicants will be notified if any of the Owners are ineligible and/or if their application is incomplete and will not move forward in the application process. However, in some cases the City may move forward in the application process to other phases should it anticipate that the Live Scan or background check may delay expediting the application process in a timely manner. In this case, Applicants wishing to move forward in the process acknowledge by signing the application that they agree to these terms and should they be disqualified because of a background or a Live Scan disqualification they may not be eligible for a refund of any fees collected resulting from the modification of this procedure.

Notification: The individual designated as the CCB contact on the application will be notified by e-mail as to whether the application is advancing to the various phases. A payment will be due before Phase 2, Phase 3 and Phase 4. Deadlines for these payments will be included in the e-mail notification to the primary contact person.

EVALUATION AND SELECTION PROCESS:

The evaluation and selection process shall consist of the following four phases:

1. **Phase 1: Determination of Eligibility of Application**
 - Applications must be complete to be considered. Applications will be considered complete only if they include all the information required for Phases 1, 2, and 3.
 - Each Owner must undergo a criminal history check and demonstrating compliance with the eligibility requirements of MVMC Section 5.05.070 (d) and 5.05.310 (k).
 - Zoning Verification Letter of the proposed location of business must be included.
 - Owner(s) must execute the Limitations on City's Liability and Certifications, Assurances and Warranties.
 - City may request additional information.

- During Phase 1, applicants will be notified if any of the Owners are ineligible and/or if their application is incomplete and may not move forward in the application process.

2. Phase 2: Initial Review (1,500 Points)

- Applications will be evaluated based on the following criteria:
 - Proposed Location of business (200 Points)
 - Business Plan (400 Points)
 - Neighborhood Compatibility Plan (300 Points)
 - Safety and Security Plan (300 Points Each)
 - Applicants will not be allowed to resubmit information that is determined to be missing or deficient during the Phase 2 review. Only those applicants who scored a minimum score of 80% (1,200 points) in Phase 2 will move on to Phase 3 of the application process.

3. Phase 3: Second Review (Interview) (2,500 Points)

- Applications whom score a minimum score of 80% (1,200 points) in Phase 2, will be interviewed and evaluated by the Selection Committee based on the criteria listed below.
- Prior to the scheduling of the interviews in Phase 3 each of the applicants may be required to have their proposed site inspected by the assigned City designee to ascertain current conditions of the facility.
- The second review will be scored based on the following criteria:
 - Final Location (proof of ownership or a signed and notarized statement from the Property Owner (200 Points)
 - Business Plan (300 Points)
 - Neighborhood Compatibility Plan (200 Points)
 - Safety and Security Plan (200 Points Each)
 - Air Quality Plan (200 Points)
 - Labor & Employment (200 Points)
 - Community Benefits (300 Points)
 - Environmental Impact Mitigation (200 Points)
 - Local Enterprise (200 Points)
 - Qualifications of Owners (300 Points)
- All the applicants who continued to maintain a cumulative minimum score of at least 80% will move onto Phase 4 of the selection process.

4. Phase 4: Lottery

- Applicants receiving a minimum overall score of 80% from Phase 3 will be placed in a pool of eligible applicants. Permits will be issued by lottery from the pool of eligible applications in each category if the number of eligible applicants exceeds the number of allowed permits. The maximum number and type of authorized Commercial Cannabis Businesses Permitted is set forth in Section 5.05080.

DESCRIPTION OF EVALUATION CRITERIA:

- **Proposed Location.** Your application must include the address and a detailed description of the proposed location. (Proof of ownership or a notarized letter of the owner's willingness to lease must be included. This section must also describe all sensitive uses described in within six hundred (600) feet of the proposed location from the property line of a K-12 school, daycare center and youth center. The CCB must be in the appropriate zoning and meet all the locational requirements as described in the Moreno Valley Municipal Code.

- **Business Plan.** With as much detail as possible, the Business Plan must describe:
 - Description of day-to-day operations which meet industry best practices for the specific type of permit in which they will be applying for in the City.
 - How the CCB will conform to local and state law. See MVMC Sections 5.05.040, 5.05.210, 5.05.270, 5.05.290, 5.05.310 through 5.05.365 and Ordinance 926, 932 and 933.
 - How medical and adult-use will be tracked and monitored to prevent diversion.
 - A schedule for beginning operation, including a narrative outlining any proposed construction, improvements, and a timeline for completion.
 - Demonstrate the economic viability of the business in an evolving market place.

The Business Plan must also include:

- A **budget** for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
 - **Proof of capitalization**, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
 - A **pro forma** for at least three years of operation.
- **Neighborhood Compatibility Plan.** For the proposed location, your application must address how the CCB, including its exterior areas and surrounding public areas, will be managed, to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community. Furthermore, a site plan (accurate, dimensioned and to-scale [minimum scale of 1/4"]) must be included for each potential location.
- **Safety and Security Plan.** For each proposed location, your application must include:
 - A detailed **safety plan**. This plan must describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place. **It must include an assessment of the facility's fire safety by a qualified licensed fire prevention and suppression consultant.** An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
 - A detailed **security plan**. This plan must include a description and detailed schematic of the overall facility security. It must have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery (storage and transportation) security. In particular, applications must address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed. **The security plan must also include an assessment of site security by a qualified licensed security consultant.** Security plans will not be made public. City reserves the right to require additional or different security measures during the entitlement process. Qualification of a proposed location for the CCB Permit is not per se approval of the Security Plan.
 - A **floor plan** showing existing conditions. If changes are proposed as part of the project, then a proposed floor plan must also be submitted. The floor plan(s) must be accurate, dimensioned and to-scale (minimum scale of 1/4").
 - **Air Quality Plan.** Must demonstrate the air circulation does not impact the employees' health and welfare nor those in the surrounding businesses.
 - **Labor & Employment.** The application must describe to what extent the CCB will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees. Specific practices that are subject to consideration include the following:
 - Providing compensation to and opportunities for continuing education and training of employees/staff (applications must provide proof of the CCB policy and regulations to employees);

- Providing a “living wage” to facility staff and employees. Wage scale must be provided in writing for all levels of employment at the facility. “Living Wage” shall mean 150% of the minimum wage mandated by California or Federal law, whichever is greater.
- **Community Benefits.** The application must describe benefits that the CCB would provide to the local community, such as employment for residents of the City, community contributions, or economic incentives to the City. Preference shall be provided to CCB’s which ensure quality projects (appearance, sophistication, etc.) and which may provide to the revitalization to commercial areas that would benefit from significant reinvestment.
- **Enhanced Product Safety.** The application must state how the CCB will ensure enhanced consumer safety as required by State and/or local law.
- **Environmental Impact Mitigation.** The application must describe any proposed “green” business practices relating to energy and climate, water conservation, and materials and waste management.
- **Local Enterprise.** The application must state the extent to which the CCB will be a locally managed enterprise whose Owners reside within Moreno Valley and/or the County of Riverside.
- **Qualifications of Owners.** The application must include information concerning any special business experience or professional qualifications or licenses of Owners that would add to the number or quality of services that the CCB would provide, especially in areas related to medical cannabis, such as scientific or health care fields.

The City’s Reservation of Right’s

The City reserves the right to reject any and/or all applications, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization and without a fee refund obligation. City also reserves its right to amend these procedures during the application process, no rights to the current process are bestowed on any applicant by the virtue of filing the application. In addition, the City reserves the right to request and obtain additional information or amendments from any candidate submitting an application. Late applications WILL NOT BE ACCEPTED OR CONSIDERED.

Award of Permits

Provisional Permits will be awarded to successful Applicants, which are conditioned on obtaining all required land use approvals. Within sixty (60) days of receipt of the provisional commercial cannabis business permit, the applicant(s) shall apply to the City’s Community Development Department to obtain any required land use approvals or entitlements for the permittee’s location. This process is called the “**Plot Plan/Conditional Use Permit**” from the Planning Division of the Community Development Department. Information as located on the City website at www.moreno-valley.ca.us/cdd/department/divisions--planning.html.

The Plot Plan/Conditional Use Permit (“CUP”) process will need to be completed, as both permits, the CCBP and CUP, are needed to operate a CCB in the City of Moreno Valley. These permits will remain provisional until any combination of the three State Licensing Authorities have permitted your business to operate and the City of Moreno Valley has issued your business a Certificate of Occupancy.

A final CCB Permit (CCB Annual Permit) will only be issued following the receipt of the Conditional Use Permit, a State License, and issuance of a Certificate of Occupancy by the City of Moreno Valley Building Division.

Prior to the issuance of the CCB Annual Permit, payment **for the CCB Annual Permit Fee** must be submitted to the Cashier located on the first floor of 14177 Frederick Street, Moreno Valley, CA 92553 (City Hall). Payment must be made by a certified check, cashier's check or money order made payable to the City of Moreno Valley. Please note the City will not accept cash or credit cards and CCB Annual Permit Fees are **non-refundable**.

CONTACT:

All questions related to the CCB Application shall be submitted through PlanetBids. If you have any questions or would like an update on the status of your application following submission, please contact the numbers below:

Application and Permit	Conditional Use Permit	Certificate of Occupancy
Business License 951-413-3080	Planning Division 951-413-3206	Building Division 951-413-3350

RESOLUTION NO. YYYY-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE MAXIMUM NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS AND CONDITIONAL USE PERMITS ALLOWED PURSUANT TO CHAPTER 5.05 AND SECTIONS 9.09.290 ET SEQ. OF THE MORENO VALLEY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, consistent with that authority, the City Council lawfully adopted Chapter 5.05 of the Moreno Valley Municipal Code and Sections 9.09.290 et seq. of the Moreno Valley Municipal Code establishing a regulatory process for the issuance of Commercial Cannabis Business Permits and the Issuance of Conditional Use Permits for cannabis related business activity in the City; and

WHEREAS, Chapter 5.05 and Sections 9.09.290 et seq. of the Moreno Valley Municipal Code establish that application procedures and permit limits may be established by resolution of the City Council.

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

1. No more than twenty-seven (27) Commercial Cannabis Business Permits and Conditional Use Permits (CUPs) for cannabis land use activities can be approved and active at any given time, which 27 permits shall be further specified to authorize, a maximum of eight (8) dispensaries, a maximum of two (2) testing facilities, a maximum of eight (8) cultivation facilities, a maximum of two (2) microbusinesses, a maximum of two (2) distribution centers, and a maximum of five (5) manufacturing facilities.

2. This Resolution shall take effect immediately upon adoption and in the event of any conflict between this Resolution and any previously adopted Resolution or Policy of the City Council, this Resolution shall take precedence.

APPROVED AND ADOPTED this _____ day of _____, YYYY.

Yxstian Gutierrez, Mayor Valley

ATTEST:

Pat Jacquez-Narez, City Clerk

APPROVED AS TO FORM:

Martin Koczanowicz, City Attorney

Resolution No. YYYY-²
Date Adopted: Month DD, YYYY

Attachment: Cannabis Resolution A - No Change (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER 5.05 COMMERCIAL

RESOLUTION NO. YYYY-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE MAXIMUM NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS AND CONDITIONAL USE PERMITS ALLOWED PURSUANT TO CHAPTER 5.05 AND SECTIONS 9.09.290 ET SEQ. OF THE MORENO VALLEY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, consistent with that authority, the City Council lawfully adopted Chapter 5.05 of the Moreno Valley Municipal Code and Sections 9.09.290 et seq. of the Moreno Valley Municipal Code establishing a regulatory process for the issuance of Commercial Cannabis Business Permits and the Issuance of Conditional Use Permits for cannabis related business activity in the City; and

WHEREAS, Chapter 5.05 and Sections 9.09.290 et seq. of the Moreno Valley Municipal Code establish that application procedures and permit limits may be established by resolution of the City Council.

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

1. No more than forty-three (43) Commercial Cannabis Business Permits and Conditional Use Permits (CUPs) for cannabis land use activities can be approved and active at any given time, which 43 permits shall be further specified to authorize, a maximum of twenty-three (23) dispensaries, a maximum of two (2) testing facilities, a maximum of eight (8) cultivation facilities, a maximum of three (3) microbusinesses, a maximum of two (2) distribution centers, and a maximum of five (5) manufacturing facilities.

2. This Resolution shall take effect immediately upon adoption and in the event of any conflict between this Resolution and any previously adopted Resolution or Policy of the City Council, this Resolution shall take precedence.

3. All pending or previously submitted applications for a Commercial Cannabis Business Permit shall be subject to the application procedures, policies and criteria in effect at the time of such application. New applications shall be subject to any and all adopted policies, procedures and criteria in effect at the time the City opens up a new application period.

APPROVED AND ADOPTED this _____ day of _____, YYYY.

Yxstian Gutierrez, Mayor Valley

ATTEST:

Pat Jacquez-Narez, City Clerk

APPROVED AS TO FORM:

Martin Koczanowicz, City Attorney

Resolution No. YYYY- ²
Date Adopted: Month DD, YYYY

Attachment: Cannabis Resolution B - Increase Dispensaries to 23 and Micro to 3 (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING

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. YYYY-___ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, YYYY by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. YYYY-___ ³
Date Adopted: Month DD, YYYY

Attachment: Cannabis Resolution B - Increase Dispensaries to 23 and Micro to 3 (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING

RESOLUTION NO. YYYY-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE MAXIMUM NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS AND CONDITIONAL USE PERMITS ALLOWED PURSUANT TO CHAPTER 5.05 AND SECTIONS 9.09.290 ET SEQ. OF THE MORENO VALLEY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, consistent with that authority, the City Council lawfully adopted Chapter 5.05 of the Moreno Valley Municipal Code and Sections 9.09.290 et seq. of the Moreno Valley Municipal Code establishing a regulatory process for the issuance of Commercial Cannabis Business Permits and the Issuance of Conditional Use Permits for cannabis related business activity in the City; and

WHEREAS, Chapter 5.05 and Sections 9.09.290 et seq. of the Moreno Valley Municipal Code establish that application procedures and permit limits may be established by resolution of the City Council.

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

1. No more than fifty (50) Commercial Cannabis Business Permits and Conditional Use Permits (CUPs) for cannabis land use activities can be approved and active at any given time, which 50 permits shall be further specified to authorize, a maximum of thirty (30) dispensaries, a maximum of two (2) testing facilities, a maximum of eight (8) cultivation facilities, a maximum of three (3) microbusinesses, a maximum of two (2) distribution centers, and a maximum of five (5) manufacturing facilities.

2. This Resolution shall take effect immediately upon adoption and in the event of any conflict between this Resolution and any previously adopted Resolution or Policy of the City Council, this Resolution shall take precedence.

3. All pending or previously submitted applications for a Commercial Cannabis Business Permit shall be subject to the application procedures, policies and criteria in effect at the time of such application. New applications shall be subject to any and all adopted policies, procedures and criteria in effect at the time the City opens up a new application period.

APPROVED AND ADOPTED this _____ day of _____, YYYY.

Yxstian Gutierrez, Mayor Valley

ATTEST:

Pat Jacquez-Narez, City Clerk

APPROVED AS TO FORM:

Martin Koczanowicz, City Attorney

Resolution No. YYYY-_____²
Date Adopted: Month DD, YYYY

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. YYYY-___ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, YYYY by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. YYYY-___ ³
Date Adopted: Month DD, YYYY

RESOLUTION NO. YYYY-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE MAXIMUM NUMBER OF COMMERCIAL CANNABIS BUSINESS PERMITS AND CONDITIONAL USE PERMITS ALLOWED PURSUANT TO CHAPTER 5.05 AND SECTION 9.09.290 OF THE MORENO VALLEY MUNICIPAL CODE

WHEREAS, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health and safety; and

WHEREAS, consistent with that authority, the City Council lawfully adopted Chapter 5.05 of the Moreno Valley Municipal Code and Section 9.09.290 of the Moreno Valley Municipal Code establishing a regulatory process for the issuance of Commercial Cannabis Business Permits and the Issuance of Conditional Use Permits for cannabis related business activity in the City; and

WHEREAS, Chapter 5.05 and Section 9.09.290 of the Moreno Valley Municipal Code establish that application procedures and permit limits may be established by resolution of the City Council.

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

1. There shall be no cap or limit on the number of Commercial Cannabis Business Permits or Conditional Use Permits (CUPs) for cannabis land use activities as long as each applicant meets all requirements set forth in Chapter 5.05 and Section 9.09.290 of the Moreno Valley Municipal Code.
2. This Resolution shall take effect immediately upon adoption and in the event of any conflict between this Resolution and any previously adopted Resolution or Policy of the City Council, this Resolution shall take precedence.
3. All pending or previously submitted applications for a Commercial Cannabis Business Permit shall be subject to the application procedures, policies and criteria in effect at the time of such application. New applications shall be subject to any and all adopted policies, procedures and criteria in effect at the time the City opens up a new application period. City may open new application periods from time to time in its sole discretion.

APPROVED AND ADOPTED this _____ day of _____, YYYY.

Yxstian Gutierrez, Mayor Valley

ATTEST:

Pat Jacquez-Narez, City Clerk

APPROVED AS TO FORM:

Martin Koczanowicz, City Attorney

Resolution No. YYYY- 2
Date Adopted: Month DD, YYYY

Attachment: Cannabis Resolution D - No Cap or Limit (3197 : INTRODUCTION OF ORDINANCE ___ AMENDING CHAPTER 5.05 COMMERCIAL

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. YYYY-___ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, YYYY by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. YYYY-___ ³
Date Adopted: Month DD, YYYY