



**TELECONFERENCED MEETING**

**CITY COUNCIL REGULAR MEETING – 6:00 PM**

**DECEMBER 1, 2020**

**[Pursuant to Governor Executive Order N-29-20]**

**There Will Not Be a Physical Location for Attending the Meeting**

**The Public May Observe the Meeting and Offer Public Comment As Follows:**

**STEP 1**

**Install the Free Zoom App or Visit the Free Zoom Website at [<https://zoom.us/>](https://zoom.us/)**

**STEP 2**

**Get Meeting ID Number and Password by emailing [zoom@moval.org](mailto:zoom@moval.org) or calling (951) 413-3001, no later than 5:00 p.m. on Tuesday, December 1, 2020**

**STEP 3**

**Select Audio Source**

*Computer Speakers/Microphone*

*or*

*Telephone*

**STEP 3**

**Public Comments May be Made Via Zoom**

*During the Meeting, the Mayor Will Explain the Process for Submitting Public Comments*

**ALTERNATIVE**

**If you do not wish to make public comments, you can view the meeting on Channel MVTV-3, the City's website at [www.moval.org](http://www.moval.org) or YouTube**



## **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  
MORENO VALLEY PUBLIC FINANCING AUTHORITY  
BOARD OF LIBRARY TRUSTEES**

**December 1, 2020**

### **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 Sessions**

*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  
Ulises Cabrera, Council Member

David Marquez, Council Member  
Dr. Carla J. Thornton, Council Member

**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  
MORENO VALLEY PUBLIC FINANCING AUTHORITY  
AND THE BOARD OF LIBRARY TRUSTEES**

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

**REGULAR MEETING – 6:00 PM  
DECEMBER 1, 2020**

**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.

**ROLL CALL**

**INTRODUCTIONS**

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

Any person wishing to address the Mayor and City Council on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must follow the procedures set forth above and wait to be identified to speak by the Mayor. Members of the public may be limited to three minutes per person or the allowed time set by the Mayor, except for the applicant. The Mayor may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to the Mayor and not to other members of the City Council, the applicant, the Staff, or the audience.

**JOINT CONSENT CALENDARS (SECTIONS A-E)**

All items listed under the Consent Calendars, Sections A, B, C, D, and E 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 - REGULAR MEETING - NOV 17, 2020 6:00 PM

**Recommendation:** Approve as submitted.

- A.3. COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021 FROM JULY 1, 2020 THROUGH OCTOBER 31, 2020 (Report of: City Clerk)

**Recommendation:**

1. Receive and file the Fiscal Year 2020/2021 Council Discretionary Expenditure Report for July 1, 2020 through October 31, 2020

- A.4. LIST OF PERSONNEL CHANGES (Report of: Financial & Management Services)

**Recommendation:**

1. Ratify the list of personnel changes as described.

- A.5. SECOND READING AND CONSIDERATION OF ADOPTION OF ORDINANCE 971, AMENDING CHAPTER 5.05 COMMERCIAL CANNABIS REGULATORY ACTIVITY TO PROVIDE CLEAN UP LANGUAGE TO AVOID DUPLICATE OR CONFLICT WITH THE STATE'S REGULATIONS (Report of: Financial & Management Services)

**Recommendation: That the City Council:**

1. Adopt Ordinance 971, amending Chapter 5.05 Commercial Cannabis Regulatory Activity to provide clean up language to avoid duplicate or conflict with the State's Cannabis Regulations.



- A.6. PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) - AMENDMENT NO. 49 (RESO. NO. 2020-\_\_\_), AMENDMENT NO. 50 (RESO. NO. 2020-\_\_\_), AMENDMENT NO. 51 (RESO. NO. 2020-\_\_\_), AND AMENDMENT NO. 52 (RESO. NO. 2020-\_\_\_) (Report of: Financial & Management Services)

**Recommendations:**

1. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 49). (Courtyards at Cottonwood, LP, located on the northeast corner of Cottonwood Ave. and Indian St.).
2. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 50). (FH II located on the northwest corner of Quincy St. and Brodiaea Ave.).
3. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 51). (FR Nandina Avenue located southeast of Nandina Ave. and Indian St.)
4. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 52). (Right Solutions located on the southeast corner of Dunlavy Ct. and Davis St.).

- A.7. PEN19-0213 – ADOPTION OF THE PROPOSED RESOLUTION FOR THE SUMMARY VACATION OF A EASTERLY PORTION OF CARDINAL AVENUE LOCATED 1,433 FEET EAST OF HEACOCK STREET TO ITS TERMINUS AT THE PERRIS VALLEY STORM DRAIN, A DISTANCE OF 2,089 FEET DEVELOPER: MOORPARK COUNTRY PROPERTIES (Report of: Public Works)

**Recommendations:**

1. Adopt Resolution No. 2020-XX. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of the easterly portion of Cardinal Avenue located 1,433 feet east of the intersection of Heacock Street to its terminus at the Perris Valley Storm Drain.
2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

- A.8. PEN18-0224 (TR 35931) – APPROVE TRACT MAP 35931 LOCATED ON THE SOUTHWEST CORNER OF IRIS AVENUE AND VIA DEL LAGO, DEVELOPER: VIA DEL LAGO HOMES, LLC (Report of: Public Works)

**Recommendation:**

1. Approve Tract Map 35931 (A Condominium Map).
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A.9. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE ADVANCED DILEMMA ZONE DETECTION SYSTEMS PROJECT (PROJECT 808 0018) (Report of: Public Works)

**Recommendations:**

1. Reject all other bids, waive any and all minor irregularities, and award a construction contract to Elecnor Belco Electric, Inc. for the Advanced Dilemma Zone Detection Systems project in the amount of \$812,979.00 and authorize the City Manager to execute the contract;
2. Authorize the issuance of a Purchase Order to Elecnor Belco Electric, Inc. in the amount of \$934,925.85 (\$812,979.00 bid amount plus a 15% contingency), using grant funds from the Highway Safety Improvement Program; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract, not to exceed the contingency amount.

- A.10. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY TO SUPPORT THE CREATION OF A MARCH AIR RESERVE BASE COMPATIBILITY USE STUDY UPDATE (CUS) OF THE 2010 MARCH AIR RESERVE BASE/INLAND PORT JOINT LAND USE STUDY (2010 JLUS) TO ASSURE COMPATIBLE LAND USES NEAR MARCH AIR RESERVE BASE TO PROTECT THE FUTURE AVIATION OPERATIONS OF THE UNITED STATES MILITARY (Report of: Community Development)

**Recommendation:**

1. Approve Resolution No 2020-XX. A Resolution of the City Council of the City of Moreno Valley, California, to support the creation of a March Air Reserve Base Compatibility Use Study Update (CUS) of the 2010 March Air Reserve Base/Inland Port Joint Land Use Study (2010 JLUS) to assure compatible land uses near March Air Reserve Base to protect the future aviation operations of the United States Military.

- A.11. AMENDING CHAPTER 3.48 (“WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE PROGRAM”) TO ELIMINATE LOW INCOME RESIDENTIAL HOUSING AS AN EXEMPTION TO THE MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE (Report of: City Attorney)

**RECOMMENDATION:**

1. That the City Council adopt the attached ordinance amending Chapter 3.48 (“Western Riverside County Multiple Species Habitat Conservation Plan Fee Program”) to Title 3 (“Revenue and Finance”) of the Moreno Valley Municipal Code to eliminate “Low Income Residential Housing” as an exemption.

**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 - CITY COUNCIL - REGULAR MEETING - NOV 17, 2020 6:00 PM (See A.2)

**Recommendation:** Approve as submitted.

- B.3. PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) — AS ANNEXATION NO. 2020-54 (RESO. NO. CSD 2020-\_\_), ANNEXATION NO. 2020-57 (RESO. NO. CSD 2020-\_\_), ANNEXATION NO. 2020-58 (RESO. NO. CSD 2020-\_\_), AS ANNEXATION NO. 2020-59 (RESO. NO. CSD 2020-\_\_), AND ANNEXATION NO. 2020-61 (RESO. NO. CSD 2020-\_\_) (Report of: Financial & Management Services)

**Recommendations:**

1. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-54 to its Community Facilities District No. 1 and approving the amended map for said District. (Courtyards at Cottonwood, LP, located on the northeast corner of Cottonwood Ave. and Indian St.).
2. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-57 to its Community Facilities District No. 1 and approving the amended map for said District. (FH II located on the northwest corner of Quincy St. and Brodiaea Ave.).
3. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-58 to its Community Facilities District No. 1 and approving the amended map for said District. (Right Solutions located on the southeast corner of Dunlavy Ct. and Davis St.).
4. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-59 to its Community Facilities District No. 1 and approving the amended map for said District. (Juan Franco located at 12065 Webb St.).
5. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-61 to its Community Facilities District No. 1 and approving the amended map for said District. (Nafeesah Kahala located at 11668 Perris Blvd.).

### **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 - CITY COUNCIL - REGULAR MEETING - NOV 17, 2020 6:00 PM  
(See A.2)

**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 - CITY COUNCIL - REGULAR MEETING - NOV 17, 2020 6:00 PM  
(See A.2)

**Recommendation:** Approve as submitted.

### **E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY**

- E.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.

- E.2. MINUTES - CITY COUNCIL - REGULAR MEETING - NOV 17, 2020 6:00 PM  
(See A.2)

**Recommendation:** Approve as submitted.

### **F. 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 follow the teleconference procedures.

- F.1. PUBLIC HEARING TO ADOPT UPDATES TO THE CARES ACT AMENDMENT TO THE 2019-2020 ANNUAL ACTION PLAN - 3rd ROUND ALLOCATION FOR CDBG-CV (Report of: Financial & Management Services)

**Recommendations: That the City Council:**

1. Conduct a Public Hearing to allow public comment on the proposed updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan.
2. Review and adopt the proposed updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan.
3. Authorize a budget amendment as set forth in the fiscal impact section and authorize the Chief Financial Officer to allocate grant funds between HUD- approved grant activities.

- F.2. PUBLIC HEARING FOR SEVEN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDINGS (Report of: Financial & Management Services)

**Recommendations: That the City Council:**

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceedings for the National Pollutant Discharge Elimination System (NPDES) Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate or Residential Regulatory Rate to be applied to the property tax bill of the parcels identified herein for Courtyards at Cottonwood, LP located at the northeast corner of Cottonwood Ave. and Indian St., FR Nandina Avenue located southeast of Nandina Ave. and Indian St., Family Service Association located at the southeast corner Ironwood Ave. and Kilgore St., Juan Franco located at 12065 Webb St., Nafeesh Kahala located at 11668 Perris Blvd., Right Solutions located on the southeast corner of Dunlavy Ct. and Davis St., and FH II located on the northwest corner of Quincy St. and Brodiaea Ave.);
2. Direct the City Clerk to open and count the returned NPDES ballots;
3. Verify and accept the results of the mail ballot proceedings as maintained by the City Clerk on the Official Tally Sheet and if approved, set the rate and impose the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate or the Residential Regulatory Rate, as applicable, on the Assessor's Parcel Numbers as mentioned;
4. Receive and file the Official Tally Sheet with the City Clerk's office.

## **G. GENERAL BUSINESS**

- G.1. ADDING CHAPTER 2.65 "CAMPAIGN CONTRIBUTION REGULATIONS" TO TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MORENO VALLEY MUNICIPAL CODE TO ESTABLISH REGULATIONS AND LIMITATIONS ON CAMPAIGN CONTRIBUTIONS FOR CITY ELECTED OFFICIALS (Report of: City Attorney)

### **RECOMMENDATION:**

1. That the City Council adopt the attached ordinance to add a new Chapter 2.65 ("Campaign Contribution Regulations") to Title 2 ("Administration and Personnel") of the Moreno Valley Municipal Code.

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

### **I. REPORTS**

#### **I.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

#### **I.2. CITY MANAGER'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, PUBLIC FINANCING 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](http://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](http://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](http://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: November 26, 2020



**MINUTES  
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY  
November 17, 2020**

**TELECONFERENCED MEETING**



**CITY COUNCIL REGULAR MEETING - 6:00 PM  
NOVEMBER 17, 2020  
[Pursuant to Governor Executive Order N-29-20]**

**There Will Not Be a Physical Location for Attending the Meeting**

**The Public May Observe the Meeting and Offer Public Comment As Follows:**

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[<mailto:zoom@moval.org>](mailto:zoom@moval.org) or calling (951) 413-3001

**STEP 3**

Select Audio Source

*Computer Speakers/Microphone  
or  
Telephone*

**STEP 3**

**Public Comments May be Made Via Zoom**

*During the Meeting, the Mayor Will Explain the Process for Submitting Public Comments*

**ALTERNATIVE**

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Minutes Acceptance: Minutes of Nov 17, 2020 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

**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  
MORENO VALLEY PUBLIC FINANCING AUTHORITY  
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM**

**November 17, 2020**

**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, Moreno Valley Public Financing Authority and the Board of Library Trustees was called to order at 6:00 p.m. by Mayor Gutierrez in the Council Chamber located at 14177 Frederick Street.

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

Absent: Dr. Carla J. Thornton Council Member

**INTRODUCTIONS**

Staff: Pat Jacquez-Nares City Clerk  
Steve Quintanilla Interim City Attorney  
Mike Lee City Manager  
Marshall Eyerman Assistant City Manager/Chief Financial Officer  
Michael Wolfe Assistant City Manager/Director of Public Works/City Engineer  
Manuel Mancha Community Development Director  
Patti Solano Parks & Community Services Director

Minutes Acceptance: Minutes of Nov 17, 2020 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

John Salisbury  
Abdul Ahmad

Chief of Police  
Fire Chief

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

Bob Palomarez

1. Congratulated Mayor Gutierrez and Mayor Pro Tem Baca on their re-election.
2. Praised Rafael Brugueras.

Louise Palomarez

1. Congratulated Mayor Gutierrez and Mayor Pro Tem Baca on their re-election.
2. Critical of Council Member Marquez.
3. Commended the City Council.

Tom Jerele

1. Complimented the Public Works department for their expedient graffiti removal.
2. Applauded first responders.
3. Congratulated Mayor Gutierrez, Mayor Pro Tem Baca, and Council Member Marquez on their re-election.

Elmer Thomas

1. Congratulated Mayor Gutierrez and Mayor Pro Tem Baca on their re-election.
2. Critical of Council Member Marquez.

Mayor Gutierrez noted that Mayor Pro Tem Baca joined the meeting.

JOINT CONSENT CALENDARS (SECTIONS A-E)

**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 - Regular Meeting - Oct 20, 2020 6:00 PM

**Recommendation:** Approve as submitted.

- A.3. COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021 FROM JULY 1, 2020 THROUGH SEPTEMBER 30, 2020 (Report of: City Clerk)

**Recommendation:**

1. Receive and file the Fiscal Year 2020/2021 Council Discretionary Expenditure Report for July 1, 2020 through September 30, 2020.

- A.4. LIST OF PERSONNEL CHANGES (Report of: Financial & Management Services)

**Recommendation:**

1. Ratify the list of personnel changes as described.

- A.5. RECEIPT OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2020 (Report of: Financial & Management Services)

**Recommendation:**

1. Receive and file the Quarterly Investment Report for quarter ended September 30, 2020, in compliance with the City's Investment Policy.

- A.6. AUTHORIZE AMENDMENT TO AGREEMENT WITH MERCHANTS BUILDING MAINTENANCE (AGMT. NO. 2019-347-02) (Report of: Financial & Management Services)

**Recommendations:**

1. Approve the Second Amendment to Agreement for On-Site and/or Professional Services with Merchants Building Maintenance, to increase the contract value due to increases in services resulting from the COVID-19 pandemic.
2. Authorize the City Manager to execute the Second Amendment to Agreement for On-Site and/or Professional Services with Merchants Building Maintenance, subject to the approval of the City Attorney.
3. Authorize the City Manager to execute subsequent extensions or amendments to the Agreement, including the authority to authorize associated purchase orders in accordance with the terms of the Agreement, subject to the approval of the City Attorney and the approved budget by City Council.

- A.7. APPROVE AN AMENDMENT TO THE LOAN AGREEMENT WITH FAMILY SERVICE ASSOCIATION TO PROVIDE SHORT TERM GAP FINANCING TO ACCELERATE THE DEVELOPMENT OF A LOW-INCOME CHILD CARE FACILITY (AGMT. NO. 2020-16-01) (Report of: Financial & Management Services)

**Recommendations:**

1. Approve amending the Family Service Association Loan Agreement maturity date from December 31, 2020 to June 30, 2021.

2. Authorize the City Manager to execute the amended Loan Agreement.

A.8. PAYMENT REGISTER- SEPTEMBER 2020 (Report of: Financial & Management Services)

**Recommendation:**

1. Receive and file the Payment Register.

A.9. APPROVE AGREEMENT FOR DETENTION BASIN MAINTENANCE SERVICES FOR PROJECT NO. DB-PM 32326 WITH MARIPOSA LANDSCAPES INC. (AGMT. NO. 2020-255) (Report of: Public Works)

1. Approve the Agreement for On-Site and/or Professional Services with Mariposa Landscapes, Inc. to provide detention basin maintenance services for Project Number DB-PM 32326 with the Land Development Division.
2. Authorize the City Manager to execute the Agreement with Mariposa Landscapes, Inc., subject to the approval of the City Attorney.
3. Authorize the issuance of a purchase order to Mariposa Landscapes, Inc. in the amount of \$54,155.00 for Fiscal Year (FY) 2020/2021 and authorize the Chief Financial Officer to approve subsequent related purchase orders for annual extensions up to a maximum of four annual extensions with Mariposa Landscapes, Inc. not to exceed \$54,155.00 annually, for a total not to exceed of \$270,775.00, in accordance with the approved terms of the Agreement, using funds collected through CFD No. 4-M.
4. Authorize the Public Works Director/City Engineer to execute subsequent extensions and/or amendments to the Agreements, including the authority to authorize subsequent associated purchase orders in accordance with the terms of the Agreements, subject to the approval of the City Attorney.

A.10. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO BAKER ELECTRIC INC. FOR THE MORENO VALLEY RANCH ITS AND PIGEON PASS ROAD ITS PROJECTS (PROJECTS 808 0025 AND 808 0030) (AGMT. NOS. 2020-256 and 2020-190-01) (Report of: Public Works)

**Recommendations:**

1. Reject all other bids, waive any and all minor irregularities, and award a construction contract to Baker Electric, Inc. for the Moreno Valley Ranch ITS and Pigeon Pass Road ITS projects in the amount of \$539,893.70 and authorize the City Manager to execute the contract;

2. Authorize the issuance of a Purchase Order to Baker Electric, Inc. in the amount of \$593,883.07 (\$539,893.70 bid amount plus a 10% contingency), using Traffic Signal Development Impact Fees (DIF);
3. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract, not to exceed the contingency amount of \$53,989.37;
4. Approve the First Amendment to the Agreement for Professional Consultant Services with KOA Corporation, to provide construction management services for the aforementioned projects;
5. Authorize the City Manager to execute the First Amendment with KOA Corporation and any subsequent amendments subject to the review and approval of the City Attorney and available budget;
6. Authorize an increase to Purchase Order 2020-1044 with KOA Corporation from a not-to-exceed amount of \$356,746.35 to a not-to-exceed amount of \$467,786.35, using Traffic Signal DIF funds; and
7. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report.

A.11. PEN18-0228 – ADOPTION OF THE PROPOSED RESOLUTION FOR THE SUMMARY VACATION OF A SOUTHERLY PORTION OF FILAREE AVENUE LOCATED 610 FEET WEST OF OLIVER STREET TO 1,270 WEST OF OLIVER STREET. DEVELOPER: KAISER PERMANENTE (RESO. NO. 2020-72) (Report of: Public Works)

**Recommendations:**

1. Adopt Resolution No. 2020-72. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of the Southerly Portion of Filaree Avenue Located from 610 Feet West of the Intersection of Oliver Street to 1,270 West of Oliver Street; and
2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

A.12. Approve First Amendment to the Energy Scheduling and Trading Services Agreement with Tenaska Power Services (AGMT. NO. 2020-257-01) (Report of: Public Works)

**Recommendations:**

1. Approve the First Amendment to the Energy Scheduling and Trading Services Agreement with Tenaska Power Services, Co.

2. Authorize the City Manager to execute the Amendment.
- A.13. PEN18-0032 (TR 36708) – APPROVE TRACT MAP 36708 LOCATED AT THE SOUTHWEST CORNER OF CACTUS AVENUE AND PERRIS BOULEVARD. DEVELOPER: CENTURY COMMUNITIES OF CALIFORNIA, LLC (Report of: Public Works)
1. Approve Tract Map 36708; and
  2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation.
- A.14. PEN19-0110 (PM 8073) – ADOPTION OF THE PROPOSED RESOLUTION FOR THE SUMMARY VACATION OF THE WESTERLY CUL-DE-SAC PORTION OF MYRNA STREET BETWEEN 130 FEET TO 270 FEET WEST OF THE INTERSECTION OF JO ANN STREET. DEVELOPER: COURTYARDS AT COTTONWOOD, L.P. (RESO. NO. 2020-73) (Report of: Public Works)

**Recommendations:**

1. Adopt Resolution No. 2020-73. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of the portion of Myrna Street located between 130 feet to 270 feet west of the intersection of Jo Ann Street; and
  2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder’s office for recording.
- A.15. APPROVAL OF AMENDMENT NO. 2 TO THE COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN (AGMT. NO. 2020-258-02) (Report of: Public Works)
1. Approve Amendment No. 2 to the Cooperative Agreement for the Moreno Master Drainage Plan (MDP) Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain, with the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley (City), HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, and Highland Fairview Partners IV (Developer), PEN18-0254.
  2. Authorize the Public Works Director/City Engineer to execute Amendment No. 2 to the Cooperative Agreement.
  3. Authorize the Public Works Director/City Engineer to execute subsequent extensions and/or amendments to the Cooperative Agreement, subject to the approval of the City Attorney.

A.16. PEN16-0095 (TR 36760) – APPROVE TRACT MAP 36760 LOCATED ON THE EAST SIDE OF INDIAN STREET BETWEEN GENTIAN AVENUE AND SANTIAGO DRIVE. DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC. (Report of: Public Works)

1. Approve Tract Map 36760; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.17. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO BOGH ENGINEERING, INC. FOR THE JUAN BAUTISTA DE ANZA MULTI-USE TRAIL GAP CLOSURE, PROJECT NO. 801 0077 (AGMT. NO. 2020-259) (Report of: Public Works)

Council Member Cabrera noted his excitement for the construction contract.

**Recommendations:**

1. Award a construction contract to Bogh Engineering, Inc., 401 W. 4<sup>TH</sup> Street, Beaumont, CA 92223, for the Juan Bautista De Anza Multi-Use Trail Gap Closure project and authorize the City Manager to execute a contract with Bogh Engineering, Inc. in the amount of \$2,548,507.25;
2. Authorize the issuance of a Purchase Order to Bogh Engineering, Inc., in the amount of \$2,803,357.98 (\$2,548,507.25 bid amount plus a 10% contingency) when the contract has been signed by all parties;
3. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to Bogh Engineering, Inc. contract, but not exceeding the total contingency of \$254,850.73, subject to the approval of the City Attorney; and
4. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report to provide sufficient budget to complete the project funded by a combination of Active Transportation Program ATP 3 Funds (Fund 2301), Gas Tax Funds (2000) and PCS Capital Project Funds (3015).



A.18. APPROVE AMENDMENTS TO TERMINATION DATE FOR INDEPENDENT CONTRACTOR AGREEMENTS WITH TOW OPERATORS THAT PARTICIPATE IN THE CITY-WIDE ROTATIONAL TOW SERVICES PROGRAM (AGMT. NOS. 2020-260-01, 2020-261-01, 2020-262-01, and 2020-263-01) (Report of: Community Development)

1. Approve the Amendments with Exclusive Recovery, Inc. dba Exclusive Towing, Doyle Tucker dba Moreno Valley Tow, Pepe's Towing, Inc., and Valley Wide Towing, L.L.C. for Rotational Tow Services;
2. Authorize the City Manager, or his designee, to execute the Amendments with the Tow Operators subject to the City Attorney's approval, under approved terms of the agreement; and
3. Authorize the City Manager, or his designee, to execute optional Amendments to extend the expiration three additional months if necessary, subject to the City Attorney's approval.

A.19. APPROVAL TO USE ASSET FORFEITURE FUNDS TO PURCHASE AN UNMANNED AIRCRAFT SYSTEM IN FY 2020/21 (Report of: Police Department)

Council Member Cabrera remarked that the purchase of the aircraft system will augment the Police Department's capabilities to combat crime.

**Recommendations:**

1. Authorize the police department to purchase one new DJI Mavic 2 Enterprise Dual unmanned aircraft system/vehicle (UAS/UAV) to utilize as a force multiplier for events, including but not limited to fireworks enforcement. The total cost for the UAV is \$4,997.00 (UAV \$4,637.49 plus \$359.41 tax.)
2. Authorize a budget adjustment of \$4,997.00 (UAV \$4,637.49 plus \$359.41 tax.) to the General Fund (1010) Police Asset Forfeiture revenue and expenditure accounts.

A.20. AUTHORIZE THE EXPANSION OF THE COMMERCIAL VEHICLE SAFETY PROGRAM UTILIZING ASSET FORFEITURE FUNDS (Report of: Police Department)

Council Member Marquez congratulated Mayor Gutierrez on his re-election. He asked which vehicles, utilized by the Police Department, are owned by the City.

Assistant City Manager/Chief Financial Officer Eyerman cited the vehicles in the City's possession. He questioned the Sheriff's practice of replacing the

Police vehicle's Moreno Valley decals with Riverside County Sheriff decals and asked if any City vehicles are ever used outside the jurisdiction.

Assistant City Manager/Chief Financial Officer Eyerman explained that there are rare exceptions when City owned vehicles would be employed beyond the City's borders.

City Clerk Jacquez-Nares indicated that Council Member Thornton is absent.

**Recommendations:**

1. Approve the expansion of the Commercial Vehicle Safety Program.
2. Approve the use of asset forfeiture funds and the proposed budget adjustments as set forth in the Fiscal Impact section of this report.

**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 - CITY COUNCIL - REGULAR MEETING - OCT 20, 2020 6:00 PM (See A.2)

**Recommendation:** Approve as submitted.

- B.3. ADOPT A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN APPLICATION TO CONSTRUCT A DOG PARK UNDER THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS (RESO. NO. CSD 2020-29) (Report of: Parks & Community Services)

**Recommendations:**

1. Adopt Resolution No. 2020-29 to approve an application for a dog park under the Statewide Park Development and Community Revitalization Program Grant allocated by Proposition 68 (2018 Bond Act) through the California Department of Parks and Recreation Office of Grants and Local Services; and
2. Upon issuance of the grant by the California Department of Parks and Recreation, authorize the City Manager to accept the grant on behalf of the CSD and process a budget amendment and appropriation in the grant amount, which will be ratified in the following quarterly budget review.

### 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 - CITY COUNCIL - REGULAR MEETING - OCT 20, 2020 6:00 PM (See A.2)

**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 - CITY COUNCIL - REGULAR MEETING - OCT 20, 2020 6:00 PM (See A.2)

**Recommendation:** Approve as submitted.

### E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY

- E.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.

- E.2. MINUTES - CITY COUNCIL - REGULAR MEETING - OCT 20, 2020 6:00 PM (See A.2)

**Recommendation:** Approve as submitted.

### F. PUBLIC HEARINGS

- F.1. PUBLIC HEARING FOR THE ANNUAL ACTION PLAN FOR PROGRAM YEAR 2021-2022 & TO ADOPT 2021-2022 OBJECTIVES AND POLICIES (Report of: Financial & Management Services)

Assistant City Manager/Chief Financial Officer Eyerman provided the report.

Mayor Gutierrez opened the Public Hearing at 6:24 p.m.

There being no comments in support or opposition, Mayor Gutierrez closed the Public Hearing at 6:24 p.m.

**Recommendations:**

1. Conduct a Public Hearing to allow for the public to comment on the needs of low- and moderate-income residents in Moreno Valley.
2. Approve the proposed CDBG, HOME, and ESG Grant Objectives and Policies for the 2021-2022 Program Year.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ulises Cabrera, Council Member
<b>SECONDER:</b>	Victoria Baca, Mayor Pro Tem
<b>AYES:</b>	Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera
<b>ABSENT:</b>	Dr. Carla J. Thornton

**G. GENERAL BUSINESS**

- G.1. INTRODUCTION OF ORDINANCE \_\_\_ AMENDING CHAPTER 5.05 COMMERCIAL CANNABIS ACTIVITY; ADOPTION OF RESOLUTION 2020-\_\_\_ ESTABLISHING ADMINISTRATIVE PROCEDURES FOR PROCESSING COMMERCIAL CANNABIS ENTITLEMENTS; AND ADOPTION OF RESOLUTION 2020-\_\_\_ AMENDING THE CITY'S FEE SCHEDULE (ORD. NO. 971, RESO. NOS. 2020-70, 71) (Report of: Financial & Management Services)

Assistant City Manager/Chief Financial Officer Eyerman provided the report.

Mayor Gutierrez asked about the attached user fee schedule.

Assistant City Manager/Chief Financial Officer Eyerman explained that the previously required community benefit component has been quantified.

**Recommendations: That the City Council:**

1. Introduce Ordinance 971, amending Chapter 5.05 Commercial Cannabis Regulatory Activity to provide clean up language to avoid duplicate or conflict with the State's Cannabis Regulations and schedule the second reading and adoption for the next regular City Council meeting;
2. Adopt Resolution 2020-70, establishing administrative procedures for processing commercial cannabis entitlements;

3. Adopt Resolution 2020-71 amending the City User Fee Schedule for Fiscal Year 2020-21 to include fees related to the application and permit process for commercial cannabis related businesses;
4. Direct City Manager to accept applications to fill the remaining available permits.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ulises Cabrera, Council Member
<b>SECONDER:</b>	Victoria Baca, Mayor Pro Tem
<b>AYES:</b>	Dr. Yxstian A. Gutierrez, Victoria Baca, David Marquez, Ulises Cabrera
<b>ABSENT:</b>	Dr. Carla J. Thornton

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

## I. REPORTS

### I.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC) - None

Riverside County Habitat Conservation Agency (RCHCA) - None

Riverside County Transportation Commission (RCTC) - None

Riverside Transit Agency (RTA) - None

Western Riverside Council of Governments (WRCOG) - Mayor Pro Tem Baca

Western Riverside County Regional Conservation Authority (RCA) - Council Member Marquez

Council Member Marquez reported the following:

Items covered at the RCA Board of Directors meeting on November 2, 2020 include:

- Moreno Valley's MSHCP fee collection totaled \$33,510 (15 residential permits) for the month of September 2020.

School District/City Joint Task Force - None

## I.2. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

City Manager Lee congratulated Mayor Gutierrez, Mayor Pro Tem Baca, and Council Member Marquez on their re-election. Wished the Mayor and City Council a happy and safe Thanksgiving. Encouraged residents to shop MoVal.

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

#### Council Member Marquez

1. Wished everyone a happy Thanksgiving.
2. Announced that RTA is working to comply with the State's electric vehicle mandate.
3. Thanked Michael Wolfe and staff for addressing pot holes and picking up bulky items. Encouraged residents to report illegal dumping.
4. Expressed his gratitude to those who supported him during the election.

#### Council Member Cabrera

1. Congratulated Mayor Gutierrez, Mayor Pro Tem Baca, and Council Member Marquez on their re-election.
2. Remarked about his growing beard as he is participating in No-Shave November to raise cancer awareness.
3. Urged residents to pay attention to legislation from the incoming Administration.
4. Commented on Covid-19 and the potential vaccines.
5. Urged residents to practice caution for Thanksgiving.
6. Wished everyone a happy Thanksgiving and happy holidays.

#### Mayor Pro Tem Baca

1. Commented on the election.
2. Expressed her appreciation for everyone who participated in the election, staff, and Mayor Gutierrez.

#### Mayor Gutierrez

1. Congratulated Mayor Pro Tem Baca and Council Member Marquez on their victories.
2. Applauded Darrell Peeden and Susan Smith for their re-election.
3. Indicated his objective to include both his supporters and detractors in the community.
4. Encouraged everyone to come together for the betterment of the City.
5. Wished everyone a happy Thanksgiving and urged them to stay safe.
6. Expressed his gratitude to the residents who voted for him.

## ADJOURNMENT

There being no further business to come before the City Council, Mayor Gutierrez adjourned the meeting at 6:46 p.m.

Submitted by:

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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  
 Secretary, Public Financing Authority

Approved by:

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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  
 Chairperson, Public Financing Authority



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Pat Jacquez-Nares, City Clerk

**AGENDA DATE:** December 1, 2020

**TITLE:** COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021 FROM JULY 1, 2020 THROUGH OCTOBER 31, 2020

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### **RECOMMENDED ACTION**

#### **Recommendation:**

Receive and file the Fiscal Year 2020/2021 Council Discretionary Expenditure Report for July 1, 2020 through October 31, 2020

### **SUMMARY**

This staff report is prepared at the request of the City Council to provide transparency with respect to the expenditure of City funds from City Council Discretionary Expenditure Accounts. These reports are for each Council Member's year to date expenditures for Fiscal Year 2020/2021, for July 1, 2020 through October 31, 2020. Each Council District receives an annual budget allocation of \$3,000 and the Mayor receives an annual budget allocation of \$6,000.

With the adoption of the current fiscal year budget and pursuant to Resolution No. 2019-27, unused monies from Fiscal Year 2019/2020 have been carried over to the current Fiscal Year as approved by the City Manager. The Discretionary Expenditure Reports now reflect the amended budget amount.

The expenditure reports are included routinely in the City Council agenda as an additional means of distributing reports on activities to the Council and public. The reports are to be posted to the City's website following Council approval. The monthly reports provide unaudited information and are reconciled to the City's general ledger. Following the end of the Fiscal Year, the financial information shall be reviewed as part of the City's independent financial audit.



**NOTIFICATION**

Posting of the agenda as required by the Brown Act.

**PREPARATION OF STAFF REPORT**

Prepared By:  
Renee Bryant  
Management Assistant

Department Head Approval:  
Pat Jacquez-Nares  
City Clerk

**CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

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

**ATTACHMENTS**

- 1. Jul - Oct

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/24/20 2:25 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/24/20 2:26 PM



**MAYOR DR. YXSTIAN A. GUTIERREZ**

Fiscal Year 2020/2021 Council Discretionary Expenditures  
 Accounts: 1010-10-01-10015-620130 Mayor Discretionary  
 1010-10-01-10015-620131 Mayor Discretionary - Carryover  
 July 1, 2020 - October 31, 2020

Date	Amount	Description
		<b>No expenditures to report for July 2020</b>
		<b>No expenditures to report for August 2020</b>
		<b>No expenditures to report for September 2020</b>
		<b>No expenditures to report for October 2020</b>
	\$ -	TOTAL Council Discretionary Expenditures for FY 20/21
	\$ 6,000.00	FY 20/21 Adopted Budget Amount
	\$ 2,575.00	Carryover Budget Amount FY 19/20
	\$ 8,575.00	FY 20/21 Amended Budget Amount
	\$ 8,575.00	FY 20/21 Budget Amount Remaining

Source: Unaudited financial data from the City's accounting records.  
 Updated as of: 11/18/2020

Attachment: Jul - Oct (4213 : COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021)



**COUNCIL DISTRICT 1 VICTORIA BACA**

Fiscal Year 2020/2021 Council Discretionary Expenditures  
 Accounts: 1010-10-01-10011-620111 District 1 Discretionary  
 1010-10-01-10011-620116 District 1 Discretionary - Carryover  
 July 1, 2020 - October 31, 2020

Date	Amount	Description
		<b>No expenditures to report for July 2020</b>
		<b>No expenditures to report for August 2020</b>
9/3/2020	\$ 400.00	Sponsorship MVAQ Pool Fees
		<b>No expenditures to report for October 2020</b>
	<u>\$ 400.00</u>	TOTAL Council Discretionary Expenditures for FY 20/21
	\$ 3,000.00	FY 20/21 Adopted Budget Amount
	<u>\$ 1,989.00</u>	Carryover Budget Amount FY 19/20
	<u>\$ 4,989.00</u>	FY 20/21 Amended Budget Amount
	\$ 4,589.00	FY 20/21 Budget Amount Remaining

Source: Unaudited financial data from the City's accounting records.  
 Updated as of: 11/18/2020

Attachment: Jul - Oct (4213 : COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021)



**COUNCIL DISTRICT 2 DR. CARLA J. THORNTON**  
 Fiscal Year 2020/2021 Council Discretionary Expenditures  
 Accounts: 1010-10-01-10012-620112 District 2 Discretionary  
 1010-10-01-10012-620117 District 2 Discretionary - Carryover  
 July 1, 2020 - October 31, 2020

<b>Date</b>	<b>Amount</b>	<b>Description</b>
<b>No expenditures to report for July 2020</b>		
8/26/2020	\$ 994.36	Point Emblem - Custom Challenge Coins
<b>No expenditures to report for September 2020</b>		
10/31/2020	\$ 37.70	Staples - Screen Protector for City Issued Cell Phone
10/31/2020	\$ 7.05	Cupcake & Espresso Bar - Refreshments for Listening Session
10/31/2020	\$ 4.85	Cupcake & Espresso Bar - Refreshments for Listening Session
	<u>\$ 1,043.96</u>	TOTAL Council Discretionary Expenditures for FY 20/21
	\$ 3,000.00	FY 20/21 Adopted Budget Amount
	\$ 3,639.00	Carryover Budget Amount FY 19/20
	<u>\$ 6,639.00</u>	FY 20/21 Amended Budget Amount
	\$ 5,595.04	FY 20/21 Budget Amount Remaining

Source: Unaudited financial data from the City's accounting records.  
 Updated as of: 11/18/2020

Attachment: Jul - Oct (4213 : COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021)



**COUNCIL DISTRICT 3 DAVID MARQUEZ**

Fiscal Year 2020/2021 Council Discretionary Expenditures  
 Accounts: 1010-10-01-10013-620113 District 3 Discretionary  
 1010-10-01-10013-620118 District 3 Discretionary - Carryover  
 July 1, 2020 - October 31, 2020

Date	Amount	Description
		<b>No expenditures to report for July 2020</b>
		<b>No expenditures to report for August 2020</b>
		<b>No expenditures to report for September 2020</b>
		<b>No expenditures to report for October 2020</b>
	\$ -	TOTAL Council Discretionary Expenditures for FY 20/21
	\$ 3,000.00	FY 20/21 Adopted Budget Amount
	\$ 2,578.00	Carryover Budget Amount FY 19/20
	\$ 5,578.00	FY 20/21 Amended Budget Amount
	\$ 5,578.00	FY 20/21 Budget Amount Remaining

Source: Unaudited financial data from the City's accounting records.  
 Updated as of: 11/18/2020

Attachment: Jul - Oct (4213 : COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021)



**COUNCIL DISTRICT 4 ULISES CABRERA**

Fiscal Year 2020/2021 Council Discretionary Expenditures  
 Accounts: 1010-10-01-10014-620114 District 4 Discretionary  
 1010-10-01-10014-620119 District 4 Discretionary - Carryover  
 July 1, 2020 - October 31, 2020

Date	Amount	Description
7/31/2020	\$ 10.00	Wake Up MoVal July 22 Meeting
8/24/2020	\$ 357.66	Sponsorship Be Kind to Your Mind Virtual Wellness Event
9/30/2020	\$ 10.00	Wake Up MoVal September 23 Meeting
<b>No expenditures to report for October 2020</b>		
	<u>\$ 377.66</u>	TOTAL Council Discretionary Expenditures for FY 20/21
	\$ 3,000.00	FY 20/21 Adopted Budget Amount
	<u>\$ 2,733.00</u>	Carryover Budget Amount FY 19/20
	<u>\$ 5,733.00</u>	FY 20/21 Amended Budget Amount
	\$ 5,355.34	FY 20/21 Budget Amount Remaining

Source: Unaudited financial data from the City's accounting records.  
 Updated as of: 11/18/2020

Attachment: Jul - Oct (4213 : COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEAR 2020/2021)



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** LIST OF PERSONNEL CHANGES

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### **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:  
Vanessa Leccese  
Executive Assistant

Department Head Approval:  
Marshall Eyerman  
Assistant City Manager  
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. Personnel Changes

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/19/20 7:59 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/19/20 5:58 PM



**City of Moreno Valley  
Personnel Changes  
December 1, 2020**

**New Hires**

Loretta Adame, Community Enhancement Officer II, Community Development Department, Code & Neighborhood Services Division

Martin Granados, Maintenance Worker I, Public Works Department, Maintenance & Operations Division

**Promotions**

Gary Coopers

From: Parks Maintenance Worker, Parks & Community Services Department, Parks Maintenance

To: Maintenance Worker I, Public Works Department, Maintenance & Operations Division

**Transfers**

Alex Andrade

From: Leads Parks Maintenance Worker, Parks & Community Services Department, Parks Maintenance

To: Maintenance Worker I, Public Works Department, Maintenance & Operations Division

**Separations**

Dorathy Haun, Animal Care Tech Supervisor Community Development Services Department, Animal Services Division



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** SECOND READING AND CONSIDERATION OF ADOPTION OF ORDINANCE 971, AMENDING CHAPTER 5.05 COMMERCIAL CANNABIS REGULATORY ACTIVITY TO PROVIDE CLEAN UP LANGUAGE TO AVOID DUPLICATE OR CONFLICT WITH THE STATE'S REGULATIONS

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### **RECOMMENDED ACTION**

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

1. Adopt Ordinance 971, amending Chapter 5.05 Commercial Cannabis Regulatory Activity to provide clean up language to avoid duplicate or conflict with the State's Cannabis Regulations.

### **SUMMARY**

This report recommends adoption of Ordinance No. 971, introduced at the November 17, 2020 City Council meeting, approving amendments to Chapter 5.05.

### **DISCUSSION**

Ordinance No. 971 amends Chapter 5.05 Commercial Cannabis Regulatory Activity to provide clean up language to avoid duplicate or conflict with the State's Cannabis Regulations.

### **ALTERNATIVES**

The City Council may consider the following alternatives:

1. Conduct the second reading by title only and adopt Ordinance No. 971. Staff recommends this alternative.

- 2. Provide revisions to the draft Ordinance and have staff return with the revised draft for another adoption process.

**FISCAL IMPACT**

There are no fiscal impacts anticipated from the approval and adoption of this Ordinance and Resolution.

**NOTIFICATION**

Agenda was posted in accordance with the Brown Act.

**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. Chapter 5.05 Regulatory Ordinance

**APPROVALS**

Budget Officer Approval            ✓ Approved                            11/19/20 7:59 AM

City Attorney Approval  
City Manager Approval

✓ Approved  
✓ Approved

11/19/20 5:58 PM

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING AND REPLACING CHAPTER 5.05 (COMMERCIAL CANNABIS ACTIVITY) OF TITLE 5 (BUSINESS REGULATIONS) (OF THE MORENO VALLEY MUNICIPAL CODE WITH A NEW CHAPTER 5.05 TITLED “COMMERCIAL CANNABIS REGULATORY PERMIT”**

**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**, the City of Moreno Valley has established a regulatory scheme for commercial cannabis business activities, which was enacted as Chapter 5.05 (Commercial Cannabis Activities) of Title 5 (Business Regulations) of the Moreno Valley Municipal Code in 2018; and

**WHEREAS**, since the adoption of the City’s current commercial cannabis business regulations, as set forth in Chapter 5.05 (Commercial Cannabis Activities), certain aspects of the operation of various types of commercial cannabis businesses in California have become increasingly regulated by various agencies of the State of California consistent with Proposition 64 (The Control, Regulate and Tax Adult Use of Marijuana Act) which was passed by the majority of California voters on November 8, 2016; and

**WHEREAS**, the Bureau of Cannabis Control is the lead State agency that regulates commercial cannabis licenses for medical and adult-use cannabis in California and is responsible for licensing retailers, distributors, testing labs, microbusinesses, and temporary cannabis events; and

**WHEREAS**, the Manufactured Cannabis Safety Branch, a Division of the California Department of Public Health, is responsible for regulating and licensing all commercial cannabis manufacturing in California; and

**WHEREAS**, CalCannabis Cultivation Licensing, a Division of the California Department of Food and Agriculture, ensures public safety and environmental protection by licensing and regulating commercial cannabis cultivators in California; and

**WHEREAS**, CalCannabis also manages the State's “Track-and-Trace System,” which tracks all commercial cannabis and cannabis products from cultivation to sale; and

**WHEREAS**, the major significant laws and regulations that used to govern medicinal and adult-use commercial cannabis have essentially been consolidated under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as set forth in the Business & Professions Code Section 26000 *et seq.*, and its implementing regulations adopted by the Bureau of Cannabis Control (16 Cal. Code of Regulations Section 5000 *et seq.*) (collectively, “State’s Cannabis Regulations”); and

**WHEREAS**, in light of the State’s extensive regulations of the commercial cannabis industry, staff recommended that Chapter 5.05 (Commercial Cannabis Activities) of Title 5 (Business Regulations) of the Municipal Code, which pertains to the City’s commercial cannabis regulatory permit process, be updated and replaced by a new Chapter 5.05 titled “Commercial Cannabis Regulatory Permit”; and

**WHEREAS**, the proposed new Chapter 5.05 (Commercial Cannabis Regulatory Permit) removes provisions of the City’s current commercial cannabis regulations which duplicate provisions contained in the State’s Cannabis Regulations and adds regulatory provisions to address areas of local concern regarding the operation of such businesses within the City that are not fully addressed in the State’s Cannabis Regulations, the California Department of Public Health regulations, the California Department of Food and Agriculture regulations and/or the City’s conditional use permit regulations as set forth in Title 9 (Planning and Zoning) of the Municipal Code.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1. RECITALS**

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

**Section 2. AMENDMENT AND REPLACEMENT OF CHAPTER 5.05 (COMMERCIAL CANNABIS ACTIVITIES) OF THE MORENO VALLEY MUNICIPAL CODE WITH A NEW CHAPTER 5.05 TITLED “CANNABIS REGULATORY PERMIT”**

That Chapter 5.05 (Commercial Cannabis Activities) is hereby amended and replaced with the following:

**Chapter 5.05**

**COMMERCIAL CANNABIS REGULATORY PERMIT**

**5.05.010 Purpose and intent.**

The purpose and intent of this chapter is to permit commercial medicinal and adult-use cannabis businesses to operate in certain areas of the city, as designated in Title 9 (Planning and Zoning) of this code, provided that the applicant: (i) obtains a commercial cannabis

conditional use permit pursuant to Chapter 9.09.290 (Commercial Cannabis Activities) of this code, a commercial cannabis regulatory permit pursuant to this chapter, a city business license, and a certificate of occupancy, (ii) registers the commercial cannabis business pursuant to Chapter 3.28 (Commercial Cannabis Activity Tax) of this code, and (iii) obtains the appropriate commercial cannabis state license issued by the Bureau of Cannabis Control pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act and its implementing regulations adopted by the Bureau of Cannabis Control (16 Cal. Code of Regulations §5000 *et seq.*) (collectively “State Cannabis Regulations”), a seller’s permit issued by the California Department of Tax and Fee Administration, and all other relevant and necessary regulatory permits, licenses and regulations within the purview of the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies.

#### **5.05.015 Definitions.**

The definitions set forth in Section 5000 (Definitions) of Article 1 (Division Definitions) of the Bureau of Cannabis Control Regulations are hereby incorporated by reference as though set forth at length herein and they shall be relied upon for purposes of administering, applying and interpreting the provisions of this chapter.

#### **5.05.020 Commercial Cannabis Regulatory Permit - Required.**

A commercial cannabis regulatory permit shall be required in order to conduct or operate, within certain designated zoning districts of the city, the following types of commercial medicinal and/or adult-use cannabis activities:

- (a) Cannabis Dispensaries
- (b) Cannabis Testing
- (c) Cannabis Cultivation
- (d) Cannabis Manufacturing
- (e) Cannabis Distribution Centers
- (f) Cannabis Microbusinesses

#### **5.05.025 Eligible applicants.**

Eligible applicants include any of the entities eligible to apply for a commercial cannabis state license issued by the Bureau of Cannabis Control pursuant to the State Cannabis Regulations.

#### **5.05.030 Application Procedures.**

Eligible applicants may apply for a commercial cannabis regulatory permit under this chapter, pursuant to the administrative procedures duly adopted and implemented by the city manager or designee.

#### **5.05.035 Landowner Approval.**

An applicant shall submit documentary evidence that the applicant has the right to occupy the premises for purposes of conducting a commercial cannabis business. Such evidence may include the following:

- (a) If an applicant is not the record owner of the real property upon which the premises of the proposed commercial cannabis business is located, the applicant shall submit a document from the landowner or the landowner's agent, such as a signed rental agreement or lease or other legally binding document or instrument, that states that the applicant has the right to occupy the subject property or premises and acknowledges that the applicant may use the subject premises for the business for which the applicant is applying for a commercial cannabis regulatory permit, that includes the applicant's, the owner's (if different than the applicant) and the property owner's or the property owner's agent's notarized signatures.
- (b) If an applicant is the record of the real property upon which the premises is located, the applicant shall submit with the application a copy of the title, deed or title policy or title report applicable to the subject property, that demonstrates there are no agreements, restrictive easements or conditions, covenants or restrictions prohibiting the use of the subject property or subject premises for commercial cannabis activities.

#### **5.05.040 Fees.**

An applicant shall pay the following fees:

- (a) An application processing fee in an amount set by resolution of the city council;
- (b) An annual regulatory fee in an amount set by resolution of the city council;
- (c) An annual community benefits fee in an amount set by resolution of the city council; and
- (d) Any other fees for any additional services that must be provided by the city or charged to the city by another agency with regulatory authority that are not encompassed in any of the above fees.

Upon denial or withdrawal of an application or abandonment due to an incomplete application, the applicant shall be entitled to a refund for only the annual regulatory fee and community benefits fee, less any costs incurred by the city in processing the applications not sufficiently covered by any other fees paid by the applicant.

#### **5.05.045 Grounds for Denial.**

An application for a commercial cannabis regulatory permit may be denied for the following reasons:



- (a) Same reasons that a state license may be denied by the Bureau of Cannabis Control under the State’s Cannabis Regulations, the California Department of Food and Agriculture, the California Department of Public Health and/or any other relevant state agencies.
- (b) The city has been denied access to inspect the subject property and subject premises.
- (c) The applicant’s premises diagram does not conform to the boundaries or dimensions of the actual physical premises.
- (d) The applicant loses the legal consent or permission of the record owner of the subject property or premises to operate or conduct a commercial cannabis business on the subject property or subject premises.
- (e) The applicant’s fee payments are rejected, denied or cancelled due to insufficient funds or inadequate credit.
- (f) The applicant has failed to pay any fees, taxes or fines owed to the city or owes any outstanding civil debt to the city.

The applicant has any outstanding code violations pertaining to any real property located within the city.

#### **5.05.050 Provisional Permit.**

A provisional cannabis regulatory permit may be approved provided that the applicant provides adequate proof that the applicant will meet all the requirements and operational standards required of the proposed commercial cannabis activity’s respective state license consistent with the State Cannabis Regulations and all other applicable state laws and regulations within the purview of the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies.

#### **5.05.055 Final Permit.**

A provisional commercial cannabis regulatory permit shall be deemed a final permit and become effective upon such time that the applicant (i) obtains a commercial cannabis conditional use permit pursuant to Chapter 9.09.290 (Commercial Cannabis Activities) of this code, a city business license, and a certificate of occupancy, (ii) registers the commercial cannabis business pursuant to Chapter 3.28 (Commercial Cannabis Activity Tax) of this code, and (iii) obtains the appropriate commercial cannabis state license issued by the Bureau of Cannabis Control pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act and its implementing regulations adopted by the Bureau of Cannabis Control (16 Cal. Code of Regulations §5000 *et seq.*) (collectively “State Cannabis Regulations”), a seller’s permit issued by the California Department of Tax and Fee Administration, and all other relevant and necessary regulatory permits, licenses and

regulations within the purview of the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies.

#### **5.05.060 Indemnification.**

A commercial cannabis regulatory permit, whether provisional or final, shall require the permittee to defend, indemnify and hold harmless the city and the city's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) approval of the subject commercial cannabis regulatory permit; (ii) any prior agreements by and between the city and permittee; (iii) any concurrent and subsequent permits, licenses and entitlements approved by the city related to the subject business; (iv) any environmental determination made by the city in connection with the subject business; and (v) any proceedings or other actions undertaken by the city in connection with the adoption, approval or denial of any of the above.

#### **5.05.065 Annual Permit Renewal.**

To remain effective, a commercial cannabis regulatory permit must be renewed on an annual basis pursuant to the administrative procedures duly adopted and implemented by the city manager or designee. Such renewal may be summarily granted upon payment of any applicable renewal application processing fee, the annual regulatory fee and the annual community benefits fee in the amounts set by resolution of the city council, in addition to any other fees for any additional services that must be provided by the city or charged to the city by another agency with regulatory authority that are not encompassed in any of the above fees, and the permittee's state license remains in good standing which shall mean that the permittee's annual state license has not been suspended, revoked or expired.

#### **5.05.070 Community Relations.**

A commercial cannabis business shall provide the city manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations contact, staff person or other representative to whom the city can provide notice if there are operating problems associated with the business or refer members of the public who may have any concerns or complaints regarding the operation of the business. A commercial cannabis business shall also provide the above information to its business neighbors located within 100 feet of the business as measured in a straight line without regard to intervening structures, between the front doors of each establishment.

#### **5.05.075 Operational Standards and Requirements.**

A permittee shall comply with all applicable operational standards and requirements set forth in its state license, the State Cannabis Regulations, all regulatory permits and licenses

issued by the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies and the regulations within their respective purviews, its conditional use permit and all applicable zoning and regulations set forth in this code.

**5.05.080 Responsibility for Acts of Employees and Agents.**

For purposes of construing and enforcing the provisions of this chapter, any act, omission, or failure of an agent, officer, representative, or other person acting for or employed by a commercial cannabis business, within the scope of his or her employment or office, shall in every case be deemed the act, omission, or failure of the business.

**5.05.085 Violations.**

It shall be unlawful to operate a commercial cannabis business in violation of any applicable provisions of this code, any specific, additional operating procedures and measures as may be imposed as conditions of approval of a commercial cannabis regulatory permit and/or the entity's conditional use permit, any provisions of the State Cannabis Regulations, any regulatory permits and licenses issued by the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies and the regulations within their respective purviews, and/or due to the suspension, revocation or expiration of the entity's temporary, conditional or annual state license issued by the Bureau of Cannabis Control.

**5.05.90 Conflicting Conditions and Requirements.**

If any of the provisions set forth in this chapter conflict with any conditions of approval or mandatory requirements contained in any pre-existing commercial cannabis permits, including without limitation, a provisional of final regulatory permit or conditional use permit, duly approved by the city prior to the effective date of this chapter, the city manager or community development director and their respective designees shall be authorized to administratively waive, without prior planning commission or city council review and approval, any condition of approval or mandatory requirement imposed under the city's former commercial cannabis regulations that the city manager or the community development director of their respective designees in consultation with the city attorney determines has been superseded by the provisions set forth in this ordinance.

**Section 3. CITY MANAGER AUTHORIZATION**

That the City Manager or designee shall be authorized to prepare and approve any administrative procedures and forms the City Manager or designee deems necessary or convenient for administering and/or implementing the provisions of this Ordinance, in consultation with the City Attorney, and provided that any such procedures and forms are consistent with the purpose and substantive provisions of this Ordinance.

**Section 4. 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 5. 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 6. EFFECTIVE DATE**

That this Ordinance shall take effect thirty (30) days after its second reading.

**Section 7. CERTIFICATION**

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

INTRODUCED at a regular meeting of the City Council on \_\_\_\_\_, 2020 and PASSED, APPROVED, and ADOPTED by the City Council on \_\_\_\_\_, 2020, by the following roll call vote, to wit:

\_\_\_\_\_  
Dr. Yxstian A. Gutierrez  
Mayor  
City of Moreno Valley

**ATTEST:**

\_\_\_\_\_  
Pat Jacquez-Nares, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven B. Quintanilla, Interim City Attorney



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) - AMENDMENT NO. 49 (RESO. NO. 2020-\_\_\_), AMENDMENT NO. 50 (RESO. NO. 2020-\_\_\_), AMENDMENT NO. 51 (RESO. NO. 2020-\_\_\_), AND AMENDMENT NO. 52 (RESO. NO. 2020-\_\_\_)

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### **RECOMMENDED ACTION**

#### **Recommendations:**

1. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 49). (Courtyards at Cottonwood, LP, located on the northeast corner of Cottonwood Ave. and Indian St.).
2. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 50). (FH II located on the northwest corner of Quincy St. and Brodiaea Ave.).
3. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 51). (FR Nandina Avenue located southeast of Nandina Ave. and Indian St.)

4. Acting as the legislative body of Community Facilities District No. 2014-01 (Maintenance Services), adopt Resolution No. 2020-\_\_\_, 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. (Amendment No. 52). (Right Solutions located on the southeast corner of Dunlavy Ct. and Davis St.).

## **SUMMARY**

Approval of the proposed resolutions will certify annexation of eight parcels into Community Facilities District (CFD) No. 2014-01 (Maintenance Services) (“District”). This action impacts only the property owners identified below, 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 (e.g., the cost of operation and maintenance of street lighting and/or public landscaping). The City created CFD No. 2014-01 to provide the development community with a funding 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, a special tax can be levied on the annual property tax bill of the annexed parcel to fund the costs.

As a condition of approval for development of their projects, Property Owners, as defined below, are required to provide a funding source for the operation and maintenance of certain public improvements (i.e., street lighting) and have elected to annex the parcels of their projects into the District to satisfy the condition. The Property Owners have submitted Landowner Petitions approving the annexation and the City Clerk has confirmed the petitions are valid.

## **DISCUSSION**

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 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.

The Rate and Method of Apportionment of Special Tax (“RMA”) for the District describes the different special tax rate areas, services provided, and formula to calculate the special tax rate for each of the tax rate areas. Several special tax rate

areas were created to accommodate a variety of scenarios to ensure costs are fairly shared between property owners. For example, there is a tax rate area 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 areas 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 and the number of properties sharing in the cost for that development.

### *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 they are receiving.

As a condition of approval for the projects identified below, the Property Owners are required to provide an ongoing funding source for the operation and maintenance services of street lighting, which is required to be installed on public streets as part of each development project. The table below provides information for the property under development.

<b>Property Owner/ Project ACP Record #</b>	<b>APNs</b>	<b>Location</b>	<b>Amendment No.</b>
Courtyards at Cottonwood, LP 81-unit multi-family housing development PEN19-0110/SCP20-0011	482-161-021, 482-161-022, 482-161-023, and 482-161-024	Northeast corner of Cottonwood Ave. and Indian St.	49
FH II 45 single-family residential development PEN18-0092/SCP20-0014	478-080-014	Northwest corner of Quincy St. and Brodiaea Ave.	50
FR Nandina Avenue 220,000 sq.ft. warehouse PEN18-0259/SCP20-0016	316-211-023 and 316-211-024	Southeast of Nandina Ave. and Indian St.	51
Right Solutions 7 single-family residential development PEN18-0144/SCP20-0018	475-250-067	Southeast corner of Dunlavy Ct. and Davis St.	52

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

1. Submit a Landowner Petition unanimously approving annexation of the 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 of the 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 operation and maintenance of the improvements.

The Property Owners elected to annex their property into CFD No. 2014-01 and have the special tax applied to the annual property tax bill. The Office of the Riverside County Registrar of Voters confirmed there were no registered voters residing at the property, allowing a special election of the landowner. Adoption of the attached resolutions (Attachments 1-4) adds the property to the tax rate areas identified in the Fiscal Impact section of this report and directs the recordation of the boundary maps (Attachments 5-8) and amended notice of special tax lien for Amendment No. 49, Amendment No. 50, Amendment No. 51, and Amendment No. 52. The City Clerk received and reviewed the Landowner Petitions and confirmed the Property Owners unanimously approved the annexation of their property into the District (Attachments 9-12).

Successful completion of the annexation process satisfies each 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 resolutions. *Staff recommends this alternative as it will annex the property into CFD No. 2014-01 at the request of the Property Owners and satisfy the condition of approval for the proposed developments.*
2. Do not adopt the proposed resolutions. *Staff does not recommend this alternative as it is contrary to the request of the Property Owners, will not satisfy the condition of approval, and may delay development of the projects.*
3. Do not adopt the proposed resolutions 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 Owners from satisfying the condition of approval and may delay development of the projects.*

### **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 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 (i.e., landowners or registered voters, depending upon the number of registered voters) have previously provided approval. The estimated maximum special tax revenue that can be generated from each project is



detailed below.

Property Owner/ Project ACP Record #	Tax Rate Area <sup>1</sup>	Factor <sup>2</sup>	FY 2020/21 Maximum Special Tax Rate <sup>3</sup>	FY 2020/21 Maximum Special Tax for the Project <sup>2</sup>
Courtyards at Cottonwood, LP <sup>4</sup> 81-unit multi-family housing development PEN19-0110/SCP20-0011	SL-02	1,107 front linear footage	\$4.32	\$4,782.24
FH II <sup>5</sup> 45 single-family residential development PEN18-0092/SCP20-0014	SL-01	45 parcels	\$264.49	\$11,902.05
FR Nandina Avenue <sup>6</sup> 220,000 sq.ft. warehouse PEN18-0259/SCP20-0016	SL-02	653 front linear footage	\$4.32	\$2,820.96
Right Solutions <sup>7</sup> 7 single-family residential development PEN18-0144/SCP20-0018	SL-01	7 parcels	\$264.49	\$1,851.43

<sup>1</sup>SL-01 is for Street Lighting for Single-Family Residential Property and is calculated based on a per parcel basis. SL-02 is for Street Lighting for Property Other than Single-Family Residential and is calculated based on a per front linear front footage basis.

<sup>2</sup>Estimated based on proposed parcel configuration. The special tax calculation will be based on final development of the project.

<sup>3</sup>The special tax applied to the property tax bill will be based on the needs of the tax rate area within the District. The applied special tax rate cannot exceed the maximum special tax rate. The FY 2020/21 applied rate for SL-01 is \$64.10/parcel and for SL-02 is \$1.21/front linear foot.

<sup>4</sup>Four street lights are planned to be installed along Indian St. and Cottonwood Ave.

<sup>5</sup>Twenty-one street lights are planned to be installed along Streets "A", "B" and Quincy St.

<sup>6</sup>Three street lights are planned to be installed along Nandina Ave.

<sup>7</sup>Three street lights are planned to be installed on Dunlavy Ct.

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. However, the annual adjustment cannot be applied unless the City Council annually authorizes such adjustment. 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**

On October 15, 2020, the annexation materials were mailed to the Property Owners. A cover letter, Landowner Petition, RMA, and an envelope to return the completed petition were included.

## **PREPARATION OF STAFF REPORT**

Prepared by:  
Kimberly Ganimian  
Sr. Management Analyst

Department Head Approval:  
Marshall Eyerman  
Assistant City Manager

Concurred by:  
Candace E. Cassel  
Special Districts Division 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.

**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.

Objective 5.2: Promote the installation and maintenance of cost effective, low maintenance landscape, hardscape and other improvements which create a clean, inviting community.

## **ATTACHMENTS**

1. Resolution Ordering Annexation - Amendment No. 49
2. Resolution Ordering Annexation - Amendment No. 50
3. Resolution Ordering Annexation - Amendment No. 51
4. Resolution Ordering Annexation - Amendment No. 52
5. Boundary Map - Amendment No. 49
6. Boundary Map - Amendment No. 50
7. Boundary Map - Amendment No. 51
8. Boundary Map - Amendment No. 52
9. Certificate of Election Official - Amendment No. 49
10. Certificate of Election Official - Amendment No. 50
11. Certificate of Election Official - Amendment No. 51
12. Certificate of Election Official - Amendment No. 52

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/19/20 2:46 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/19/20 5:56 PM

## RESOLUTION NO. 2020-\_\_\_\_

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"), a citywide district, 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. 49 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. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

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, 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 1<sup>st</sup> day of December 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 49 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN 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. 2020-\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 1<sup>st</sup> day of December 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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

(SEAL)

Resolution No. 2020-\_\_\_ 4  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 49 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

EXHIBIT A

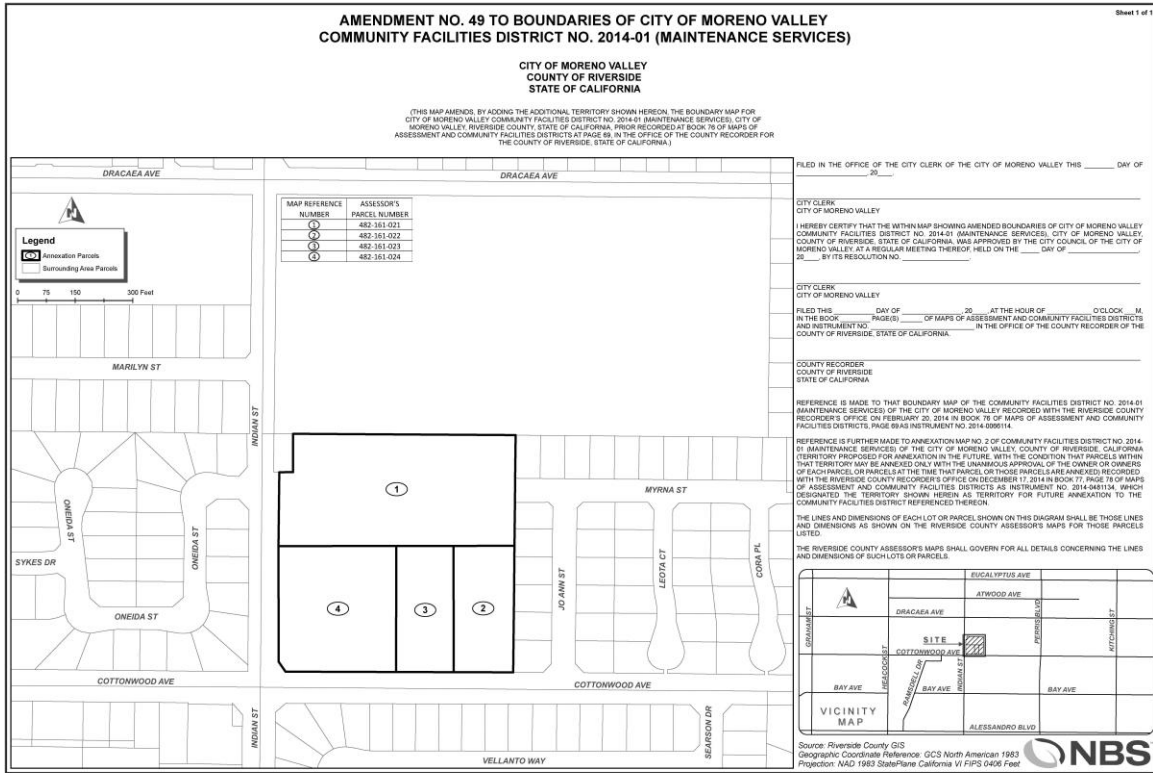
List of Annexation Parcels			
Boundary Map Amendment No.	Assessor's Parcel Numbers	Services	Tax Rate Area & Maintenance Category
Amendment No. 49	482-161-021 482-161-022 482-161-023 482-161-024	Street Lighting	SL-02
<p>Based on current development plans, it is anticipated that the Annexation Group will 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. 49 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

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Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020



# EXHIBIT B



Attachment: Resolution Ordering Annexation - Amendment No. 49 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

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Resolution No. 2020-\_\_\_\_\_  
Date Adopted: December 1, 2020

## RESOLUTION NO. 2020-\_\_\_\_

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"), a citywide district, 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. 50 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. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

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.

2  
Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

8. Severability. That the City Council declares that, should any provision, 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 1<sup>st</sup> day of December 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 50 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN 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. 2020-\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 1<sup>st</sup> day of December 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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

(SEAL)

Resolution No. 2020-\_\_\_ 4  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 50 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

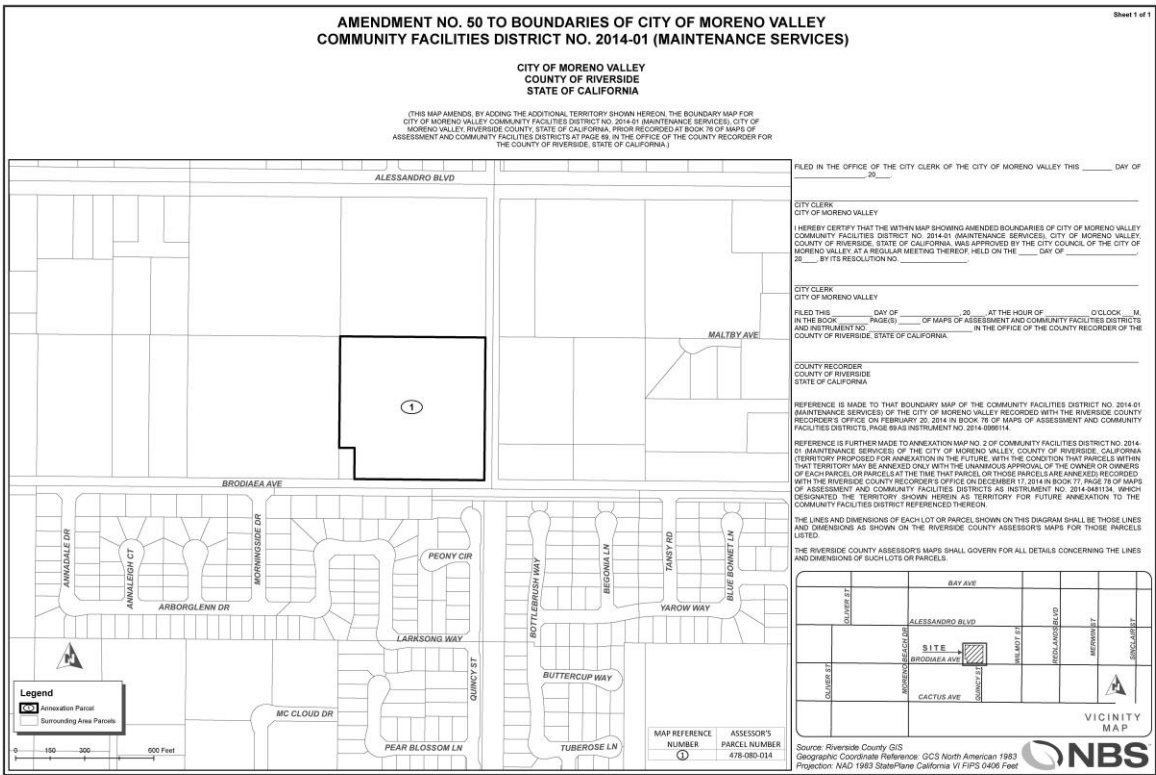
EXHIBIT A

List of Annexation Parcel			
Boundary Map Amendment No.	Assessor's Parcel Numbers	Services	Tax Rate Area & Maintenance Category
Amendment No. 50	478-080-014	Street Lighting	SL-01
<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. 50 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

5  
Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

# EXHIBIT B



Attachment: Resolution Ordering Annexation - Amendment No. 50 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

6  
Resolution No. 2020-\_\_\_\_\_  
Date Adopted: December 1, 2020

## RESOLUTION NO. 2020-\_\_\_\_

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"), a citywide district, 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. 51 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. 2020-\_\_\_\_  
Date Adopted: December 1, 2020



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, 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 1<sup>st</sup> day of December 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 51 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN 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. 2020-\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 1<sup>st</sup> day of December 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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

(SEAL)

Resolution No. 2020-\_\_\_ 4  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 51 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

EXHIBIT A

List of Annexation Parcel			
Boundary Map Amendment No.	Assessor's Parcel Number	Services	Tax Rate Area & Maintenance Category
Amendment No. 51	316-211-023 316-211-024	Street Lighting	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. 51 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

5  
Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

EXHIBIT B

**AMENDMENT NO. 51 TO BOUNDARIES  
OF CITY OF MORENO VALLEY COMMUNITY  
FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)**

SHEET 1 OF 1

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

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
①	316-211-023
②	316-211-024

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

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 \_\_\_\_\_, 2020, BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020,  
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 OF 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, COUNTY OF RIVERSIDE, CALIFORNIA, 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. 2014-0068114.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF THE 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 12, 2014 IN BOOK 75, PAGE 78 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO 2014-048134, 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.

SCALE: 1"=100'

**LEGEND**

① MAP REFERENCE NUMBER

□ SURROUNDING AREA PARCELS

PREPARED BY:  
**Thienes Engineering, Inc.**  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90830  
PH: (714) 521-4811 FAX: (714) 521-4173

Attachment: Resolution Ordering Annexation - Amendment No. 51 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

6  
Resolution No. 2020-\_\_\_\_\_  
Date Adopted: December 1, 2020

## RESOLUTION NO. 2020-\_\_\_\_

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"), a citywide district, 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. 52 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. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

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.

2  
Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

8. Severability. That the City Council declares that, should any provision, 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 1<sup>st</sup> day of December 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 52 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN 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. 2020-\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 1<sup>st</sup> day of December 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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

(SEAL)

Resolution No. 2020-\_\_\_ 4  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation - Amendment No. 52 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

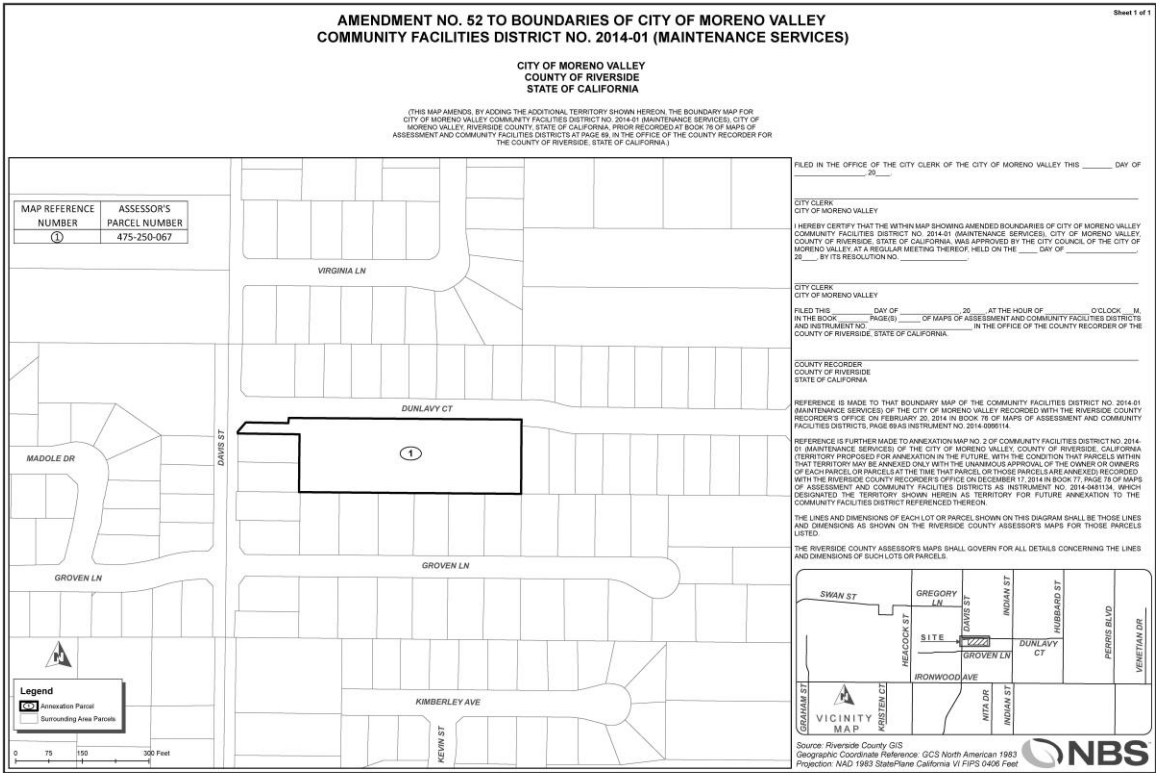
EXHIBIT A

List of Annexation Parcel			
Boundary Map Amendment No.	Assessor's Parcel Number	Services	Tax Rate Area & Maintenance Category
Amendment No. 52	475-250-067	Street Lighting	SL-01
<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. 52 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

5  
Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

# EXHIBIT B



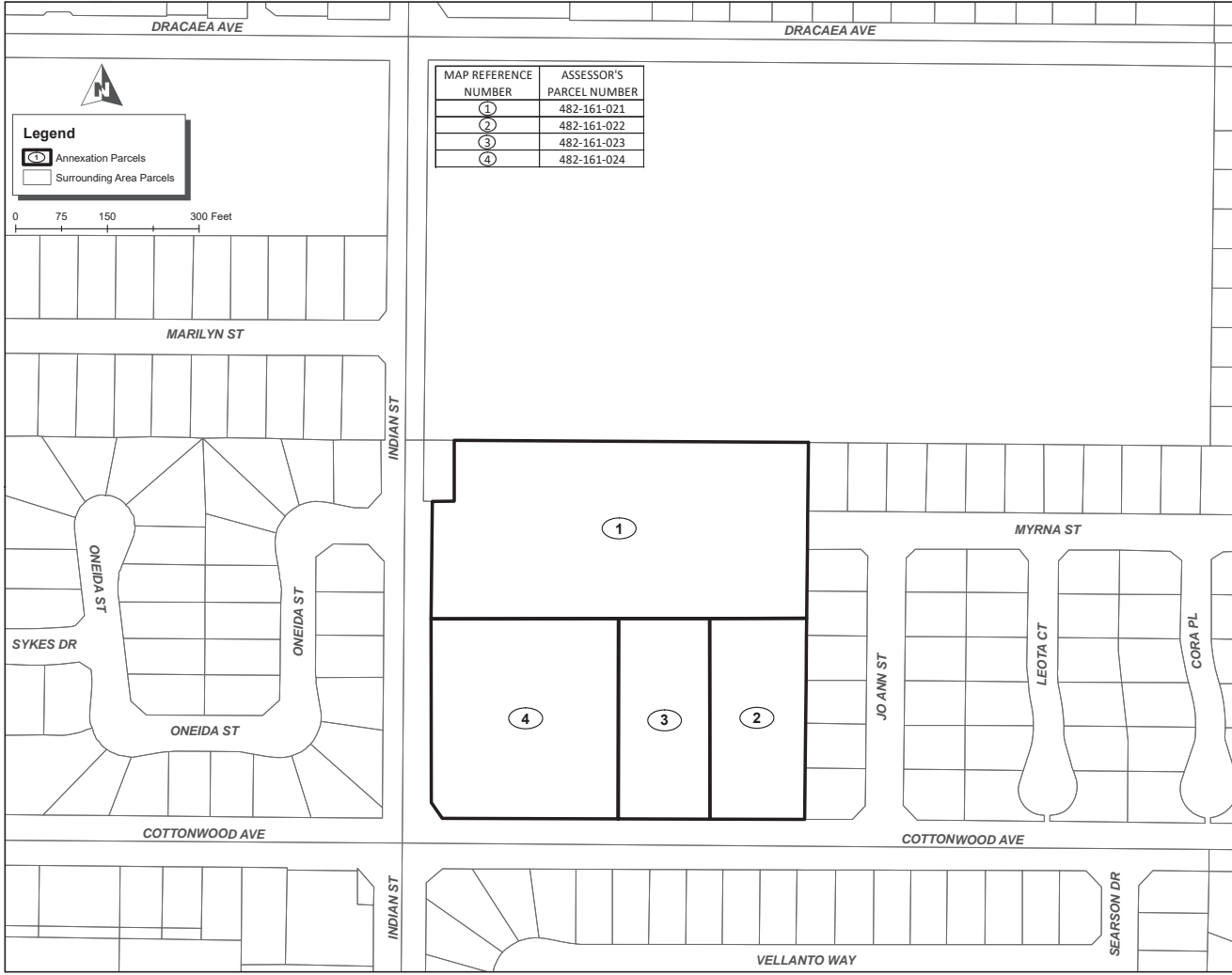
Attachment: Resolution Ordering Annexation - Amendment No. 52 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

6  
Resolution No. 2020-\_\_\_\_  
Date Adopted: December 1, 2020

## AMENDMENT NO. 49 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.)



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
①	482-161-021
②	482-161-022
③	482-161-023
④	482-161-024

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS \_\_\_\_\_ OF \_\_\_\_\_, 20\_\_\_\_.

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, RIVERSIDE COUNTY, 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 \_\_\_\_\_, 20\_\_\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE HOUR OF \_\_\_\_\_ O'Clock, IN THE BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

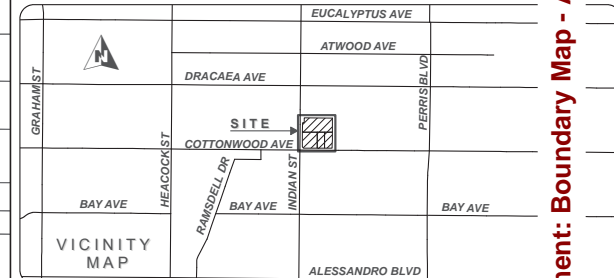
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, 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 THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, 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. THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 17, 2014 IN BOOK 77, PAGE 69 OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2014-048114 DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

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

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



Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

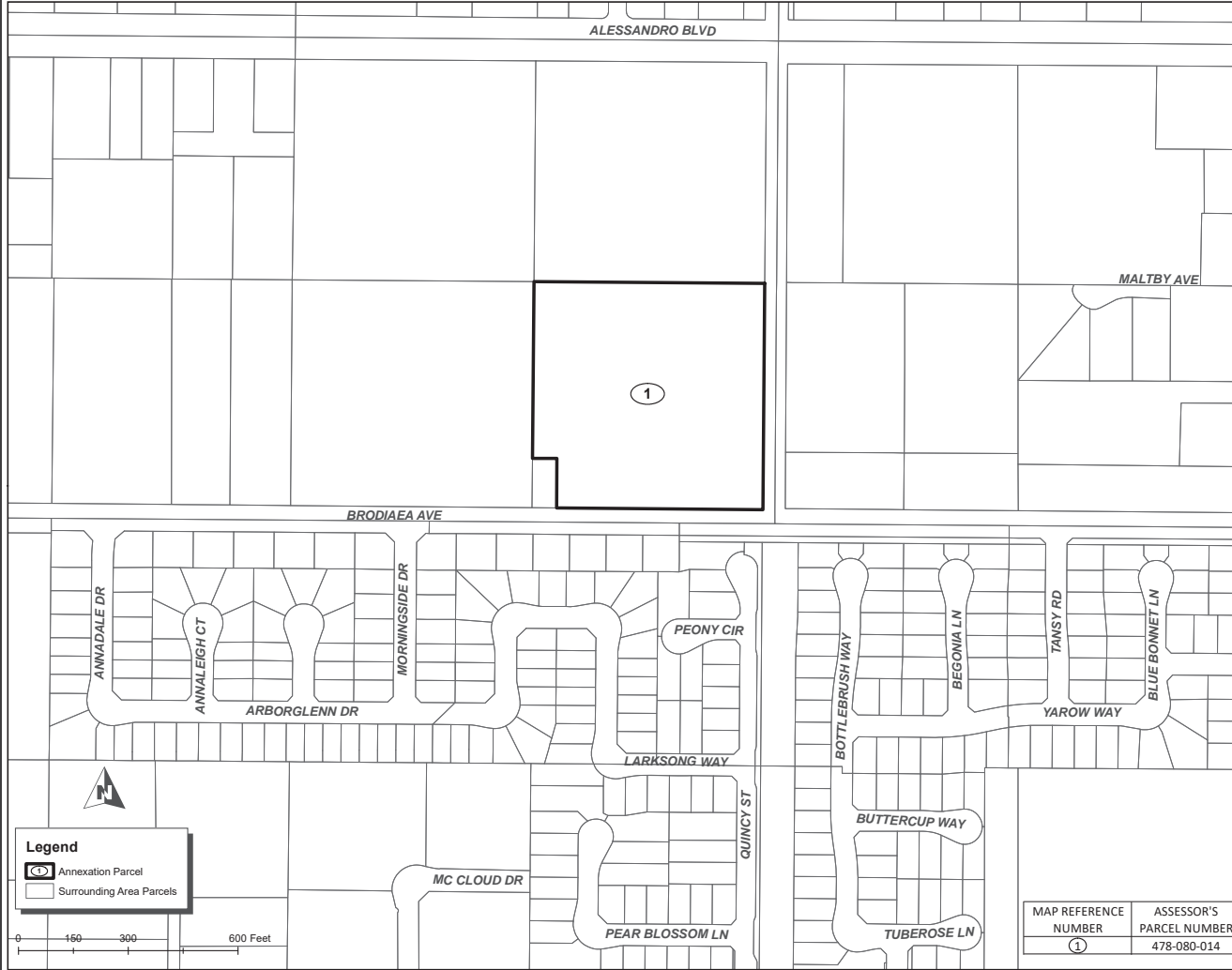


Attachment: Boundary Map - Amendment No. 49 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX

# AMENDMENT NO. 50 TO BOUNDARIES OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)

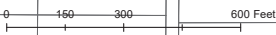
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

(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.)



**Legend**

- Annexation Parcel
- Surrounding Area Parcels



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	478-080-014

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS \_\_\_\_\_ OF \_\_\_\_\_, 20\_\_\_\_.

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, RIVERSIDE COUNTY, 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 \_\_\_\_\_, 20\_\_\_\_ BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE HOUR OF \_\_\_\_\_ O'Clock \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES AND INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

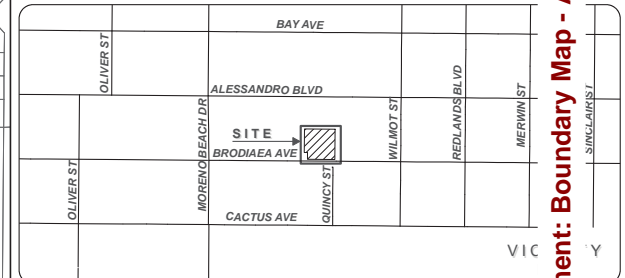
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, 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 THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, 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. THAT TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 17, 2014 IN BOOK 77, PAGE 69 OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2014-0481 DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

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

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



Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

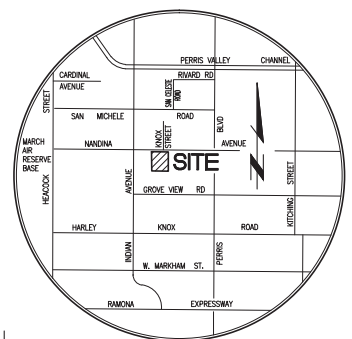


Attachment: Boundary Map - Amendment No. 50 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX

# AMENDMENT NO. 51 TO BOUNDARIES OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)

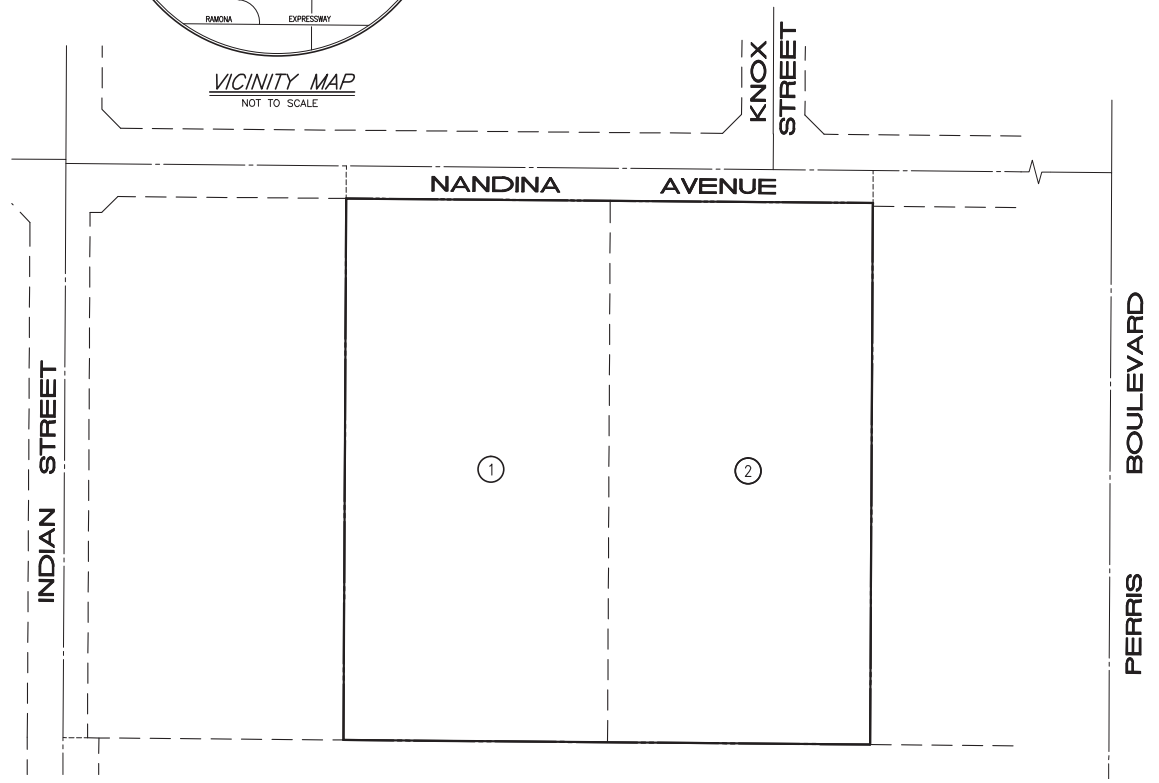
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

(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

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
①	316-211-023
②	316-211-024



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_

\_\_\_\_\_  
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 \_\_\_\_\_, 202\_\_ BY ITS RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_ 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 OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

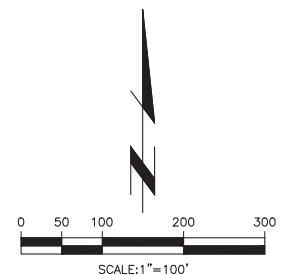
\_\_\_\_\_  
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

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 THE 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.



**LEGEND**

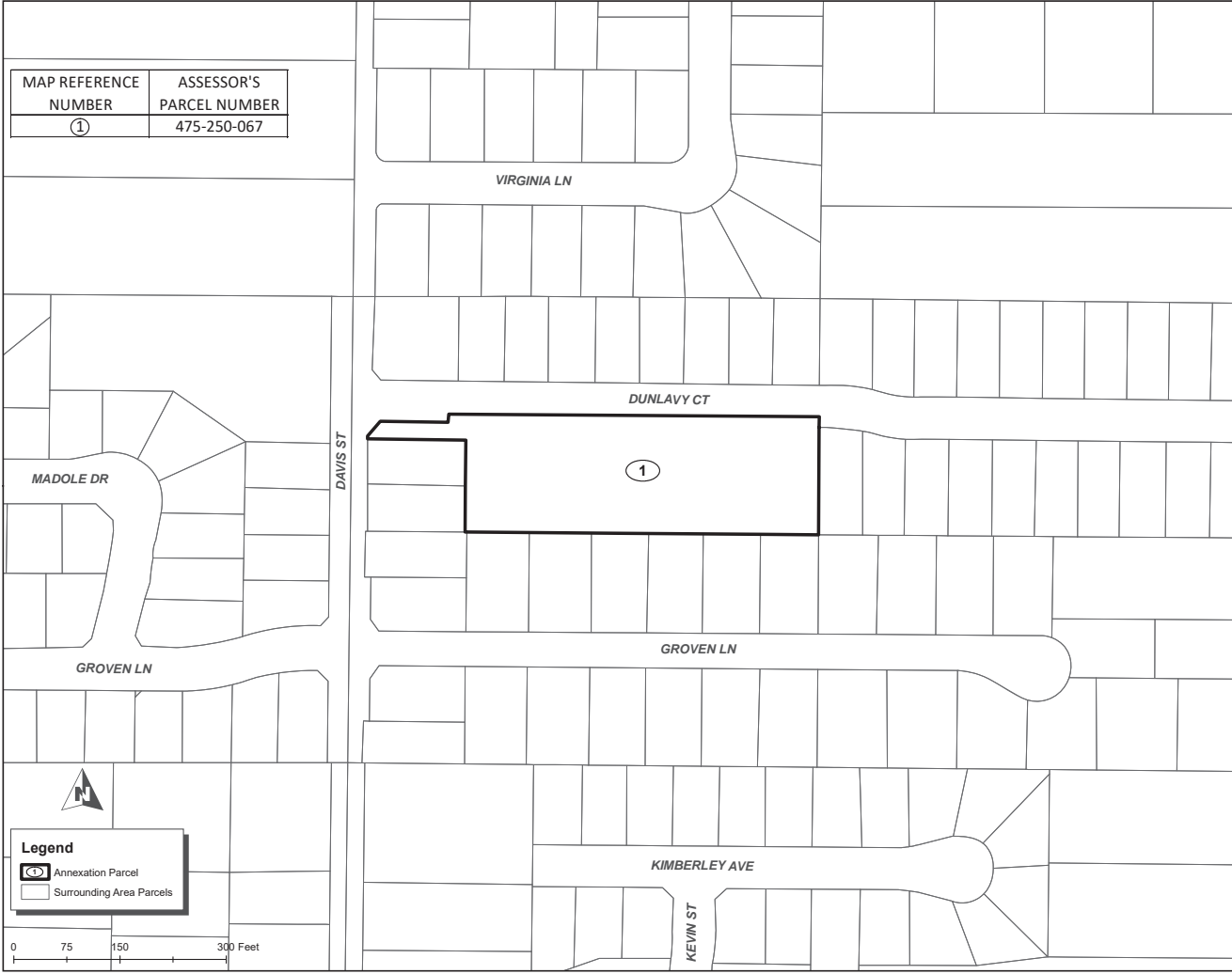
- ① MAP REFERENCE NUMBER
- SURROUNDING AREA PARCELS

PREPARED BY:  
**TEI** Thienes Engineering, Inc.  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90638  
PH.(714)521-4811 FAX(714)521-4173

### AMENDMENT NO. 52 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

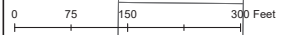
(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 76 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES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



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
①	475-250-067

**Legend**

- Annexation Parcel
- Surrounding Area Parcels



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS \_\_\_\_\_ OF \_\_\_\_\_, 20\_\_\_\_.

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 \_\_\_\_\_, 20\_\_\_\_ BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE HOUR OF \_\_\_\_\_ O'Clock \_\_\_\_\_ M. IN THE BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES AND INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER FOR 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 THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, CALIFORNIA, THAT TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 17, 2014 IN BOOK 77, PAGE 69 OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2014-048114 DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

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

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



Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

Attachment: Boundary Map - Amendment No. 52 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX

**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 **November 9, 2020**, 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. 49

WITNESS my hand this 9th day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 49 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS



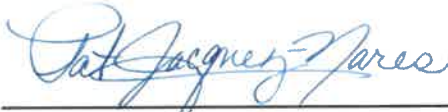
**CERTIFICATE OF ELECTION OFFICIAL  
AND CONFIRMATION OF LANDOWNER PETITION**

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 **November 9, 2020**, 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. 50

WITNESS my hand this 9<sup>th</sup>. day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 50 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

**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 **November 9, 2020**, 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. 51

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 51 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS

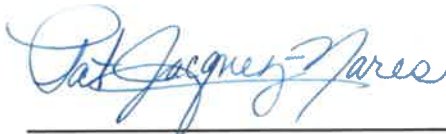
**CERTIFICATE OF ELECTION OFFICIAL  
AND CONFIRMATION OF LANDOWNER PETITION**

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 **November 9, 2020**, 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. 52

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 52 (4180 : PURSUANT TO LANDOWNER PETITION, ANNEX CERTAIN PARCELS



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michael L. Wolfe P.E., Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** PEN19-0213 – ADOPTION OF THE PROPOSED RESOLUTION FOR THE SUMMARY VACATION OF A EASTERLY PORTION OF CARDINAL AVENUE LOCATED 1,433 FEET EAST OF HEACOCK STREET TO ITS TERMINUS AT THE PERRIS VALLEY STORM DRAIN, A DISTANCE OF 2,089 FEET DEVELOPER: MOORPARK COUNTRY PROPERTIES

---

### **RECOMMENDED ACTION**

#### **Recommendations:**

1. Adopt Resolution No. 2020-XX. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of the easterly portion of Cardinal Avenue located 1,433 feet east of the intersection of Heacock Street to its terminus at the Perris Valley Storm Drain.
2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

### **SUMMARY**

This report recommends adoption of the proposed resolution for the summary vacation of a portion of the easterly half of Cardinal Avenue east of Heacock Street. The project conditions of approval for PEN19-0213 requires the vacation of the easterly portion of Cardinal Avenue, located approximately between 1,433 and 2,089 feet east of the intersection of Heacock Street. The proposed vacation removes the remaining excess right of way created as part of the Parcel Map (PM) 34577 approval.

### **DISCUSSION**

Land Development staff reviewed the developer's request for the summary vacation of

the easterly segment of Cardinal Avenue located approximately from 1,433 to 2,089 feet east of the intersection of Heacock Street. This portion of Cardinal Avenue right of way was originally granted by the 1911 Riverside Alfalfa Acres Subdivision Map that dedicated Cardinal (formerly Mariposa) Avenue for public road purposes. Due to the Riverside County Flood Control and Water Conservation District's construction of Lateral A (Perris Valley Storm Drain) master plan flood control channel and the existing developments in the area, the connection of Cardinal Avenue to Indian Street is no longer feasible. A new design for the Cardinal Avenue right of way was required to supersede a portion of the original easement, creating the new cul-de-sac alignment between Heacock Avenue and Indian Street.

The new easement alignment for the public street cul-de-sac and for public utility purposes was recorded December 27, 2012 as part of PM 34577 (PA06-0021), which now supersedes the prior alignment of Cardinal Avenue. Currently, all properties contiguous to this portion of Cardinal Avenue have access to local public roads. The City Council's approval of a summary vacation for this portion of Cardinal Avenue would abandon all of the City's rights for public road use purposes under the original easement, and retain a 25' wide public storm drain easement, as shown on PM 34577 improvement plans and Exhibit B of Attachment 2.

The provisions of Chapter 4, Part 3, of Division 9 of the Streets and Highways Code of the State of California, designated the "Public Streets, Highways, and Service Easements Vacation Law" allows the City to summarily vacate the subject easement if certain conditions are met. This request meets those conditions since the street right of way has been superseded by relocation (recordation of PM 34577), the right of way has not been used as a street for a period greater than five years, and staff has determined that the right of way is excess. No public funds have been spent for maintenance of the subject portion of excess street right of way. Utility Coordination letters were sent to all utility companies that may exist within the portion of the right of way to be vacated and no utilities were identified.

### **ALTERNATIVES**

1. Approve the recommended actions as presented in this staff report. *Staff recommends this alternative as this easement is no longer needed, except as noted, and has been superseded by relocation of the necessary right of way.*
2. Do not approve the recommended actions as presented in this staff report. *Staff does not recommend this alternative as this easement would unnecessarily remain as an easement for public road purposes.*

### **FISCAL IMPACT**

No fiscal impact.

### **NOTIFICATION**

Written notice has been given to the various utility companies. Those utilities have responded that there are no facilities within the easement.

**PREPARATION OF STAFF REPORT**

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

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

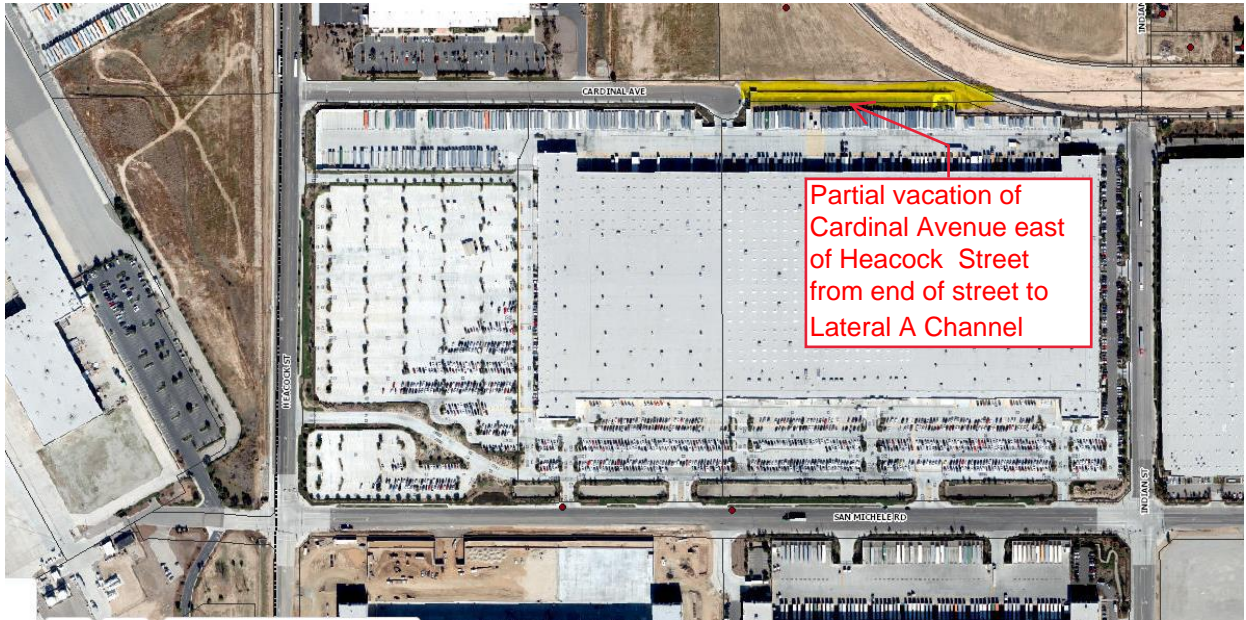
Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

**ATTACHMENTS**

- 1. Vicinity Map - Summary Vacation
- 2. Proposed Resolution 2020-XX - Summary Vacation

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/19/20 2:44 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/19/20 5:55 PM



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

**PEN19-0213  
Vicinity Map**

## RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE EASTERLY PORTION OF CARDINAL AVENUE LOCATED 1,433 FEET EAST OF THE INTERSECTION OF HEACOCK STREET TO ITS TERMINUS AT THE PERRIS VALLEY STORM DRAIN

WHEREAS, the City Council of the City of Moreno Valley, California, was originally granted by the 1911 Riverside Alfalfa Acres Subdivision Map (Map Book 8/21 of Official Records in the County of Riverside) an easement dedicating Cardinal (formerly Mariposa) Avenue, a right of way easement for road purposes; and

WHEREAS, the easterly portion of Cardinal Avenue located 1,433 feet east of the intersection of Heacock Street to its terminus at the Perris Valley Storm Drain is no longer, nor in the future will be, useful for road purposes, except a public storm drain along the north half of the right of way; and

WHEREAS, no public improvements exist on the subject portion of right of way, except said public storm drain; and

WHEREAS, the City has determined that the subject street right of way is excess; and

WHEREAS, no public money was expended for maintenance of the subject portion of street right of way.

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

Section 1

That pursuant to the provisions of Chapter 4, Part 3, of Division 9 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 summarily vacated and abandoned:

That said portion of Cardinal Avenue, in the City of Moreno Valley, County of Riverside, State of California described in the attached legal description and illustrated on the plat, attached hereto and made a part hereof, marked Exhibits "A" and "B", respectively.

Excepting and reserving from the vacation an easement for public utilities and public service facilities, for a storm drain system, together with the right to maintain, operate, replace, remove or renew such facility, pursuant to Section 8340 of the Streets and Highway Code.

This summary vacation is made based upon the facts presented.

Section 2

Resolution No. 2020-XX  
Date Adopted: December 1, 2020



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 Cardinal Avenue reverts to the owner of the underlying fee thereof, free from use as a right of way easement for road purposes, except for a 25 feet wide public storm drain easement, said easement centered along the storm drain's centerline.

Section 3

That from and after the date the Resolution is recorded, the easement vacated no longer constitutes a street, except the storm drain easement as previously described.

Section 4

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 1<sup>st</sup> day of December, 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. 2020-XX  
Date Adopted: December 1, 2020

**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. 2020-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 1<sup>st</sup> day of December, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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

(SEAL)

Resolution No. 2020-XX  
Date Adopted: December 1, 2020

Attachment: Proposed Resolution 2020-XX - Summary Vacation (4143 : PEN19-0213 -- ADOPTION OF THE PROPOSED RESOLUTION FOR THE

**EXHIBIT "A"**

SHEET 1 OF 2

PARTIAL PUBLIC STREET VACATION – CARDINAL AVENUE  
LEGAL DESCRIPTIONPORTION OF THE NORTH HALF

APN: 316-100-048

THAT PORTION OF THE NORTH HALF OF CARDINAL AVENUE (FORMERLY MARIPOSA AVENUE, 30.00 FEET WIDE HALF-WIDTH) DEDICATED TO THE CITY OF MORENO VALLEY BY RIVERSIDE ALFALFA ACRES, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 21 OF MAPS, RECORDS OF SAID COUNTY, OFFER OF DEDICATION ACCEPTED BY RESOLUTION RECORDED SEPTEMBER 16, 1952 IN BOOK 1400 AT PAGES 357 THROUGH 359, INCLUSIVE, OFFICIAL RECORDS OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY TERMINUS OF THAT CERTAIN CENTERLINE OF CARDINAL AVENUE SHOWN AS HAVING A BEARING AND DISTANCE OF "NORTH 89° 30' 11" WEST 2089.42 FEET" ON PARCEL MAP NO. 34577, AS PER MAP FILED IN BOOK 234, PAGES 85 THROUGH 89 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE, NORTH 89° 30' 00" WEST, 659.89 FEET TO THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THAT CERTAIN CURVED LINE IN LOT "A" OF SAID PARCEL MAP NO. 34577 SHOWN AS HAVING RADIUS OF 61.00 FEET AND LENGTH OF 48.51 FEET ON SAID PARCEL MAP NO. 34577, A RADIAL LINE TO SAID CURVE BEARS NORTH 69° 21' 34" EAST;

THENCE CONTINUING NORTHERLY ALONG SAID CURVED PROLONGATION, THROUGH A CENTRAL ANGLE OF 12° 48' 13" AN ARC LENGTH OF 13.63 FEET;

THENCE NORTH 11° 33' 21" EAST, 5.49 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 65.00 FEET AND BEING CONCENTRIC WITH SAID NORTHERLY PROLONGATION CURVE, A RADIAL LINE TO SAID BEGINNING OF NON-TANGENT CURVE BEARS NORTH 53° 07' 49" EAST;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15° 45' 38" AN ARC LENGTH OF 17.88 FEET TO THE NORTHERLY LINE OF SAID CARDINAL AVENUE, SAID NORTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF PARCEL 1 OF LOT LINE ADJUSTMENT NO. 998, RECORDED NOVEMBER 26, 2008 AS DOCUMENT 2008-0629751, OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG SAID SOUTHERLY LINE, SOUTH 89° 30' 00" EAST, 665.74 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1;

THENCE SOUTH 21° 22' 04" EAST, 32.33 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS 19,819 SQUARE FEET OR 0.455 ACRES MORE OR LESS.

RESERVING THEREFROM AN EASEMENT TO THE CITY OF MORENO VALLEY FOR STORM DRAIN AND APPURTENANT STRUCTURES OVER THAT PORTION OF THE ABOVE DESCRIBED LAND, LYING SOUTHERLY OF A LINE PARALLEL WITH AND DISTANT 19.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES FROM SAID CENTERLINE OF CARDINAL AVENUE.

PREPARED BY:

**TEI** Thienes Engineering, Inc.  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90638  
PH.(714)521-4811 FAX(714)521-4173

Last Update: 11/06/20  
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# EXHIBIT "A"

SHEET 2 OF 2

## PARTIAL PUBLIC STREET VACATION - CARDINAL AVENUE LEGAL DESCRIPTION

PORTION OF THE SOUTH HALF

APN: 316-170-023

THAT PORTION OF THE SOUTH HALF OF CARDINAL AVENUE (FORMERLY MARIPOSA AVENUE, 30.00 FEET WIDE HALF-WIDTH) DEDICATED TO THE CITY OF MORENO VALLEY BY RIVERSIDE ALFALFA ACRES, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 21 OF MAPS, RECORDS OF SAID COUNTY, OFFER OF DEDICATION ACCEPTED BY RESOLUTION RECORDED SEPTEMBER 16, 1952 IN BOOK 1400 AT PAGES 357 THROUGH 359, INCLUSIVE, OFFICIAL RECORDS OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY TERMINUS OF THAT CERTAIN CENTERLINE OF CARDINAL AVENUE SHOWN AS HAVING A BEARING AND DISTANCE OF "NORTH 89° 30' 11" WEST 2089.42 FEET" ON PARCEL MAP NO. 34577, AS PER MAP FILED IN BOOK 234, PAGES 85 THROUGH 89 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE, NORTH 89° 30' 00" WEST, 659.89 FEET TO THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THAT CERTAIN CURVED LINE IN LOT "A" OF SAID PARCEL MAP NO. 34577 SHOWN AS HAVING RADIUS OF 61.00 FEET AND LENGTH OF 48.51 FEET ON SAID PARCEL MAP NO. 34577, A RADIAL LINE TO SAID CURVE BEARS NORTH 69° 21' 34" EAST;

THENCE CONTINUING SOUTHERLY ALONG SAID CURVED PROLONGATION, THROUGH A CENTRAL ANGLE OF 28° 40' 35" AN ARC LENGTH OF 30.53 FEET TO THE SOUTHERLY LINE OF SAID CARDINAL AVENUE, SAID SOUTHERLY LINE ALSO BEING THE NORTHERLY LINE OF PARCEL 2 OF SAID PARCEL MAP NO. 34577;

THENCE ALONG SAID SOUTHERLY LINE, SOUTH 89° 30' 00" EAST, 656.44 FEET TO THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND GRANTED TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BY GRANT DEED RECORDED APRIL 10, 1953, IN BOOK 1460 AT PAGES 373 THROUGH 375, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 00°15'15" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS 19,707 SQUARE FEET OR 0.452 ACRES MORE OR LESS.

RESERVING THEREFROM AN EASEMENT TO THE CITY OF MORENO VALLEY FOR STORM DRAIN AND APPURTENANT STRUCTURES OVER THAT PORTION OF THE ABOVE DESCRIBED LAND, LYING NORTHERLY OF A LINE PARALLEL WITH AND DISTANT 5.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES FROM SAID CENTERLINE OF CARDINAL AVENUE.

Last Update: 11/06/20  
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PREPARED BY:

**Thienes Engineering, Inc.**  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90638  
PH.(714)521-4811 FAX(714)521-4173

SURVEYOR:

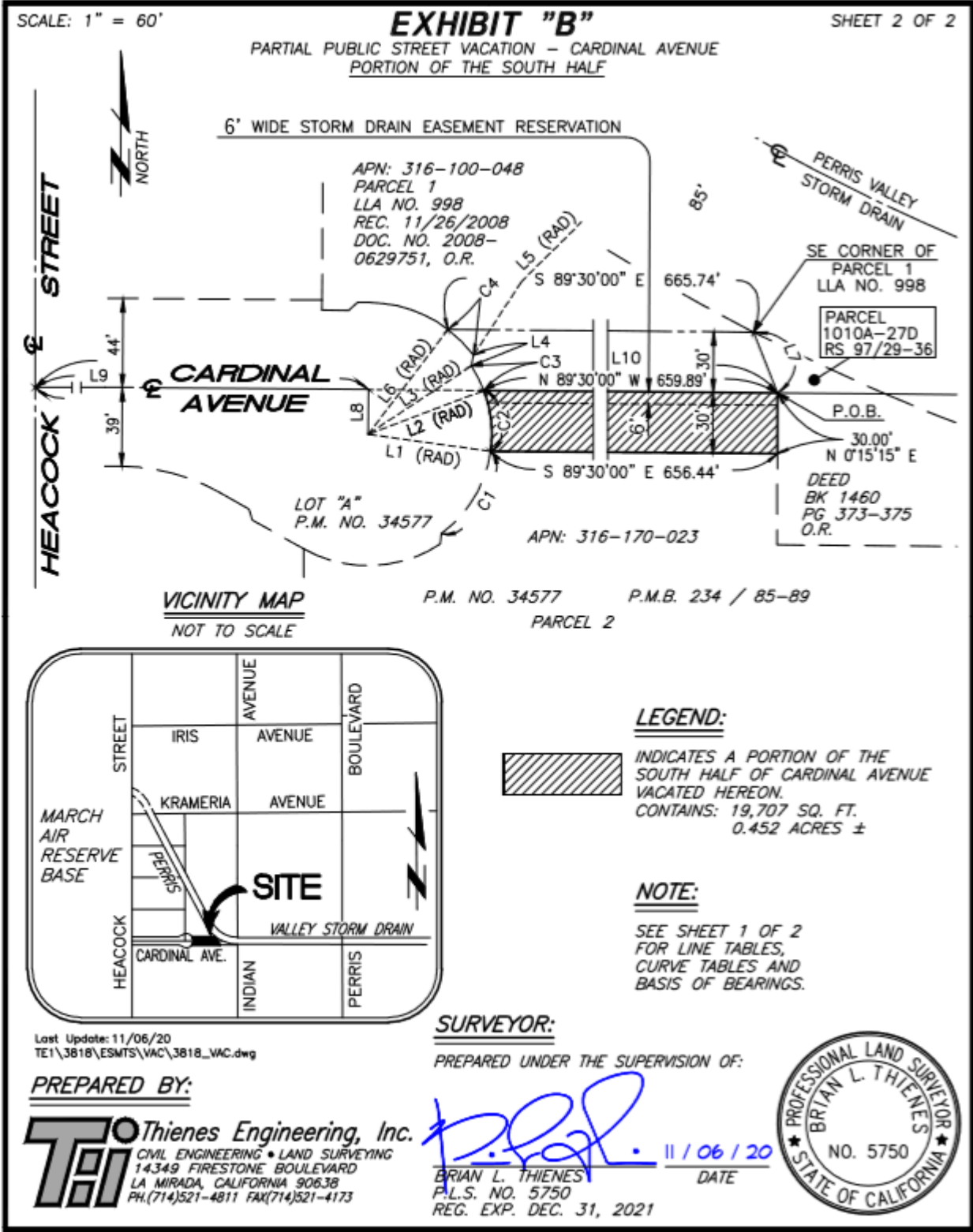
PREPARED UNDER THE SUPERVISION OF:

*[Signature]*  
BRIAN L. THIENES  
P.L.S. NO. 5750  
REG. EXP. DEC. 31, 2021

11 / 06 / 20  
DATE

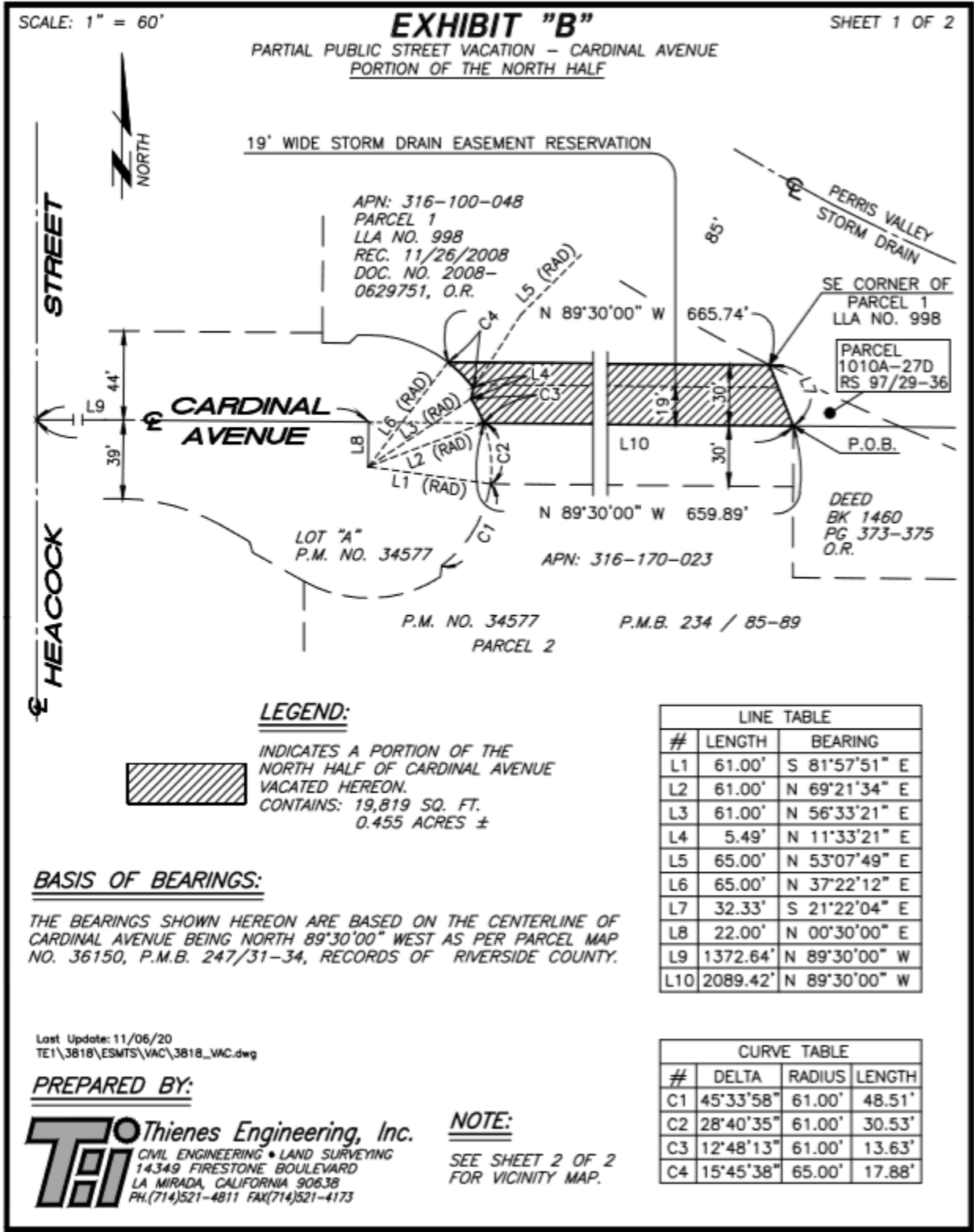


Attachment: Proposed Resolution 2020-XX - Summary Vacation (4143 : PEN19-0213 - ADOPTION OF THE PROPOSED RESOLUTION FOR THE



Attachment: Proposed Resolution 2020-XX - Summary Vacation (4143 : PEN19-0213 - ADOPTION OF THE PROPOSED RESOLUTION FOR THE





Attachment: Proposed Resolution 2020-XX - Summary Vacation (4143 : PEN19-0213 - ADOPTION OF THE PROPOSED RESOLUTION FOR THE



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michael L. Wolfe P.E., Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** PEN18-0224 (TR 35931) – APPROVE TRACT MAP 35931 LOCATED ON THE SOUTHWEST CORNER OF IRIS AVENUE AND VIA DEL LAGO, DEVELOPER: VIA DEL LAGO HOMES, LLC

---

### **RECOMMENDED ACTION**

#### **Recommendation:**

1. Approve Tract Map 35931 (A Condominium Map).
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

### **SUMMARY**

This report recommends approval of Tract Map 35931, a Condominium Map, which is owned by Via Del Lago Homes, LLC, a California Limited Liability Company (LLC). Tract Map 35931 is a multi-family residential development and will subdivide one lot into four lots, containing a total of 135 units. The project is located on the southwest corner of Iris Avenue and Via Del Lago.

### **DISCUSSION**

The original entitlements for the development project were approved by the Planning Commission on August 23, 2012. On January 14, 2019, Conditions of Approval and an Extension of Time were approved for Tentative Tract Map 35931 by the Community Development Department. The map subdivides one 10.42 acre parcel into four lots for the purposes of constructing a total of 135 condominium units and is located on the southwest corner of Iris Avenue and Via Del Lago. The Agreement for Public Improvements was approved by the City Engineer and recorded on November 3, 2020. Tract Map 35931 is in substantial conformance with the approved Tentative Tract Map.

The developer has requested the map be approved for recordation. Due to the size of the map, it is not attached to this report. However, the map is available for review at the Public Works/Land Development counter at City Hall.

## **ENVIRONMENTAL**

In accordance with California Environmental Quality Act (CEQA) Guidelines, the City on August 23, 2012 made a determination that the project would not result in any significant effect on the environment and qualified for a Negative Declaration under the provisions of CEQA.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. Staff recommends this alternative as it will allow the tract map to be recorded and allow the project to move forward with development of residential property and adjacent improvements.
2. Do not approve and do not authorize the recommended actions as presented in this staff report. Staff does not recommend this alternative as it will not allow the parcel map to be recorded and not allow the project to move forward with development of residential property and adjacent improvements.

## **FISCAL IMPACT**

No fiscal impact is anticipated.

## **NOTIFICATION**

Publication of agenda.

## **PREPARATION OF STAFF REPORT**

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

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

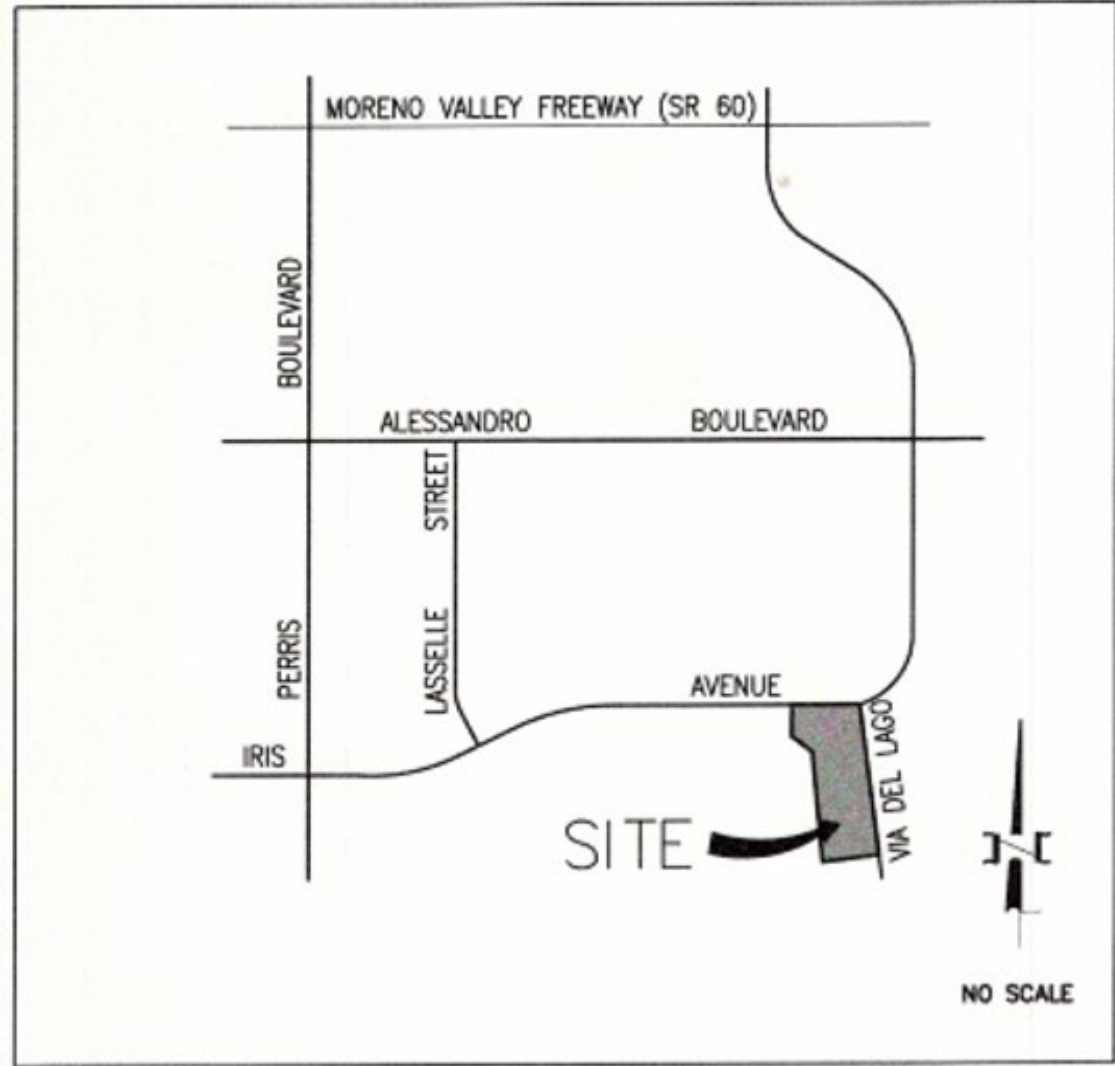
Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

**ATTACHMENTS**

- 1. Vicinity Map - PEN18-0224 (TR 35931)

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/19/20 5:05 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/19/20 5:54 PM



VICINITY MAP

CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PEN18-0224 (TR 35931)  
Final Map

Attachment: Vicinity Map - PEN18-0224 (TR 35931) (4211 : PEN18-0224 (TR 35931) - APPROVE TRACT MAP 35931)



## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Michael L. Wolfe P.E., Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE ADVANCED DILEMMA ZONE DETECTION SYSTEMS PROJECT (PROJECT 808 0018)

---

### **RECOMMENDED ACTION**

#### **Recommendations:**

1. Reject all other bids, waive any and all minor irregularities, and award a construction contract to Elecnor Belco Electric, Inc. for the Advanced Dilemma Zone Detection Systems project in the amount of \$812,979.00 and authorize the City Manager to execute the contract;
2. Authorize the issuance of a Purchase Order to Elecnor Belco Electric, Inc. in the amount of \$934,925.85 (\$812,979.00 bid amount plus a 15% contingency), using grant funds from the Highway Safety Improvement Program; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract, not to exceed the contingency amount.

### **SUMMARY**

This report recommends approval of a contract with Elecnor Belco Electric, Inc. for the construction of the Advanced Dilemma Zone Detection Systems project. The project is 100% funded by the Highway Safety Improvement Program (HSIP).

### **DISCUSSION**

The Highway Safety Improvement Program was established in 2005 by Federal law as a core Federal-aid program. The program's purpose is to reduce traffic fatalities and

serious injuries on public roads.

On July 14, 2015, City Council approved submission of applications for three projects under the HSIP Cycle 7 Call for Projects. The project cited in this staff report was one of the three authorized by Council. The project successfully competed in that funding round.

On February 16, 2016, City Council accepted the grant and appropriated the funds to deliver the project, to be reimbursed by the State of California as the project progresses. Staff has subsequently cleared the federal environmental process and received written authorization to proceed with construction from the State.

The project will install Advanced Dilemma Zone Detection Systems (ADZDS) at 65 signalized intersections citywide. ADZDS help reduce rear-end collisions and red-light running by adjusting the onset of the yellow clearance interval while vehicles are approaching the intersection. They work by using video and/or radar to track the location, size, and speed of approaching vehicles to avoid ending the green interval if an approaching vehicle would have difficulty deciding whether to stop or go. The Caltrans Local Roadway Safety Manual predicts ADZDS can reduce rear-end crashes by up to 40%.

The project intersections were selected based on documented collision history. The attached vicinity map depicts the project intersections. The project funding covers all phases of implementation, including planning, environmental clearance, design, procurement, installation, and contingencies.

The project was advertised for construction on October 6, 2020 on the City's PlanetBids online bidding system. Formal bidding procedures were followed in accordance with the Public Contract Code. The bidding period closed on October 29, 2020. Seven bids were received as follows:

	<u>CONTRACTORS</u>	<u>BID AMOUNT</u>
1.	Elecnor Belco Electric, Inc	\$ 812,979.00
2.	Crosstown Electrical & Data, Inc.	\$ 955,383.00
3.	Baker Electric	\$ 965,596.00
4.	Servitek Electric, Inc.	\$ 987,500.00
5.	California Professional Engineering, Inc.	\$ 1,061,852.00
6.	Alfaro Communications Construction, Inc.	\$ 1,064,936.00
7.	DBX, Inc.	\$ 1,206,513.00

Staff has reviewed the bid by Elecnor Belco Electric, Inc. and determined that they are the lowest responsive and responsible bidder in possession of a valid license and bid bond. No outstanding issues were identified through review of their references.

Staff recommends award of the construction contract to Elecnor Belco Electric, Inc. for the bid amount of \$812,979.00. Staff also recommends the authorization of a 15% contingency amount (\$121,946.85). This is recommended to allow rapid response and

avoid unnecessary construction delays that typically result in contractor change orders for any unforeseen circumstances encountered during construction. As this project requires significant underground work, there is a high probability of unforeseen conflicts with unmarked utilities.

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 Advanced Dilemma Zone Detection Systems project, thereby improving safety and mobility 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 project is funded by the Highway Safety Improvement Program, with no local match. There is no impact to the General Fund.

**AVAILABLE FUNDS FOR CONSTRUCTION:**

Capital Projects Grants	
(Account No. 2301-70-76-80008, Project No. 808 0018-2301) .....	<u>\$ 3,576,409</u>
Total .....	<u>\$ 3,576,409</u>

**ESTIMATED PROJECT-RELATED COSTS:**

Project administration* .....	\$ 120,000
Construction management .....	\$ 407,000
City-furnished equipment .....	\$ 1,085,511
Construction .....	<u>\$ 934,926</u>
Total .....	<u>\$2,547,437</u>

*\*Includes staff time, plans and bidding documents review and approval, printing, and other miscellaneous costs.*

**NOTIFICATION**

Publication of agenda

**PREPARATION OF STAFF REPORT**

Prepared By:

Department Head Approval:

John Kerenyi, P.E.  
Acting City Traffic Engineer

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**

**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

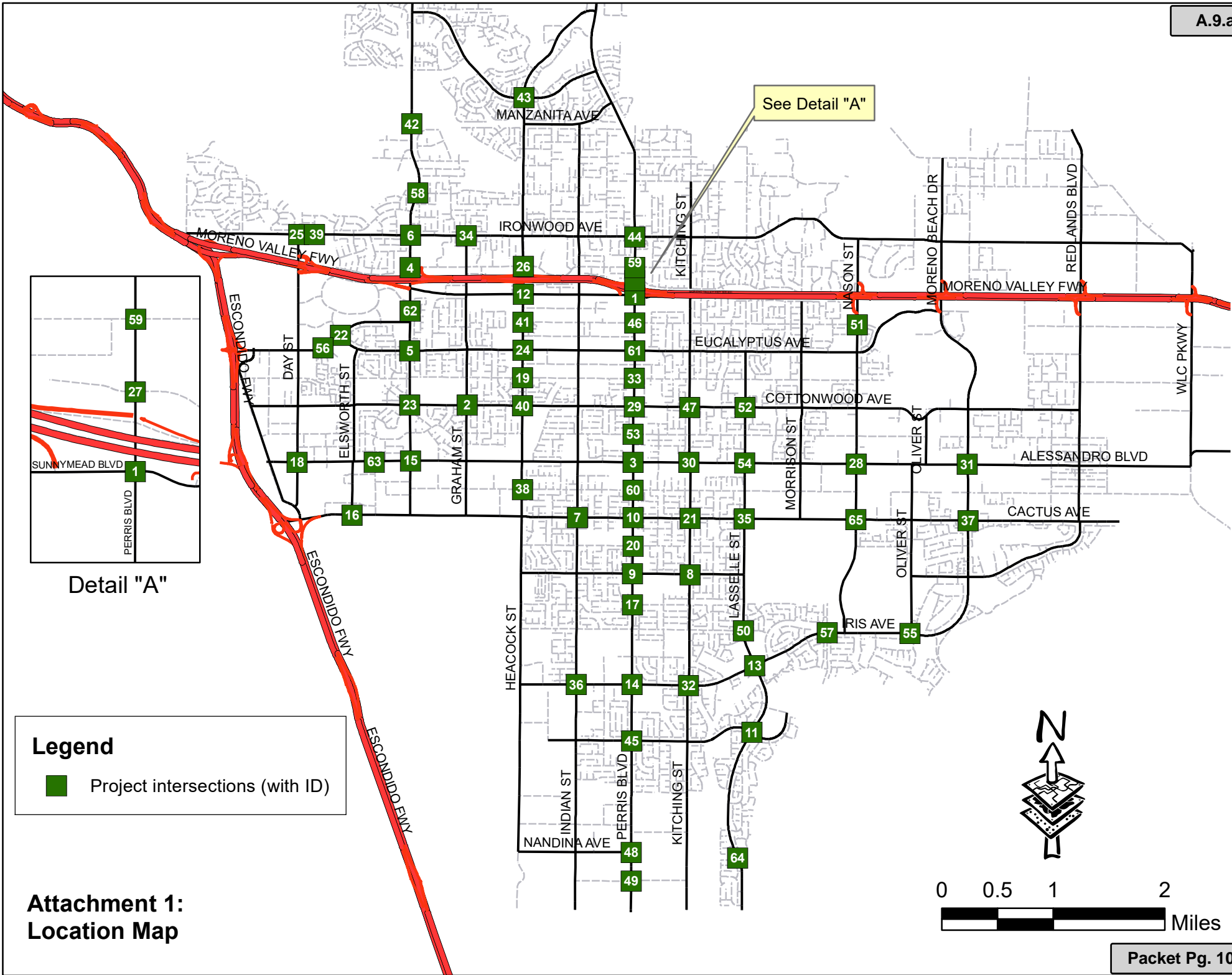
Objective 4.9: Expand upon existing Intelligent Transportation Systems.

**ATTACHMENTS**

- 1. Vicinity map
- 2. Agreement

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/20/20 8:10 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/20/20 10:23 AM



Attachment: Vicinity map (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO

Attachment 1: Location Map

Agreement No. \_\_\_\_\_

**AGREEMENT****PROJECT NO. 808 0018/FEDERAL PROJECT NO. HSIPL 5441(068)  
INSTALL ADVANCED DILEMMA ZONE DETECTION SYSTEMS**

THIS Agreement, effective as of the date signed by the City of Moreno Valley, is by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Elecnor Belco Electric, Inc.** hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

**1. CONTRACT DOCUMENTS.** The Contract Documents consist of the following, which are incorporated herein by this reference:

- A. Any and all Contract Change Orders issued after execution of this Agreement
- B. This Agreement
- C. Addenda Nos. 1 inclusive, issued prior to the opening of the Bids
- D. Federal Provisions and Requirements
- E. Any Federal Certifications, documentation and reports as required, including but not limited to Non-Lobbying Certification, Disclosure of Lobbying Activities, Equal Employment Opportunity Certification, Debarment and Suspension Certification.
- F. City of Moreno Valley Supplementary General Conditions, including Exhibit 12-G and FHWA 1273 – Revised May 1, 2012, Required Federal-Aid Contract Language and Federal Wage Rates current as of the Bid Deadline (See Attachment "A" for Federal Wage Rates)
- G. The bound Contract Documents that includes City Special Provisions, including the General Provisions and Technical Provisions
- H. Standard Specifications for Public Works Construction ("Greenbook") – latest edition in effect at the Bid Deadline, as modified by the City Special Provisions
- I. Reference Specifications/Reference Documents other than those listed in paragraph 2, below
- J. Project Plans
- K. City Standard Plans
- L. Caltrans Standard Plans
- M. Contractor's Certificates of Insurance and Additional Insured Endorsements
- N. Contractor's Bidder's Proposal and Subcontractor Listing, Exhibit 12-B - Bidder's List of Subcontractors (DBE and Non-DBE)
- O. Exhibit 15-G - Construction Contract DBE Commitment

In the event of conflict or discrepancy between any of the Contract Documents, the provisions placing a more stringent requirement on the Contractor shall prevail. The Contractor shall provide the better quality or greater quantity of Work and/or materials unless otherwise directed by City in writing. In the event none of the Contract Documents place a more stringent requirement or greater burden on the Contractor, the controlling provision shall be that which is found in the document with higher precedence in accordance with the above order of precedence.



**2. REFERENCE DOCUMENTS.** The following Reference Documents are not considered Contract Documents and are made available to the Contractor prior to the Bid Deadline for informational purposes:

A. None

**3. SCOPE OF WORK.** The Contractor shall perform and provide all materials, tools, equipment, labor, and services necessary to complete the Work described in the Contract Documents, except as otherwise provided in the Plans, Standard Specifications, or City Special Provisions to be the responsibility of others.

**4. PAYMENT.**

**4.1. Contract Price and Basis for Payment.** In consideration for the Contractor's full, complete, timely, and faithful performance of the Work required by the Contract Documents, the City shall pay Contractor for the actual quantity of Work required under the Bid Items awarded by the City performed in accordance with the lump sum prices and unit prices for Bid Items and Alternate Bid Items, if any, set forth the Bidder's Proposal submitted with the Bid. The sum of the unit prices and lump sum prices for the Bid Items awarded by the City is **Eight Hundred Twelve Thousand Nine Hundred Seventy Nine Dollars (\$812,979.00)** ("Contract Price"). It is understood and agreed that the quantities set forth in the Bidder's Proposal for which unit prices are fixed are estimates only and that City will pay and Contractor will accept, as full payment for these items of work, the unit prices set forth in the Bidder's Proposal multiplied by the actual number of units performed, constructed, or completed as directed by the City Engineer.

**4.2. Payment Procedures.** Based upon applications for payment submitted by the Contractor to the City, the City shall make payments to the Contractor in accordance with Article 9 of the Standard Specifications, as modified by Article 9 of the City Special Provisions.

**5. CONTRACT TIME.**

**A. Initial Notice to Proceed.** After the Agreement has been fully executed by the Contractor and the City, the City shall issue the "Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials." The date specified in the Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials constitutes the date of commencement of the Contract Time of **One Hundred Twenty (120) Working Days**. The Contract Time includes the time necessary to fulfill preconstruction requirements, place the order for materials, and to complete construction of the Project (except as adjusted by subsequent Change Orders).

The Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials shall further specify that Contractor must complete the preconstruction requirements and order materials within **fifteen (15) Working Days** after the date of commencement of the Contract Time; this duration is part of the Contract Time.

Critical preconstruction requirements include, but are not limited to, the following:

- Submitting and obtaining approval of the Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Plan (WPCP)
- Submitting and obtaining approval of critical required submittals

- Obtaining an approved no fee Encroachment Permit
- Obtaining a Temporary Use Permit for a construction yard (or alternate arrangements)
- Notifying all agencies, utilities, residents, etc., as outlined in the Contract Documents

If the City's issuance of a Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials is delayed due to Contractor's failure to return the fully executed Agreement and insurance and bond documents within ten (10) Working Days after Contract award, then Contractor agrees to the deduction of one (1) Working Day from the number of days to complete the Project for every Working Day of delay in the City's receipt of said documents. This right is in addition to and does not affect the City's right to demand forfeiture of Contractor's Bid Security if Contractor persistently delays in providing the required documentation.

**B. Notice to Proceed with Construction.** After all preconstruction requirements are met, materials have been ordered in accordance with the Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials, and a delivery date for the materials is scheduled, the City will issue the "Notice to Proceed with Construction," at which time the Contractor shall diligently prosecute the Work, including corrective items of Work, day to day thereafter, within the remaining Contract Time.

## 6. LIQUIDATED DAMAGES AND CONTROL OF WORK

6.1. **Liquidated Damages.** The Contractor and City (collectively, the "Parties") have agreed to liquidate damages with respect to Contractor's failure to order all materials in accordance with the Notice to Proceed with Order of Materials and/or failure to fulfill the preconstruction requirements, and/or failure to complete the Work within the Contract Time. The Parties intend for the liquidated damages set forth herein to apply to this Contract as set forth in Government Code Section 53069.85. Contractor acknowledges and agrees that the liquidated damages are intended to compensate the City solely for Contractor's failure to meet the deadline for completion of the Work and will not excuse Contractor from liability from any other breach, including any failure of the Work to conform to the requirements of the Contract Documents.

In the event that Contractor fails to order all materials in accordance with the Notice to Proceed with Order of Materials and/or fails to fulfill the preconstruction requirements and/or fails to complete the Work within the Contract Time, Contractor agrees to pay the City **\$1850.00 per Calendar day** that completion of the Work is delayed beyond the Contract Time, as adjusted by Contract Change Orders. The Contractor will not be assessed liquidated damages for delays occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

The Contractor and City acknowledge and agree that the foregoing liquidated damages have been set based on an evaluation of damages that the City will incur in the event of late completion of the Work. The Contractor and City acknowledge and agree that the amount of such damages are impossible to ascertain as of the date of execution hereof and have agreed to such liquidated damages to fix the City's damages and to avoid later disputes. It is understood and agreed by Contractor that liquidated damages payable pursuant to this Agreement are not a penalty and that such amounts are not manifestly unreasonable under the circumstances existing as of the date of execution of this Agreement.

It is further mutually agreed that the City will have the right to deduct liquidated damages against progress payments or retainage and that the City will issue a Change Order or Construction Change Directive and reduce the Contract Price accordingly. In the event the remaining unpaid Contract Price is insufficient to cover the full amount of liquidated damages, Contractor shall pay the difference to the City.

Liquidated damages are owed automatically and without notice of any kind upon the accrual of each day of delay. City may at any time deduct liquidated damages as are payable hereunder from money due or to become due to Contractor, or pursue any other legal remedy to collect such liquidated damages from Contractor and/or its Surety. Neither the City's failure or delay in deducting liquidated damages from payments otherwise due Contractor, nor City's failure or delay in notifying Contractor of the accrual of liquidated damages, shall be deemed a waiver of City's right to liquidated damages.

City's rights under this Section shall not be interpreted as precluding or limiting: (1) any right or remedy of City arising from an event of Contractor default other than a failure to complete the Work within the Contract Time; or (2) City's right to order an acceleration, at Contractor's expense, of performance of the Work to overcome delay, including, without limitation, a delay for which City has the right to assess and/or accrue liquidated damages. The availability of liquidated damages shall not limit City's right to terminate the Contractor's performance and accrual and/or assessment of liquidated damages does not constitute a waiver of such rights.

**6.2. Owner is Exempt from Liability for Early Completion Delay Damages.** While the Contractor may schedule completion of all of the Work, or portions thereof, earlier than the Contract Time, the Owner is exempt from liability for and the Contractor will not be entitled to an adjustment of the Contract Sum or to any additional costs, damages, including, but not limited to, claims for extended general conditions costs, home office overhead, jobsite overhead, and management or administrative costs, or compensation whatsoever, for use of float time or for Contractor's inability to complete the Work earlier than the Contract Time for any reason whatsoever, including but not limited to, delay cause by Owner or other Excusable Compensable Delay. See Section 6-6 of the Standard Specifications and City Special Provisions regarding compensation for delays.

**6.3.** Any work completed by the Contractor after the issuance of a Stop Work Notice by the City shall be rejected and/or removed and replaced as specified in Section **3-5** of the Special Provisions.

## **7. INSURANCE.**

**7.1. General.** The Contractor shall procure and maintain at its sole expense and throughout the term of this Agreement, any extension thereof, Commercial General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described herein.

**7.2. Additional Insured Endorsements.** The Contractor shall cause the insurance required by the Contract Document to include the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD, and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives as an additional

insureds. For the Commercial General Liability coverage, said parties shall be named as additional insureds utilizing either:

1. Insurance Services Office (“ISO”) Additional Insured endorsement CG 20 10 (11/85); or
2. ISO Additional Insured endorsement CG 20 10 (10/01) and Additional Insured Completed Operations endorsement CG 20 37 (10/01); or
3. Substitute endorsements providing equivalent coverage, approved by the City.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. The coverage shall contain no special limitations on the scope of protection afforded to such additional insureds. Coverage for such additional insureds does not extend to liability to the extent prohibited by Insurance Code Section 11580.4.

**7.3. Waivers of Subrogation.** All policies of insurance required by the Contract Documents shall include or be endorsed to provide a waiver by the insurers of any rights of recovery or subrogation that the insurers may have at any time against the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives.

**7.4. Primary Coverage.** All policies and endorsements shall stipulate that the Contractor’s (and the Subcontractors’) insurance coverage shall be primary insurance as respects the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives, and shall be excess of the Contractor’s (and its Subcontractors’) insurance and shall not contribute with it.

**7.5. Coverage Applies Separately to Each Insured and Additional Insured.** Coverage shall state that the Contractor’s (and its Subcontractors’) insurance shall apply separately to each insured or additional insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability. Coverage shall apply to any claim or suit brought by an additional insured against a named insured or other insured.

**7.6. Self-Insurance.** Any self-insurance (including deductibles or self-insured retention in excess of \$50,000) in lieu of liability insurance must be declared by Contractor and approved by the City in writing prior to execution of the Agreement. The City’s approval of self-insurance, if any, is within the City’s sole discretion and is subject to the following conditions:

1. Contractor must, at all times during the term of the Agreement and for a period of at least **one (1)** year after completion of the Project, and any extension of the one-year correction guarantee period in accordance with Section 313.3 of the City Special Provisions, maintain and upon Owner’s reasonable request provide evidence of:

- (a) Contractor's "net worth" (defined as "total assets" [defined as all items of value owned by the Contractor including tangible items such as cash, land, personal property and equipment and intangible items such as copyrights and business goodwill]) minus total outside liabilities must be reflected in a financial statement for the prior fiscal year reflecting sufficient income and budget for Contractor to afford at least one loss in an amount equal to the amount of self-insurance;
  - (b) Financial statements showing that Contractor has funds set aside/budgeted to finance the self-insured fund (i.e., Contractor has a program that fulfills functions that a primary insurer would fill); and
  - (c) A claims procedure that identifies how a claim is supposed to be tendered to reach the financing provided by the self-insured fund.
2. If at any time after such self-insurance has been approved, the Contractor fails to meet the financial thresholds or otherwise fails to comply with the provisions set forth in this Paragraph 7, at the option of the City:
- (a) the Contractor shall immediately obtain and thereafter maintain the third party insurance required under this Paragraph 7 and otherwise on the terms required above; or
  - (b) The insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees, and volunteers; or
  - (c) The Contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

**7.7. Insurer Financial Rating.** Insurance companies providing insurance hereunder shall be rated A-VII or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

**7.8. Notices to City of Cancellation or Changes.** Each insurance policy described in this Paragraph 7 shall contain a provision or be endorsed to state that coverage will not be cancelled without **thirty (30) days'** prior written notice by certified or registered mail to the City (this obligation may be satisfied in the alternative by requiring such notice to be provided by Contractor's insurance broker and set forth on its Certificate of Insurance provided to the City), except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. If an insurance carrier cancels any policy or elects not to renew any policy required to be maintained by Contractor pursuant to the Contract Documents, Contractor agrees to give written notice to the City at the address indicated on the first page of the Agreement. Contractor agrees to provide the same notice of cancellation and non-renewal to the City that is required by such policy(ies) to be provided to the First Named Insured under such policy(ies). Contractor shall provide confirmation that the required policies have been renewed not less than seven (7) days prior to the expiration of existing coverages and shall deliver renewal or replacement policies, certificates and endorsements to the City Clerk within fourteen (14) days



of the expiration of existing coverages. Contractor agrees that upon receipt of any notice of cancellation or alteration of the policies, Contractor shall procure within five (5) days, other policies of insurance similar in all respects to the policy or policies to be cancelled or altered. Contractor shall furnish to the City Clerk copies of any endorsements that are subsequently issued amending coverage or limits within fourteen (14) days of the amendment.

7.9. **Commercial General Liability.** Coverage shall be written on an ISO Commercial General Liability “occurrence” form CG 00 01 (10/01 or later edition) or equivalent form approved by the City for coverage on an occurrence basis. The insurance shall cover liability, including, but not limited to, that arising from premises operations, stop gap liability, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The policy shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 (11/85). Coverage shall contain no contractors’ limitation or other endorsement limiting the scope of coverage for liability arising from pollution, explosion, collapse, or underground (x, c, u) property damage. Contractor shall provide Products/Completed Operations coverage to be maintained continuously for a minimum of **one (1) year** after Final Acceptance of the Work, and any extension of the one-year correction guarantee period in accordance with Section 3-13.3 of the City Special Provisions.

Contractor shall maintain Commercial General Liability insurance with the following minimum limits: \$1,000,000 per occurrence / \$2,000,000 aggregate / \$2,000,000 products-completed operations.

7.10. **Business Automobile Liability.** Coverage shall be written on ISO form CA 00 01 (12/93 or later edition) or a substitute form providing equivalent coverage for owned, hired, leased and non-owned vehicles, whether scheduled or not, with \$1,000,000 combined single limit per accident for bodily injury and property damage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

7.11. **Workers’ Compensation.** Contractor shall comply with the applicable sections of the California Labor Code concerning workers’ compensation for injuries on the job. Compliance is accomplished in one of the following manners:

1. Provide copy of permissive self-insurance certificate approved by the State of California; or
2. Secure and maintain in force a policy of workers’ compensation insurance with statutory limits and Employer’s Liability Insurance with a minimal limit of **\$1,000,000** per accident; or
3. Provide a “waiver” form certifying that no employees subject to the Labor Code’s Workers’ Compensation provision will be used in performance of this Contract.

7.12. **Subcontractors’ Insurance.** The Contractor shall include all Subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each Subcontractor. All coverages for Subcontractors shall be subject to all of the requirements stated herein.

**8. BONDS.** The Contractor shall provide two surety bonds. The Contractor shall furnish a satisfactory Performance Bond meeting all statutory requirements of the State of California on the form provided by the City. The bond shall be furnished as a guarantee of the faithful performance of the requirements of the Contract Documents as may be amended from time to time, including, but not limited to, liability for delays and damages (both direct and consequential) to the City and the City's Separate Contractors and consultants, warranties, guarantees, and indemnity obligations, in an amount that shall remain equal to one hundred percent (100%) of the Contract Price.

The Contractor shall furnish a separate satisfactory Labor and Materials Payment Bond meeting all statutory requirements of the State of California on the form provided by the City in an amount that shall remain equal to one hundred percent (100%) of the Contract Price to secure payment of all claims, demands, stop payment notices, or charges of the State of California, of material suppliers, mechanics, or laborers employed by the Contractor or by any Subcontractor, or any person, firm, or entity eligible to file a stop payment notice with respect to the Work.

All bonds shall be executed by a California-admitted surety insurer. Bonds issued by a California-admitted surety insurer listed on the latest version of the U.S Department of Treasury Circular 570 shall be deemed accepted unless specifically rejected by the City. Bonds issued by sureties not listed in Treasury Circular 570 must be accompanied by all documents enumerated in California Code of Civil Procedure Section 995.660(a). The bonds shall bear the same date as the Contract. The attorney-in-fact who executes the required bonds on behalf of the surety shall affix thereto a certified and current copy of the power of attorney. In the event of changes that increase the Contract Price, the amount of each bond shall be deemed to increase and at all times remain equal to the Contract Price. The signatures shall be acknowledged by a notary public. Every bond must display the surety's bond number and incorporate the Contract for construction of the Work by reference. The terms of the bonds shall provide that the surety agrees that no change, extension of time, alteration, or modification of the Contract Documents or the Work to be performed thereunder shall in any way affect its obligations and shall waive notice of any such change, extension of time, alteration, or modification of the Contract Documents. The surety further agrees that it is obligated under the bonds to any successor, grantee, or assignee of the City.

Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract, the Contractor shall promptly furnish a copy of the bonds or shall authorize a copy to be furnished.

Should any bond become insufficient, or should any of the sureties, in the opinion of the City, become non-responsible or unacceptable, the Contractor shall, within ten (10) Calendar Days after receiving notice from the City, provide written documentation to the Satisfaction of the City that Contractor has secured new or additional sureties for the bonds; otherwise the Contractor shall be in default of the Contract. No further payments shall be deemed due or will be made under Contract until a new surety(ies) qualifies and is accepted by the City.

Contractor agrees that the Labor and Materials Payment Bond and Faithful Performance Bond attached to this Agreement are for reference purposes only, and shall not be considered a part of this Agreement. Contractor further agrees that said bonds are separate obligations of the Contractor and its Surety, and that any attorney's fee provision contained in any payment bond or performance bond shall not apply to this Agreement. In the event there is any litigation between

the parties arising from the breach of this Agreement, each party will bear its own attorneys' fees in the litigation.

**9. RECORDS.** The Contractor and its Subcontractors shall maintain and keep books, payrolls, invoices of materials, and Project records current, and shall record all transactions pertaining to the Contract in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, Riverside County, the State of California, the Federal Government, and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for at least three (3) years after Final Acceptance.

## **10. INDEMNIFICATION.**

**10.1. General.** To the fullest extent permitted by law, the Contractor assumes liability for and agrees, at the Contractor's sole cost and expense, to promptly and fully indemnify, protect, hold harmless and defend (even if the allegations are false, fraudulent, or groundless), the City of Moreno Valley, its City Council, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and all of their respective officials, officers, directors, employees, commission members, representatives and agents ("Indemnitees"), from and against any and all claims, allegations, actions, suits, arbitrations, administrative proceedings, regulatory proceedings, or other legal proceeds, causes of action, demands, costs, judgments, liens, stop notices, penalties, liabilities, damages, losses, anticipated losses of revenues, and expenses (including, but not limited to, any fees of accountants, attorneys, experts or other professionals, or investigation expenses), or losses of any kind or nature whatsoever, whether actual, threatened or alleged, arising out of, resulting from, or in any way (either directly or indirectly), related to the Work, the Project or any breach of the Contract by Contractor or any of its officers, agents, employees, Subcontractors, Sub-subcontractors, or any person performing any of the Work, pursuant to a direct or indirect contract with the Contractor ("Indemnity Claims"). Such Indemnity Claims include, but are not limited to, claims for:

- A. Any activity on or use of the City's premises or facilities;
- B. Any liability incurred due to Contractor acting outside the scope of its authority pursuant to the Contract, whether or not caused in part by an Indemnified Party;
- C. The failure of Contractor or the Work to comply with any Applicable Law, permit or orders;
- D. Any misrepresentation, misstatement or omission with respect to any statement made in the Contract Documents or any document furnished by the Contractor in connection therewith;
- E. Any breach of any duty, obligation or requirement under the Contract Documents, including, but not limited to any breach of Contractor's warranties, representations or agreements set forth in the Contract Documents;
- F. Any failure to coordinate the Work with City's Separate Contractors;
- G. Any failure to provide notice to any party as required under the Contract Documents;
- H. Any failure to act in such a manner as to protect the Project from loss, cost, expense or liability;



- I. Bodily or personal injury, emotional injury, sickness or disease, or death at any time to any persons including without limitation employees of Contractor;
- J. Damage or injury to real property or personal property, equipment and materials (including, but without limitation, property under the care and custody of the Contractor or the City) sustained by any person or persons (including, but not limited to, companies, corporations, utility company or property owner, Contractor and its employees or agents, and members of the general public);
- K. Any liability imposed by Applicable Law including, but not limited to criminal or civil fines or penalties;
- L. Any dangerous, hazardous, unsafe or defective condition of, in or on the Site, of any nature whatsoever, which may exist by reason of any act, omission, neglect, or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors;
- M. Any operation conducted upon or any use or occupation of the Site by the Contractor, its officers, agents, employees, or Subcontractors under or pursuant to the provisions of the Contract or otherwise;
- N. Any acts, errors, omission or negligence of Contractor, its officers, agents, employees, or Subcontractors;
- O. Infringement of any patent rights, licenses, copyrights, or intellectual property which may be brought against the Contractor or Owner arising out of Contractor's Work, for which the Contractor is responsible; and
- P. Any and all claims against the City seeking compensation for labor performed or materials used or furnished to be used in the Work or alleged to have been furnished on the Project, including all incidental or consequential damages resulting to the City from such claims.

10.2. **Effect of Indemnitees' Active Negligence.** Contractor's obligations to indemnify and hold the Indemnitees harmless exclude only such portion of any Indemnity Claim which is attributable to the active negligence or willful misconduct of the Indemnitee, provided such active negligence or willful misconduct is determined by agreement of the parties or by findings of a court of competent jurisdiction. In instances where an Indemnitee's active negligence accounts for only a percentage of the liability for the Indemnity Claim involved, the obligation of Contractor will be for that entire percentage of liability for the Indemnity Claim not attributable to the active negligence or willful misconduct of the Indemnitee(s). Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph 10. Subject to the limits set forth herein, the Contractor, at its own expense, shall satisfy any resulting judgment that may be rendered against any Indemnitee resulting from an Indemnity Claim. The Indemnitees shall be consulted with regard to any proposed settlement.

10.3. **Independent Defense Obligation.** The duty of the Contractor to indemnify and hold harmless the Indemnitees includes the separate and independent duty to defend the Indemnitees, which duty arises immediately upon receipt by Contractor of the tender of any Indemnity Claim from an Indemnitee. The Contractor's obligation to defend the Indemnitee(s) shall be at Contractor's sole expense, and not be excused because of the Contractor's inability to evaluate liability or because the Contractor evaluates liability and determines that the Contractor is not liable. This duty to defend shall apply whether or not an Indemnity Claim has merit or is meritless, or which involves claims or allegations that any or all of the Indemnitees were actively,

passively, or concurrently negligent, or which otherwise asserts that the Indemnitees are responsible, in whole or in part, for any Indemnity Claim. The Contractor shall respond within thirty (30) Calendar Days to the tender of any Indemnity Claim for defense and/or indemnity by an Indemnitee, unless the Indemnitee agrees in writing to an extension of this time. The defense provided to the Indemnitees by Contractor shall be by well qualified, adequately insured and experienced legal counsel acceptable to the City.

**10.4. Intent of Parties Regarding Scope of Indemnity.** It is the intent of the parties that the Contractor and its Subcontractors of all tiers shall provide the Indemnitees with the broadest defense and indemnity permitted by Applicable Law. In the event that any of the defense, indemnity, or hold harmless provisions in the Contract Documents are found to be ambiguous or in conflict with one another, it is the parties' intent that the broadest and most expansive interpretation in favor of providing defense and/or indemnity to the Indemnitees be given effect.

**10.5. Waiver of Indemnity Rights Against Indemnitees.** With respect to third party claims against the Contractor, to the fullest extent permitted by law, the Contractor waives any and all rights to any type of express or implied indemnity against the Indemnitees.

**10.6. Subcontractor Requirements.** In addition to the requirements set forth hereinabove, Contractor shall ensure, by written subcontract agreement, that each of Contractor's Subcontractors of every tier shall protect, defend, indemnify and hold harmless the Indemnitees with respect to Indemnity Claims arising out of, in connection with, or in any way related to each such Subcontractors' Work on the Project in the same manner in which Contractor is required to protect, defend, indemnify and hold the Indemnitees harmless. In the event Contractor fails to obtain such defense and indemnity obligations from others as required herein, Contractor agrees to be fully responsible to the Indemnitees according to the terms of this Paragraph 10.

**10.7. No Limitation or Waiver of Rights.** Contractor's obligations under this Paragraph 10 are in addition to any other rights or remedies which the Indemnitees may have under the law or under the Contract Documents. Contractor's indemnification and defense obligations set forth in this Paragraph 10 are separate and independent from the insurance provisions set forth in the Contract Documents, and do not limit, in any way, the applicability, scope, or obligations set forth in such insurance provisions. The purchase of insurance by the Contractor with respect to the obligations required herein shall in no event be construed as fulfillment or discharge of such obligations. In any and all claims against the Indemnitees by any employee of the Contractor, any Subcontractor, any supplier of the Contractor or Subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the obligations under this Paragraph 10 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any Subcontractor or any supplier of either of them, under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. Failure of the City to monitor compliance with these requirements imposes no additional obligations on the City and will in no way act as a waiver of any rights hereunder.

**10.8. Withholding to Secure Obligations.** In the event an Indemnity Claim arises prior to final payment to Contractor, the City may, in its sole discretion, reserve, retain or apply any monies due Contractor for the purpose of resolving such Indemnity Claims; provided, however, the City may release such funds if the Contractor provides the City with reasonable assurances

of protection of the Indemnitees' interests. The City shall, in its sole discretion, determine whether such assurances are reasonable.

10.9. **Survival of Indemnity Obligations.** Contractor's obligations under this Paragraph 10 are binding on Contractor's and its Subcontractors' successors, heirs, and assigns and shall survive the completion of the Work or termination of the Contractor's performance of the Work.

11. **SUCCESSORS AND ASSIGNS.** The Parties bind themselves, their heirs, executors, administrators, successors and assigns the covenants, agreements and obligations contained in the Contract Documents. The Contractor shall not, either voluntarily or by action of law, assign any right or obligation of the Contractor under the Contract Documents without prior written consent of the City.

**(SIGNATURE PAGE FOLLOWS)**

CITY OF MORENO VALLEY, Municipal Corporation

Elecnor Belco Electric, Inc.

BY: \_\_\_\_\_  
Mike Lee, City Manager

License No./  
Classification: \_\_\_\_\_

DATE: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Federal I.D. No.: \_\_\_\_\_

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

PRINT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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

DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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

DATE: \_\_\_\_\_

**SIGNING INSTRUCTIONS TO THE CONTRACTOR:**

Signature(s) must be accompanied by a completed notary certificate of acknowledgement attached hereto. A general partner must sign on behalf of a partnership. **Two (2)** corporate officers must sign on behalf of a corporation unless the corporation has a corporate resolution that allows one person to sign on behalf of the corporation; if applicable, said resolution must be attached hereto. The corporate seal may be affixed hereto.

Attachment: Agreement (4214) : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

# SAMPLE

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Here insert name and title of the officer)

personally appeared \_\_\_\_\_,

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 acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

### ADDITIONAL OPTIONAL INFORMATION

#### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

#### DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE

(Title or description of attached document)

\_\_\_\_\_  
(Title or description of attached document continued)

Number of Pages \_\_\_\_\_

Document Date \_\_\_\_\_

\_\_\_\_\_  
Additional Information

#### CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

\_\_\_\_\_  
(Title)

- Partner (s)
- Attorney-in-Fact
- Other \_\_\_\_\_

**CONTRACTOR'S BONDS**

Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE

---

Contractor's Bond  
00600

City of Moreno Valley  
Project No. 808 0018/Federal Project No. HSIPL 5441(068)

**BOND NO.** \_\_\_\_\_

**PREMIUM \$** \_\_\_\_\_

**FAITHFUL PERFORMANCE BOND  
(100% of Total Contract Price)**

**PROJECT NO. 808 0018/FEDERAL PROJECT NO. HSIPL 5441(068)  
INSTALL ADVANCED DILEMMA ZONE DETECTION SYSTEMS**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Elecnor Belco Electric, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 808 0018**, and all Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and \_\_\_\_\_, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of \_\_\_\_\_ dollars, (\$ \_\_\_\_\_), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, and provisions in said Contract Documents and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents, and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

Contractor and Surety agree that this Faithful Performance Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Faithful Performance Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Faithful Performance Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Documents or to the Work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Contract Documents or to the Work or the Provisions.

**(SIGNATURE PAGE FOLLOWS)**

Faithful Performance Bond  
00601-1

Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE



**BOND NO.** \_\_\_\_\_

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_.

**CONTRACTOR (Principal)**

**SURETY**

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

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

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

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

Telephone No.: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

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

Print Name: \_\_\_\_\_  
Attorney-in-Fact

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Approved as to Form this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
City Attorney  
City of Moreno Valley

**NOTE:**

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

Faithful Performance Bond  
00601-2

Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECONOR BELCO ELECTRIC, INC. FOR THE



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

# SAMPLE

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Here insert name and title of the officer)

personally appeared \_\_\_\_\_,

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 acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

### ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

#### DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE  
(Title or description of attached document)

\_\_\_\_\_  
(Title or description of attached document continued)

Number of Pages \_\_\_\_\_

Document Date \_\_\_\_\_

\_\_\_\_\_  
Additional Information

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

#### CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

\_\_\_\_\_  
(Title)

- Partner (s)
- Attorney-in-Fact
- Other \_\_\_\_\_

Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE

BOND NO. \_\_\_\_\_

PREMIUM \$ \_\_\_\_\_

**LABOR AND MATERIALS PAYMENT BOND  
(100% of Total Contract Amount)**

**PROJECT NO. 808 0018/FEDERAL PROJECT NO. HSIPL 5441(068)  
INSTALL ADVANCED DILEMMA ZONE DETECTION SYSTEMS**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Elecnor Belco Electric, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 808 0018**, and Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and \_\_\_\_\_, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of \_\_\_\_\_ dollars, (\$ \_\_\_\_\_), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

Contractor and Surety agree that this Labor and Materials Payment Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Labor and Materials Payment Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Labor and Materials Payment Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

Labor and Materials Payment Bond  
00602-2

Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE

**(SIGNATURE PAGE FOLLOWS)**

**Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC. FOR THE**

---

Labor and Materials Payment Bond  
00602-3

**BOND NO.** \_\_\_\_\_

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_.

**CONTRACTOR (Principal)**

**SURETY**

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

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

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

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

Telephone No.: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

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

Print Name: \_\_\_\_\_  
Attorney-in-Fact

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Approved as to Form this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
City Attorney  
City of Moreno Valley

**NOTE:**

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

Labor and Materials Payment Bond  
00602-4

Attachment: Agreement (4214 : AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO ELECONOR BELCO ELECTRIC, INC. FOR THE

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

# SAMPLE

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Here insert name and title of the officer)

personally appeared \_\_\_\_\_,

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 acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

### ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

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- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

#### DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND  
SIGNATURE PAGE

(Title or description of attached document)

\_\_\_\_\_  
(Title or description of attached document continued)

Number of Pages \_\_\_\_\_

Document Date \_\_\_\_\_

\_\_\_\_\_  
Additional Information

#### CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

\_\_\_\_\_  
(Title)

- Partner (s)
- Attorney-in-Fact
- Other \_\_\_\_\_

**EXHIBIT F  
CITY OF MORENO VALLEY  
SUPPLEMENTARY GENERAL CONDITIONS**

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

Supplementary General Conditions  
00603-1

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).







## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Manuel A. Mancha, Community Development Director

**AGENDA DATE:** December 1, 2020

**TITLE:** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY TO SUPPORT THE CREATION OF A MARCH AIR RESERVE BASE COMPATIBILITY USE STUDY UPDATE (CUS) OF THE 2010 MARCH AIR RESERVE BASE/INLAND PORT JOINT LAND USE STUDY (2010 JLUS) TO ASSURE COMPATIBLE LAND USES NEAR MARCH AIR RESERVE BASE TO PROTECT THE FUTURE AVIATION OPERATIONS OF THE UNITED STATES MILITARY

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### **RECOMMENDED ACTION**

#### **Recommendations:**

1. Approve Resolution No 2020-XX. A Resolution of the City Council of the City of Moreno Valley, California, to support the creation of a March Air Reserve Base Compatibility Use Study Update (CUS) of the 2010 March Air Reserve Base/Inland Port Joint Land Use Study (2010 JLUS) to assure compatible land uses near March Air Reserve Base to protect the future aviation operations of the United States Military.

#### **SUMMARY:**

This report recommends the approval of a resolution to support a Compatibility Use Study Update of the 2010 March Air Reserve Base/Inland Port Joint Use Study. As part of the support, the City is being asked, along with the other participants, to provide a portion of the local matching funds associated with a Federal Office of Economic Assistance Grant that the County of Riverside has received for the study. The local match amount for the City will be \$5,000.00 cash and a minimum of \$7,600.00 in kind (staff time) for a total of \$12,600.00.

**BACKGROUND:**

March Air Reserve Base is an essential component of the region's economy, estimated to contribute approximately \$580 million annually. It is imperative that the City, neighboring cities and the County work together to preserve March ARB's long-term operational capacity, by planning for appropriate development around the base which is compatible with March ARB's mission and functionality.

In 2010, the City of Moreno Valley, City of Perris, City of Riverside, County of Riverside, March ARB and the March Joint Powers Authority jointly participated in and adopted the 2010 March ARB/Inland Port Joint Land Use Study (2010 JLUS). That study was financed by a Department of Defense, Office of Economic Assistance grant with local financial support from the five stakeholders of \$5,000.00 in funds plus staff time. In 2014, the Riverside County Airport Land Use Commission adopted the 2014 March ARB/Inland Port Airport Land Use Compatibility Plan, based in large part on the 2010 JLUS. In February 2018 the March ARB issued an updated Air Installation Compatibility Use Zone Study (AICUZ).

In June 2018, the March ARB Base Commander requested that the surrounding communities agree to update the 2010 JLUS, in recognition that it would be a multi-year effort to compete for Federal grants, prepare an updated land use study in cooperation with the Cities and County that form the March JPA, and then update the related plans that implement such study. The March JPA and March ARB asked that the Riverside County Airport Land Use Commission (RCALUC) be the lead agency in the study preparation and administration, in recognition of the technical expertise of ALUC personnel in airport compatibility planning.

In June 2020, the Department of Defense, Office of Economic Assistance approved a grant application from the County of Riverside for financial assistance with preparation of a joint land use study, now titled Compatible Use Study for the March ARB. The Grant includes \$567,000.00 in Federal Funds and \$63,000.00 in Local Contributions for a total amount of \$630,000.00. Given the need for timely approval of these funds, the County approved the grant.

The Local Match of \$63,000.00 is intended to be shared equally by the five stakeholders (Riverside County, the Cities of Moreno Valley, Perris, Riverside and the March JPA). The City's portion of the local match is \$5,000.00 cash and a minimum of \$7,600.00 in staff time for a total of \$12,600.00. A designated March CUS fund will be created by Riverside County to keep track of the Federal Funds, Local Contributions and future expenditures of the project.

**DISCUSSION**

## **Impact on Residents and Businesses**

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The economic benefit from the continuing operation of March Air Reserve Base is a vital component of the regional economy. A study of “MARCH AIR RESERVE BASE ECONOMIC IMPACTS ANALYSIS” was commissioned by the Riverside County Economic Development Agency. (Rose Institute of State and Local Government, Claremont McKenna College, January 14, 2016). It concluded that the “Total annual economic impact on the Inland Southern California region (Riverside and San Bernardino counties) is estimated to be \$579 Million.” Annual payroll to civilians and military personnel by units examined was \$267 Million.

There is a demonstrated need for the Cities of Moreno Valley, Riverside, Perris and the County of Riverside to work cooperatively to protect March ARB’s long-term viability through participation in the Compatible Use Study, so that adjacent development does not restrict the Base’s functionality, and thereby reduce March ARB’s vulnerability to a future Base Realignment and Closure (BRAC) process.

## **Additional Fiscal Information**

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The Compatible Use Study will include the Joint Environmental Assessment (EA) and Initial Study (IS) to identify if NEPA and CEQA compliance is necessary and the level of compliance for the recommendations. The CUS recommendations will address how to limit development in the “Clear Zones” and “Airport Protection Zones” to the standards set by the Department of Defense and be incorporated in amending the 2014 March ARB/Inland Port Airport Land Use Plan. The Study will also identify best practices to address other issues that may potentially affect the Base such as ground water levels, storm water mitigation, and design landscaping to protect air operations from bird strike hazards.

## **Contract History and Price Reasonableness**

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The OEA Grant provides for the Riverside County ALUC to manage the Study process, including 1) establish the Policy Committee of elected officials (March JPA members, Congressional representatives, and include the March ARB Command) and the Working Group of senior staff (March JPA Technical Advisory Committee) to guide the study; 2) retain a Consultant by a RFP specific to the Study tasks 3) lead public outreach about the Study and circulate drafts; and 4) assist in having the Study adopted by the local jurisdictions.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will authorize the payment of the City’s portion of matching funds associated with the Office of Economic Adjustments grant for the*

*Compatible Use Study for the March ARB.*

- 2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative would not authorize the payment of the City’s portion of matching funds associated with the Office of Economic Adjustments grant for the Compatible Use Study for the March ARB, resulting in an additional financial burden on the other jurisdictions associated with the preparation of the study and limiting the City’s ability to participate in the preparation of the study.*

**FISCAL IMPACT**

The local match amount of \$5,000.00 for the March ARB Compatible Use Study is available in the approved City Manager’s Operating Budget, using account 1010-16-15-16010-625099.

**NOTIFICATION**

Notification was provided by publication of the agenda.

**PREPARATION OF STAFF REPORT**

Prepared By:  
 Name Sean P. Kelleher  
 Title Senior Planner

Department Head Approval:  
 Name Manuel A. Mancha  
 Title Community Development 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.

**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. March ARB CUS Resolution No. XX

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/24/20 2:24 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/24/20 2:28 PM

**CITY COUNCIL RESOLUTION NO. 2020-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA TO SUPPORT THE CREATION OF A MARCH AIR RESERVE BASE COMPATIBILITY USE STUDY UPDATE (CUS) OF THE 2010 MARCH AIR RESERVE BASE/INLAND PORT JOINT LAND USE STUDY (2010 JLUS) TO ASSURE COMPATIBLE LAND USES NEAR MARCH AIR RESERVE BASE TO PROTECT THE FUTURE AVIATION OPERATIONS OF THE UNITED STATES MILITARY.**

**WHEREAS**, the economic benefit from the continuing operation of March Air Reserve Base is a vital component of the regional economy estimated to be approximately \$580 million annually, and thus protection of its operational capacity is vital to the local and regional economy; and

**WHEREAS**, the City supported, participated and adopted the 2010 March Air Reserve Base/Inland Port Joint Land Use Study (2010 JLUS).

**WHEREAS**, there is a demonstrated need for the cities of Moreno Valley, Riverside, Perris, the County of Riverside and March Air Reserve Base to work cooperatively to protect the health, safety, and welfare through participation in the March Air Reserve Base Compatibility Study Update (CUS) of the 2010 JLUS and implementation of appropriate measures to assure compatible development;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE** that the City shall pledge support and participation in the process of creating a CUS to update the 2010 JLUS; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Moreno Valley specifically ratifies the creation of the March ARB Policy Committee to assure compatible land uses near March Air Reserve Base, and that the Mayor shall appoint two (2) Council Members to serve on the Policy Committee. The March ARB Policy Committee will be drawn from the membership of the March Joint Powers Authority and expanded to include March ARB Command, Riverside County Airport Land Use Commission and local congressional district representatives and is the appropriate policy committee to provide direction, monitoring and oversight for the creation of the CUS. The members will include elected officials, appointed officials (or their designees). The March Working Group will provide guidance to the Consultant, and its members will be appointed by the jurisdictions and entities represented on the March Policy Committee. It will also be assisted by additional agencies as technical experts as necessary; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Moreno Valley recognizes that the Riverside County Airport Land Use Commission, in recognition of the technical expertise of its personnel in airport land use planning, is the appropriate sponsor of the CUS; and

Attachment: March ARB CUS Resolution No. XX [Revision 3] (4207 : March Air Reserve Base Compatibility Use Study Update)

**BE IT FURTHER RESOLVED** that the City Council of the City of Moreno Valley commits to provide in-kind technical support and financial support for the preparation of the CUS. The commitment of technical support shall have a cost value of at least \$7,600.00. The commitment of financial support shall not exceed \$5,000.00 and the City Council certified that such matching funds will be deposited in a designated MARCH CUS fund at the County of Riverside; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Moreno Valley commits to use it best efforts to implement appropriate recommendations identified through the CUS.

**APPROVED** this 1<sup>st</sup> day of December, 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Attachment: March ARB CUS Resolution No. XX [Revision 3] (4207 : March Air Reserve Base Compatibility Use Study Update)

**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. 2020-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 1<sup>st</sup> day of December, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK  
(SEAL)

Attachment: March ARB CUS Resolution No. XX [Revision 3] (4207 : March Air Reserve Base Compatibility Use Study Update)





## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Steve Quintanilla, Interim City Attorney

**AGENDA DATE:** December 1, 2020

**TITLE:** AMENDING CHAPTER 3.48 ("WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE PROGRAM") TO ELIMINATE LOW INCOME RESIDENTIAL HOUSING AS AN EXEMPTION TO THE MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE

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### **RECOMMENDED ACTION**

#### **RECOMMENDATION:**

That the City Council adopt the attached ordinance amending Chapter 3.48 ("Western Riverside County Multiple Species Habitat Conservation Plan Fee Program") to Title 3 ("Revenue and Finance") of the Moreno Valley Municipal Code to eliminate "Low Income Residential Housing" as an exemption.

#### **BACKGROUND:**

The Measure A sales tax ordinance ("Measure A") adopted by the Riverside County Transportation Commission ("RCTC") requires the City of Moreno Valley to participate in the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") as a condition of receiving Measure A local street and roads funds. Under Measure A, RCTC may not distribute Measure A local streets and road funds to any city in Western Riverside County if the city is not certified by Western Riverside County Regional Conservation Authority ("RCA") as participating in the MSHCP.

The City adopted Ordinance No. 654 which imposed the MSHCP Fee, also known as the Local Development Mitigation Fee ("LDMF") throughout the City. Ordinance No. 654 was codified as Chapter 3.48 ("Western Riverside County Multiple Species Habitat Conservation Plan Fee Program") in the Moreno Valley Municipal Code ("MVMC").

Chapter 3.48, however, included an exemption for “Low Income Residential Housing,” an exemption the RCA maintains is not a valid exemption.

Section 3.48.060 of the MVMC lists several MSHCP Fee exemptions which include section 3.48.060 (F) “low income residential housing,” defined as residential units in projects constructed as housing for lower-income households as defined pursuant to Section 50079.5 of the Health & Safety Code. Section 50079.5 defines “Lower income households” to mean “persons and families whose income does not exceed the qualifying limits for lower income families as established under the Federal Section 8 affordable housing provisions, and it includes ‘very low income households’ and ‘extremely low income households’.”

In 2017, there was a dispute between the City and RCA over City’s obligation to collect the MSHCP Fee related to a particular affordable housing project. A settlement of the dispute resulted in the execution of the “Memorandum of Agreement Between the Western Riverside County Regional Conservation Authority and the City of Moreno Valley Resolving Certain Disputes Regarding the Collection of LDMF.” The Memorandum of Agreement (MOA) provided that the City: (a) pay to RCA a one-time lump sum payment of \$75,000, as full satisfaction of all past and future MSHCP Fees for the Towngate Development Project; and (b) amend the City’s MSHCP Fee as set forth in Chapter 3.48 to remove the exemption for affordable housing projects.

In light of the MOA, the City is obligated to repeal the “Low Income Residential Housing” exemption and the City has no legal alternative but to collect the MSHCP Fee for Low Income Residential Housing projects prior to the issuance of building permits for the respective project.

## **ALTERNATIVES**

1. Approve the proposed Recommended Actions as set forth in this staff report. Staff recommends this alternative.
2. Do not approve 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.

## **NOTIFICATION**

Notification was provided by a notice published in the newspaper and by publication of the agenda.

Prepared By:  
Name Steven B. Quintanilla  
Title Interim City Attorney

**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. Ordinance - Municipal Code Amendment - Chapter 3.48 Western Riverside County Multiple Species Conservation Plan Program Fee

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/25/20 3:59 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/25/20 4:02 PM

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 3.48 “WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE PROGRAM” TO TITLE 3 “REVENUE AND FINANCE” OF THE MORENO VALLEY MUNICIPAL CODE TO AMEND SECTION 3.48.030 “DEFINITIONS” AND REPEAL SECTION 3.48.060 (F) “EXEMPTIONS” TO REMOVE LOW INCOME RESIDENTIAL HOUSING CONSTRUCTION AS AN EXEMPTION TO THE LOCAL DEVELOPMENT MITIGATION FEE**

**WHEREAS**, the City of Moreno Valley is a General Law city organized pursuant to Article XI of the California Constitution; and

**WHEREAS**, the County of Riverside (“County”) developed, the City of Moreno Valley (“City”) adopted, and the Western Riverside County Regional Conservation Authority (“RCA”) administers the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”) Local Development Mitigation Fee, a regional impact fee imposed on new development in Western Riverside County to mitigate the regional biological impacts of new development; and

**WHEREAS**, the City adopted Ordinance No. 654 (the City MSHCP Fee Ordinance) imposing the Local Development Mitigation Fee (“LDMF”) within the City; and

**WHEREAS**, the City MSHCP Fee Ordinance and RCA’s Fee Collection and Remittance Policy Resolution 07-04 sets forth the rules for the administration of LDMF, including without limitation, the City’s obligation to collect LDMF from non-exempt new development within the City and remit it to RCA; and

**WHEREAS**, the Measure A sales tax ordinance (“Measure A”) adopted by the Riverside County Transportation Commission (“RCTC”) requires the City to participate in the MSHCP as a condition of receiving Measure A local street and roads funds; and

**WHEREAS**, under Measure A, RCTC may not distribute Measure A local streets and roads funds to a city or county in Western Riverside County if such city or county is not certified by RCA as participating in the MSHCP; and

**WHEREAS**, Chapter 3.48 (“Western Riverside County Multiple Species Habitat Conservation Plan Fee Program”) of the Moreno Valley Municipal Code defines and exempts “low income residential housing” from the MSHCP Local Development Mitigation Fee; and

**WHEREAS**, section 3.48.030 of the Moreno Valley Municipal Code defines low income residential housing and section 3.48.060 (F) of the Moreno Valley Municipal Code exempts “low income residential housing”; and

**WHEREAS**, in 2017 there was a dispute between the City and RCA over the City’s obligation to collect the MSHCP Fee related to an “affordable housing project” and the City and RCA agreed to settle the issue by requiring the City to amend the City’s MSHCP Fee as set forth in Chapter 3.48, to remove the exemption for affordable housing projects.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1. RECITALS**

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

**Section 2. AMENDMENT TO CHAPTER 3.48 OF TITLE 3 OF THE MORENO VALLEY MUNICIPAL CODE**

That the following sections of Chapter 3.48 (Western Riverside County Multiple Species Habitat Conservation Plan Fee Program) of Title 3 (Revenue and Finance) of the Moreno Valley Municipal Code are hereby amended as follows:

**3.48.030 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

“City” means the city of Moreno Valley, California.

“City council” means the city council of the city of Moreno Valley, California.

“Certificate of occupancy” means a certificate of occupancy issued by the city in accordance with all applicable ordinances, regulations, and rules of the city and state law.

“Credit” means a credit allowed pursuant to Section 3.48.070 of this chapter, which may be applied against the development impact fee paid.

“Development project or project” means any project undertaken for the purpose of development pursuant to the issuance of a building permit by the city pursuant to all applicable ordinances, regulations, and rules of the city and state law.

“Final inspection” means a final inspection of a project as defined by the building codes of the city.

“Gross acreage” means the total property area as shown on a land division map of record, or described through a recorded legal description of the property. This area shall be bounded by road right-of-way and/or legal property lines.

“Local development mitigation fee or fee” means the development impact fee imposed pursuant to the provisions of this chapter.

~~“Low income residential housing” means residential units in projects constructed as housing for lower income households as such households are defined pursuant to Section 50079.5 of the Health and Safety Code.~~

“Multiple species habitat conservation plan or MSHCP” means the western Riverside County multiple species habitat conservation plan, adopted by the city council on January 13, 2004.

“MSHCP conservation area” has the same meaning and intent as such term is defined and utilized in the MSHCP.

“Ordinance” means this ordinance No. 742 of the city of Moreno Valley, California.

“Project area” means the area, measured in acres, from the adjacent road right-of-way line to the limits of project improvements. Project area includes all project improvements and areas that are disturbed as a result of project improvements on an owner’s gross acreage, including all areas depicted on the forms required to be submitted to the city pursuant to this chapter and/or other applicable development ordinance or regulation of the city. Previously improved shall be construed to mean all areas that have been improved with existing foundation, parking lot, hardscape, foundation, and/or building structures under city-approved permits prior to the effective date of the ordinance codified in this chapter. Except as otherwise provided herein, the project area is the area upon which the project will be assessed the local development mitigation fee.

“Residential unit” means a building or portion thereof used by one family and containing but one kitchen, which unit is designed or occupied for residential purposes, including single-family, multiple-family dwellings, and mobile homes on a permanent foundations, but not including hotels and motels.

“Revenue or revenues” means any funds received by the city pursuant to the provisions of this chapter for the purpose of defraying all or a portion of the cost of acquiring and preserving vegetation communities and natural areas within the city and the region which are known to support threatened, endangered or key sensitive populations of plant and wildlife species.

“Western Riverside County regional conservation authority” means the governing body established pursuant to the MSHCP that is delegated the authority to oversee and implement the provisions of the MSHCP. (Ord. 742 § 1.1, 2007; Ord. 654 § 2.2, 2004)

### **3.48.060 Exemptions**

Any project exempt under this section may not be covered by the provisions of the MSHCP. The developer may elect to pay the appropriate MSHCP mitigation fee to ensure coverage by the MSHCP.

The following types of construction shall be exempt from the provisions of this chapter:

- A. Reconstruction or improvements that are damaged or destroyed by fire or other natural causes.
- B. Rehabilitation, remodeling, or minor additions to an existing development project.
- C. Second units, granny units, and residential accessory structures as defined in the city of Moreno Valley Municipal Code.
- D. Existing improvements that are converted from an existing permitted use to a different permitted use, provided that no additional area of the property is disturbed as a result of such conversion.
- E. Any further development within a previously improved project area as defined in Section 3.48.030 of this chapter.

~~**F. Low income residential housing as defined in Section 3.48.030 of this chapter.**~~

F. —~~G.~~ Industrial and commercial projects determined by the city to be submitted for the city development review process as evidenced by a completed application as of the date of January 13, 2004, and the building permit has been issued by the city by no later than July 1, 2004.

G.—~~H.~~ Development projects that are the subject of a public facilities or development agreement entered into pursuant to Government Code Section 65864 et seq., prior to the effective date of the ordinance codified in this chapter, wherein the imposition of new fees are expressly prohibited.

### **Section 3. 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 4. REPEAL OF CONFLICTING PROVISIONS**

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

**Section 5. EFFECTIVE DATE**

That this Ordinance shall take effect thirty (30) days after its second reading.

**Section 6. CERTIFICATION**

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

INTRODUCED at a regular meeting of the City Council on \_\_\_\_\_, 2020 and PASSED, APPROVED, and ADOPTED by the City Council on \_\_\_\_\_, 2020, by the following roll call vote, to wit:

\_\_\_\_\_  
Dr. Yxstian A. Gutierrez  
Mayor  
City of Moreno Valley

**ATTEST:**

\_\_\_\_\_  
Pat Jacquez-Nares, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven B. Quintanilla, Interim City Attorney





## Report to City Council

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**TO:** 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, Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) — AS ANNEXATION NO. 2020-54 (RESO. NO. CSD 2020-\_), ANNEXATION NO. 2020-57 (RESO. NO. CSD 2020-\_), ANNEXATION NO. 2020-58 (RESO. NO. CSD 2020-\_), AS ANNEXATION NO. 2020-59 (RESO. NO. CSD 2020-\_), AND ANNEXATION NO. 2020-61 (RESO. NO. CSD 2020-\_)

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### **RECOMMENDED ACTION**

#### **Recommendations:**

1. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-54 to its Community Facilities District No. 1 and approving the amended map for said District. (Courtyards at Cottonwood, LP, located on the northeast corner of Cottonwood Ave. and Indian St.).
2. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-57 to its Community Facilities District No. 1 and approving the amended map for said District. (FH II located on the northwest corner of Quincy St. and Brodiaea Ave.).

3. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-58 to its Community Facilities District No. 1 and approving the amended map for said District. (Right Solutions located on the southeast corner of Dunlavy Ct. and Davis St.).
4. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-59 to its Community Facilities District No. 1 and approving the amended map for said District. (Juan Franco located at 12065 Webb St.).
5. Acting as the legislative body of Community Facilities District No. 1 (Park Maintenance) adopt Resolution No. CSD 2020-\_\_\_\_, a Resolution of the Board of Directors of the Moreno Valley Community Services District, California, ordering the annexation of territory for Annexation No. 2020-61 to its Community Facilities District No. 1 and approving the amended map for said District. (Nafeesah Kahala located at 11668 Perris Blvd.).

## **SUMMARY**

Approval of the proposed resolutions will certify the annexation of eight parcels into Community Facilities District (CFD) No. 1 (Park Maintenance) (“District”). This action impacts only the property owners identified below, not the general citizens or taxpayers of the City or the CSD.

The City requires property owners of new development projects to mitigate the cost of certain impacts created by the proposed development (e.g., the increase in demand on parks created by residential development). The CSD Board created CFD No. 1 to provide the development community with a funding mechanism to assist in satisfying the requirement. After a property owner elects to annex their property into the District and the CSD Board approves the annexation, a special tax can be levied on the annual property tax bills of the annexed parcels to fund the cost of increased demands on parks.

As a condition of approval for development of their projects, the Property Owners, as defined below, are required to provide a funding source to maintain parks and have elected to annex the parcels of their projects into the District to satisfy the condition. The Property Owners submitted Landowner Petitions approving the annexations and the City Clerk, acting in the capacity of Secretary of the CSD, has confirmed the petitions are valid.

## **DISCUSSION**

The District was formed on July 8, 2003, to provide an alternative funding tool for the development community. It provides a mechanism to fund the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems included within the District.

At the time CFD No. 1 was formed, the CSD Board designated 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 park maintenance services of the District.

As a condition of approval for the projects identified below, the Property Owners are required to provide an ongoing funding source for park maintenance. The table below provides information for the parcels under development (“Subject Property”).

Property Owner/ Project ACP Record #	APNs	Location	Annexation #
Courtyards at Cottonwood, LP 81-unit multi-family housing development PEN19-0110/SCP20-0010	482-161-021, 482-161-022, 482-161-023, and 482-161-024	Northeast corner of Cottonwood Ave. and Indian St.	2020-54
FH II 45 single-family residential development PEN18-0092/SCP20-0015	478-080-014	Northwest corner of Quincy St. and Brodiaea Ave.	2020-57
Right Solutions 7 single-family residential development PEN18-0144/SCP20-0017	475-250-067	Southeast corner of Dunlavy Ct. and Davis St.	2020-58
Juan Franco Custom Home PEN19-0224/SCP20-0019	292-191-023	12065 Webb St.	2020-59
Nafeesah Kahala Custom Home PEN19-0070/SCP20-0023	474-120-054	11668 Perris Blvd.	2020-61

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 CSD to levy the special tax on the annual property tax bill for their property. This option is only available if there are fewer than 12 registered voters living within the proposed annexation area; or
- 2) Fund an endowment to satisfy the annual requirement.

The Property Owners elected to annex the Subject Property into CFD No. 1, which

authorizes the CSD to apply the special tax to the annual property tax bill. The Office of the Riverside County Registrar of Voters confirmed there were no registered voters residing at the Subject Property, allowing for a special election of the landowner. Adoption of the attached resolutions (Attachments 1-5) adds the Subject Property to the District and directs the recordation of the boundary maps (Attachments 6-10) and amended notice of special tax liens for Annexation No. 2020-54, 2020-57, 2020-58, 2020-59, and 2020-61. The Secretary of the CSD received and reviewed the Landowner Petitions and confirmed the Property Owners unanimously approved annexation of the Subject Property into the District (Attachments 11-15).

Successful completion of the annexation process satisfies each project's condition of approval to provide an ongoing funding source for park maintenance.

### **ALTERNATIVES**

1. Adopt the proposed resolutions. *Staff recommends this alternative as it will annex the Subject Property into CFD No. 1 at the request of the Property Owners and satisfy the condition of approval for the proposed developments.*
2. Do not adopt the proposed resolutions. *Staff does not recommend this alternative as it is contrary to each Property Owner's request, will not satisfy the condition of approval, and may delay development of the projects.*
3. Do not adopt the proposed resolutions but rather continue the item to a future regularly scheduled CSD Board meeting. *Staff does not recommend this alternative as it will delay the Property Owners from satisfying the condition of approval and may delay development of their projects.*

### **FISCAL IMPACT**

Revenue received from the special tax is restricted and can only be used to fund the maintenance and operation of CFD No. 1 park facilities and services. The special tax can be applied only to the property tax bill of a parcel wherein the qualified electors (i.e., landowners or registered voters, depending on the number of registered voters) have previously provided approval. The estimated maximum special tax revenue which can be generated from each project is detailed below:

Property Owner/ Project ACP Record #	Proposed DUs <sup>1,2</sup>	FY 2020/21 Maximum Special Tax <sup>3</sup>	FY 2020/21 Maximum Special Tax for the Project <sup>2</sup>
Courtyards at Cottonwood, LP 81-unit multi-family housing development PEN19-0110/SCP20-0010	81	\$181.59/DU	\$14,708.79
FH II 45 single-family residential development PEN18-0092/SCP20-0015	45	\$181.59/DU	\$8,171.55

Right Solutions 7 single-family residential development PEN18-0144/SCP20-0017	7	\$181.59/DU	\$1,271.13
Juan Franco Custom Home PEN19-0224/SCP20-0019	1	\$181.59/DU	\$181.59
Nafeesah Kahala Custom Home PEN19-070/SCP20-0023	1	\$181.59/DU	\$181.59
<sup>1</sup> DU = Dwelling Unit (single-family residential lot or dwelling unit for multi-family). <sup>2</sup> Based on the current project description. The special tax will be calculated based on the final development of the project. <sup>3</sup> The special tax applied to the property tax bill will be based on the needs of the District. The applied special tax rate cannot exceed the maximum special tax rate. The FY 2020/21 applied rate is \$146.32 per DU.			

The maximum special tax rate is subject to an annual inflation adjustment based on the change in Consumer Price Index (CPI) or by two percent (2%), whichever is greater. However, the annual adjustment cannot be applied unless the CSD Board annually authorizes such adjustment. 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 District.

## **NOTIFICATION**

On October 15, 2020, the annexation materials were mailed to the Property Owners. A cover letter, Landowner Petition, Rates and Method of Apportionment of Special Tax, and an envelope to return the completed petition were included.

## **PREPARATION OF STAFF REPORT**

Prepared by:  
Kimberly Ganimian  
Sr. Management Analyst

Department Head Approval:  
Marshall Eyerman  
Assistant City Manager

Concurred by:  
Candace E. Cassel  
Special Districts Division Manager

Concurred by:  
Patti Solano  
Parks & 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.

**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.

**ATTACHMENTS**

- 1. Resolution Ordering Annexation No. 2020-54
- 2. Resolution Ordering Annexation No. 2020-57
- 3. Resolution Ordering Annexation No. 2020-58
- 4. Resolution Ordering Annexation No. 2020-59
- 5. Resolution Ordering Annexation No. 2020-61
- 6. Boundary Map - Annexation 2020-54
- 7. Boundary Map - Annexation 2020-57
- 8. Boundary Map - Annexation 2020-58
- 9. Boundary Map - Annexation 2020-59
- 10. Boundary Map - Annexation 2020-61
- 11. Certificate of Election Official - Annexation 2020-54
- 12. Certificate of Election Official - Annexation 2020-57
- 13. Certificate of Election Official - Annexation 2020-58
- 14. Certificate of Election Official - Annexation 2020-59
- 15. Certificate of Election Official - Annexation 2020-61

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/19/20 2:49 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/19/20 5:57 PM

RESOLUTION NO. CSD 2020-\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY FOR ANNEXATION NO. 2020-54 TO ITS COMMUNITY FACILITIES DISTRICT NO. 1 AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2003-23, the Board of Directors of the Moreno Valley Community Services District (the "CSD") established the CSD's Community Facilities District No. 1 (the "CFD"), a citywide district, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 41, the Board of Directors levied an annual special tax against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks and park improvements; and

WHEREAS, by its Resolution No. CSD 2003-26, the Board of Directors designated all territory within the City of Moreno Valley to be a Future Annexation Area for the CFD; and

WHEREAS, pursuant to Resolution No. CSD 2003-26 territory located within the Future Annexation Area may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings; and

WHEREAS, the landowners of the parcels listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, have submitted a petition requesting and approving annexation of the listed parcels (the "Annexation Parcels") to the CFD; and

WHEREAS, the boundary map entitled "Annexation Map No. 2020-54 of Community Facilities District No. 1 of the Moreno Valley Community Services District City of Moreno Valley, County of Riverside, State of California," showing the extent of the proposed annexation is included as Exhibit B to this Resolution and incorporated herein by reference (the "Boundary Map"); and

WHEREAS, the Board of Directors desires to annex the Annexation Parcels to the CFD.

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

Resolution No. CSD 2020-\_\_\_  
Date Adopted: December 1, 2020

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Ordered. The Annexation Parcels are hereby added to and part of the CFD with full legal effect. The Annexation Parcels are subject to the Special Tax levied in connection with the CFD.
3. Description of Services. The following is a general description of the services provided in the CFD:

The maintenance and/or repair of Parks and Park Improvements including, but not limited to, the planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other ornamental plants and vegetation, the operation, maintenance, repair, and replacement of irrigation systems associated with Parks and Park Improvements, and all the effort by Park Rangers that is devoted to the maintenance of the Parks and Park Improvements and public safety. "Parks and Park Improvement" means parks and park improvements which are to be developed, constructed, installed, and maintained within and in the area of the CSD and which will be owned and operated by the CSD for the benefit of the residents of the CFD.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such Parks and Park Improvements.

It is the intention of the Board of Directors to fund all direct, administrative and incidental annual costs and expenses necessary to provide the authorized maintenance and services.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing map 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 associated with the Boundary Map.
6. Severability. That should any provision, 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.
7. This Resolution shall be effective immediately upon adoption.
8. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file

2  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020



as a public record this Resolution.

APPROVED AND ADOPTED this 1<sup>st</sup> day of December 2020.

\_\_\_\_\_  
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 No. CSD 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation No. 2020-54 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

**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 2020-\_\_\_ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 1<sup>st</sup> day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

\_\_\_\_\_  
SECRETARY

(SEAL)

Resolution No. CSD 2020-\_\_\_<sup>4</sup>  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation No. 2020-54 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

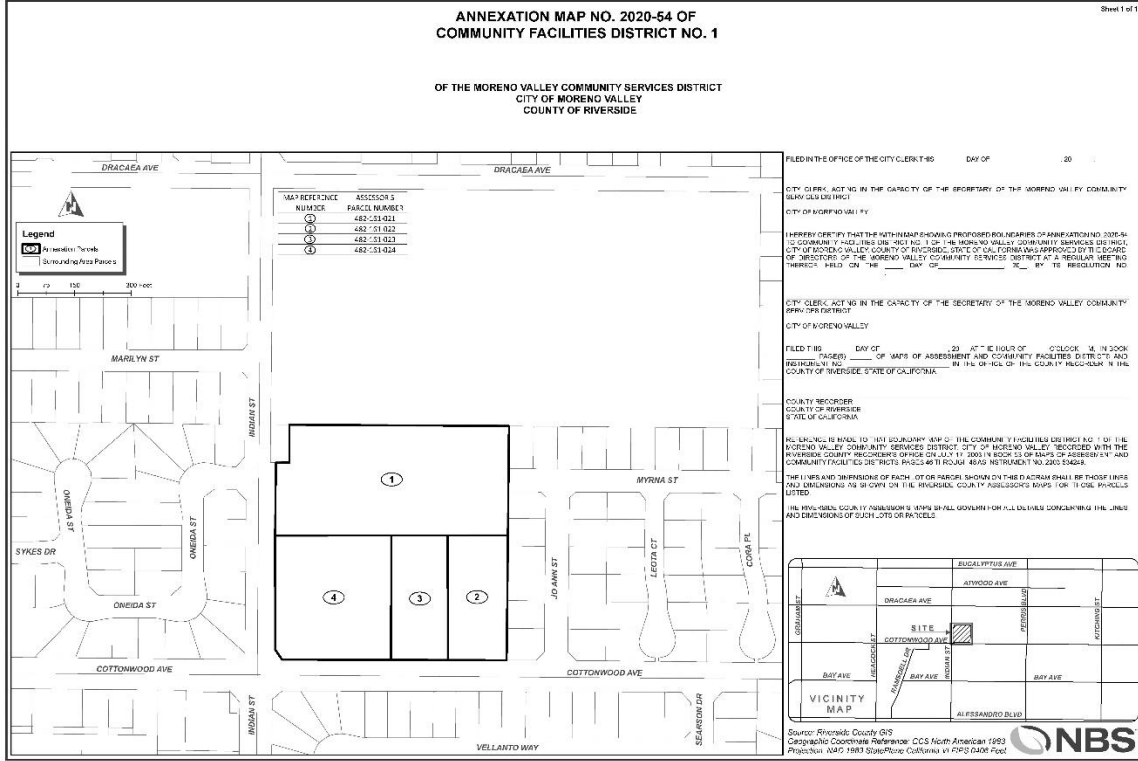
**EXHIBIT A**

List of Annexation Parcel(s)	
Annexation Map No.	Assessor's Parcel Numbers
2020-54	482-161-021
	482-161-022
	482-161-023
	482-161-024

Attachment: Resolution Ordering Annexation No. 2020-54 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

Resolution No. CSD 2020-5  
Date Adopted: December 1, 2020

# EXHIBIT B Annexation Map No. 2020-54



Attachment: Resolution Ordering Annexation No. 2020-54 (4181) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

## RESOLUTION NO. CSD 2020-\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY FOR ANNEXATION NO. 2020-57 TO ITS COMMUNITY FACILITIES DISTRICT NO. 1 AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2003-23, the Board of Directors of the Moreno Valley Community Services District (the "CSD") established the CSD's Community Facilities District No. 1 (the "CFD"), a citywide district, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 41, the Board of Directors levied an annual special tax against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks and park improvements; and

WHEREAS, by its Resolution No. CSD 2003-26, the Board of Directors designated all territory within the City of Moreno Valley to be a Future Annexation Area for the CFD; and

WHEREAS, pursuant to Resolution No. CSD 2003-26 territory located within the Future Annexation Area may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings; and

WHEREAS, the landowners of the parcels listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, have submitted a petition requesting and approving annexation of the listed parcels (the "Annexation Parcels") to the CFD; and

WHEREAS, the boundary map entitled "Annexation Map No. 2020-57 of Community Facilities District No. 1 of the Moreno Valley Community Services District City of Moreno Valley, County of Riverside, State of California," showing the extent of the proposed annexation is included as Exhibit B to this Resolution and incorporated herein by reference (the "Boundary Map"); and

WHEREAS, the Board of Directors desires to annex the Annexation Parcels to the CFD.

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

1  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Ordered. The Annexation Parcels are hereby added to and part of the CFD with full legal effect. The Annexation Parcels are subject to the Special Tax levied in connection with the CFD.
3. Description of Services. The following is a general description of the services provided in the CFD:

The maintenance and/or repair of Parks and Park Improvements including, but not limited to, the planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other ornamental plants and vegetation, the operation, maintenance, repair, and replacement of irrigation systems associated with Parks and Park Improvements, and all the effort by Park Rangers that is devoted to the maintenance of the Parks and Park Improvements and public safety. "Parks and Park Improvement" means parks and park improvements which are to be developed, constructed, installed, and maintained within and in the area of the CSD and which will be owned and operated by the CSD for the benefit of the residents of the CFD.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such Parks and Park Improvements.

It is the intention of the Board of Directors to fund all direct, administrative and incidental annual costs and expenses necessary to provide the authorized maintenance and services.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing map 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 associated with the Boundary Map.
6. Severability. That should any provision, 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.
7. This Resolution shall be effective immediately upon adoption.
8. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file

2  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

as a public record this Resolution.

APPROVED AND ADOPTED this 1<sup>st</sup> day of December 2020.

\_\_\_\_\_  
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 No. CSD 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation No. 2020-57 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

**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 2020-\_\_\_ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 1<sup>st</sup> day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

\_\_\_\_\_  
SECRETARY

(SEAL)

Resolution No. CSD 2020-\_\_\_<sup>4</sup>  
Date Adopted: December 1, 2020



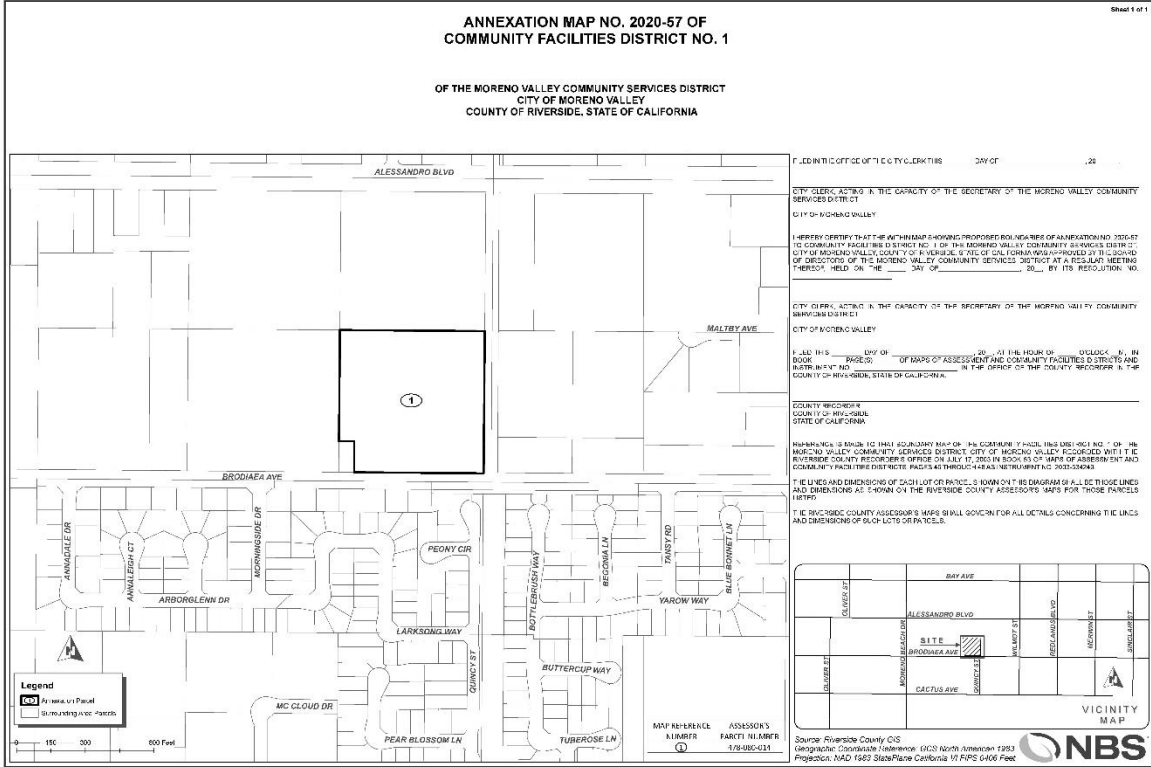
**EXHIBIT A**

List of Annexation Parcel(s)	
Annexation Map No.	Assessor's Parcel Numbers
2020-57	478-080-014

**Attachment: Resolution Ordering Annexation No. 2020-57 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO**

Resolution No. CSD 2020-5  
Date Adopted: December 1, 2020

# EXHIBIT B Annexation Map No. 2020-57



Attachment: Resolution Ordering Annexation No. 2020-57 (4181) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

RESOLUTION NO. CSD 2020-\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY FOR ANNEXATION NO. 2020-58 TO ITS COMMUNITY FACILITIES DISTRICT NO. 1 AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2003-23, the Board of Directors of the Moreno Valley Community Services District (the "CSD") established the CSD's Community Facilities District No. 1 (the "CFD"), a citywide district, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 41, the Board of Directors levied an annual special tax against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks and park improvements; and

WHEREAS, by its Resolution No. CSD 2003-26, the Board of Directors designated all territory within the City of Moreno Valley to be a Future Annexation Area for the CFD; and

WHEREAS, pursuant to Resolution No. CSD 2003-26 territory located within the Future Annexation Area may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings; and

WHEREAS, the landowners of the parcels listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, have submitted a petition requesting and approving annexation of the listed parcels (the "Annexation Parcels") to the CFD; and

WHEREAS, the boundary map entitled "Annexation Map No. 2020-58 of Community Facilities District No. 1 of the Moreno Valley Community Services District City of Moreno Valley, County of Riverside, State of California," showing the extent of the proposed annexation is included as Exhibit B to this Resolution and incorporated herein by reference (the "Boundary Map"); and

WHEREAS, the Board of Directors desires to annex the Annexation Parcels to the CFD.

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

Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Ordered. The Annexation Parcels are hereby added to and part of the CFD with full legal effect. The Annexation Parcels are subject to the Special Tax levied in connection with the CFD.
3. Description of Services. The following is a general description of the services provided in the CFD:

The maintenance and/or repair of Parks and Park Improvements including, but not limited to, the planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other ornamental plants and vegetation, the operation, maintenance, repair, and replacement of irrigation systems associated with Parks and Park Improvements, and all the effort by Park Rangers that is devoted to the maintenance of the Parks and Park Improvements and public safety. "Parks and Park Improvement" means parks and park improvements which are to be developed, constructed, installed, and maintained within and in the area of the CSD and which will be owned and operated by the CSD for the benefit of the residents of the CFD.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such Parks and Park Improvements.

It is the intention of the Board of Directors to fund all direct, administrative and incidental annual costs and expenses necessary to provide the authorized maintenance and services.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing map 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 associated with the Boundary Map.
6. Severability. That should any provision, 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.
7. This Resolution shall be effective immediately upon adoption.
8. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file

2  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

as a public record this Resolution.

APPROVED AND ADOPTED this 1<sup>st</sup> day of December 2020.

\_\_\_\_\_  
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 No. CSD 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation No. 2020-58 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

**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 2020-\_\_\_ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 1<sup>st</sup> day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

\_\_\_\_\_  
SECRETARY

(SEAL)

Resolution No. CSD 2020-\_\_\_<sup>4</sup>  
Date Adopted: December 1, 2020

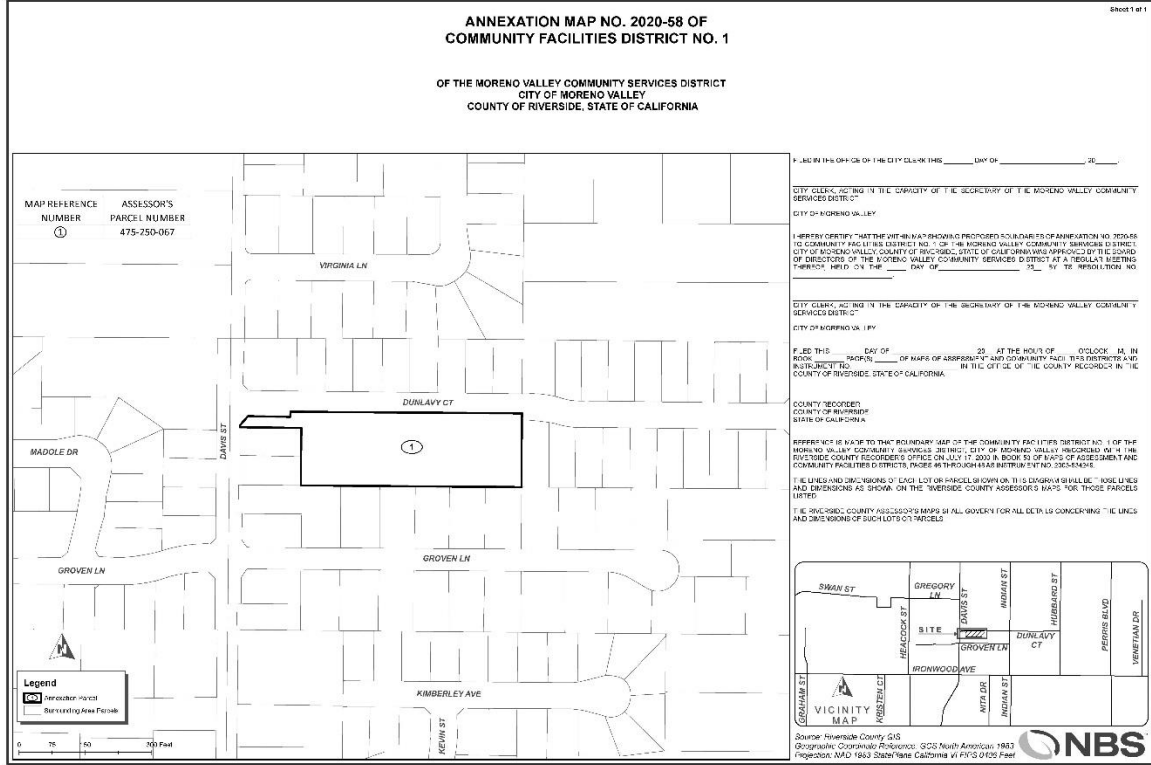
**EXHIBIT A**

List of Annexation Parcel(s)	
Annexation Map No.	Assessor's Parcel Numbers
2020-58	475-250-067

**Attachment: Resolution Ordering Annexation No. 2020-58 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO**

Resolution No. CSD 2020-5  
Date Adopted: December 1, 2020

# EXHIBIT B Annexation Map No. 2020-58



Attachment: Resolution Ordering Annexation No. 2020-58 (4181) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020



## RESOLUTION NO. CSD 2020-\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY FOR ANNEXATION NO. 2020-59 TO ITS COMMUNITY FACILITIES DISTRICT NO. 1 AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2003-23, the Board of Directors of the Moreno Valley Community Services District (the "CSD") established the CSD's Community Facilities District No. 1 (the "CFD"), a citywide district, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 41, the Board of Directors levied an annual special tax against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks and park improvements; and

WHEREAS, by its Resolution No. CSD 2003-26, the Board of Directors designated all territory within the City of Moreno Valley to be a Future Annexation Area for the CFD; and

WHEREAS, pursuant to Resolution No. CSD 2003-26 territory located within the Future Annexation Area may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings; and

WHEREAS, the landowners of the parcels listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, have submitted a petition requesting and approving annexation of the listed parcels (the "Annexation Parcels") to the CFD; and

WHEREAS, the boundary map entitled "Annexation Map No. 2020-59 of Community Facilities District No. 1 of the Moreno Valley Community Services District City of Moreno Valley, County of Riverside, State of California," showing the extent of the proposed annexation is included as Exhibit B to this Resolution and incorporated herein by reference (the "Boundary Map"); and

WHEREAS, the Board of Directors desires to annex the Annexation Parcels to the CFD.

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

1  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Ordered. The Annexation Parcels are hereby added to and part of the CFD with full legal effect. The Annexation Parcels are subject to the Special Tax levied in connection with the CFD.
3. Description of Services. The following is a general description of the services provided in the CFD:

The maintenance and/or repair of Parks and Park Improvements including, but not limited to, the planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other ornamental plants and vegetation, the operation, maintenance, repair, and replacement of irrigation systems associated with Parks and Park Improvements, and all the effort by Park Rangers that is devoted to the maintenance of the Parks and Park Improvements and public safety. "Parks and Park Improvement" means parks and park improvements which are to be developed, constructed, installed, and maintained within and in the area of the CSD and which will be owned and operated by the CSD for the benefit of the residents of the CFD.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such Parks and Park Improvements.

It is the intention of the Board of Directors to fund all direct, administrative and incidental annual costs and expenses necessary to provide the authorized maintenance and services.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing map 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 associated with the Boundary Map.
6. Severability. That should any provision, 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.
7. This Resolution shall be effective immediately upon adoption.
8. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file

2  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020

as a public record this Resolution.

APPROVED AND ADOPTED this 1<sup>st</sup> day of December 2020.

\_\_\_\_\_  
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 No. CSD 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation No. 2020-59 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

**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 2020-\_\_\_ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 1<sup>st</sup> day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

\_\_\_\_\_  
SECRETARY

(SEAL)

Resolution No. CSD 2020-\_\_\_<sup>4</sup>  
Date Adopted: December 1, 2020

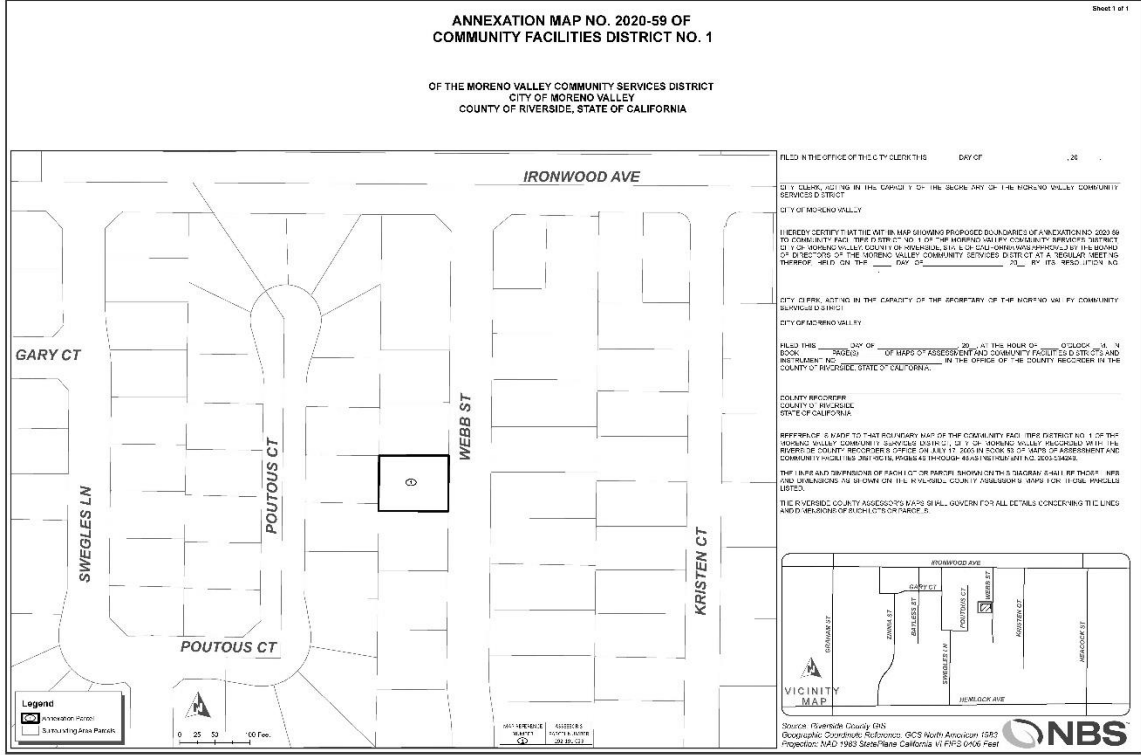
**EXHIBIT A**

List of Annexation Parcel(s)	
Annexation Map No.	Assessor's Parcel Numbers
2020-59	292-191-023

Attachment: Resolution Ordering Annexation No. 2020-59 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

Resolution No. CSD 2020-5  
Date Adopted: December 1, 2020

# EXHIBIT B Annexation Map No. 2020-59



Attachment: Resolution Ordering Annexation No. 2020-59 (4181) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

RESOLUTION NO. CSD 2020-\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY FOR ANNEXATION NO. 2020-61 TO ITS COMMUNITY FACILITIES DISTRICT NO. 1 AND APPROVING THE AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2003-23, the Board of Directors of the Moreno Valley Community Services District (the "CSD") established the CSD's Community Facilities District No. 1 (the "CFD"), a citywide district, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. 41, the Board of Directors levied an annual special tax against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks and park improvements; and

WHEREAS, by its Resolution No. CSD 2003-26, the Board of Directors designated all territory within the City of Moreno Valley to be a Future Annexation Area for the CFD; and

WHEREAS, pursuant to Resolution No. CSD 2003-26 territory located within the Future Annexation Area may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings; and

WHEREAS, the landowners of the parcels listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, have submitted a petition requesting and approving annexation of the listed parcels (the "Annexation Parcels") to the CFD; and

WHEREAS, the boundary map entitled "Annexation Map No. 2020-61 of Community Facilities District No. 1 of the Moreno Valley Community Services District City of Moreno Valley, County of Riverside, State of California," showing the extent of the proposed annexation is included as Exhibit B to this Resolution and incorporated herein by reference (the "Boundary Map"); and

WHEREAS, the Board of Directors desires to annex the Annexation Parcels to the CFD.

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

Resolution No. CSD 2020-\_\_\_  
Date Adopted: December 1, 2020

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Ordered. The Annexation Parcels are hereby added to and part of the CFD with full legal effect. The Annexation Parcels are subject to the Special Tax levied in connection with the CFD.
3. Description of Services. The following is a general description of the services provided in the CFD:

The maintenance and/or repair of Parks and Park Improvements including, but not limited to, the planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other ornamental plants and vegetation, the operation, maintenance, repair, and replacement of irrigation systems associated with Parks and Park Improvements, and all the effort by Park Rangers that is devoted to the maintenance of the Parks and Park Improvements and public safety. "Parks and Park Improvement" means parks and park improvements which are to be developed, constructed, installed, and maintained within and in the area of the CSD and which will be owned and operated by the CSD for the benefit of the residents of the CFD.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such Parks and Park Improvements.

It is the intention of the Board of Directors to fund all direct, administrative and incidental annual costs and expenses necessary to provide the authorized maintenance and services.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing map 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 associated with the Boundary Map.
6. Severability. That should any provision, 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.
7. This Resolution shall be effective immediately upon adoption.
8. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file

2  
Resolution No. CSD 2020-\_\_\_\_  
Date Adopted: December 1, 2020



as a public record this Resolution.

APPROVED AND ADOPTED this 1<sup>st</sup> day of December 2020.

\_\_\_\_\_  
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 No. CSD 2020-3  
Date Adopted: December 1, 2020

Attachment: Resolution Ordering Annexation No. 2020-61 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

**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 2020-\_\_\_ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 1<sup>st</sup> day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

\_\_\_\_\_  
SECRETARY

(SEAL)

Resolution No. CSD 2020-\_\_\_<sup>4</sup>  
Date Adopted: December 1, 2020

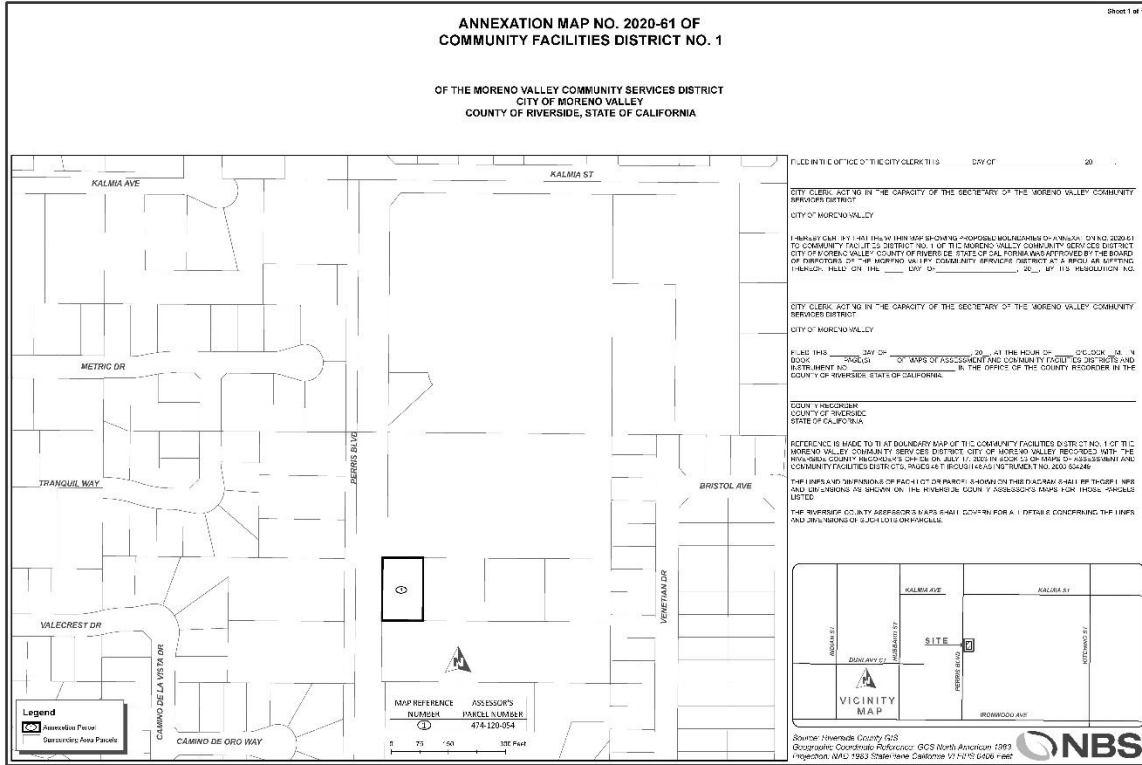
**EXHIBIT A**

List of Annexation Parcel(s)	
Annexation Map No.	Assessor's Parcel Numbers
2020-61	474-120-054

**Attachment: Resolution Ordering Annexation No. 2020-61 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO**

Resolution No. CSD 2020-5  
Date Adopted: December 1, 2020

# EXHIBIT B Annexation Map No. 2020-61

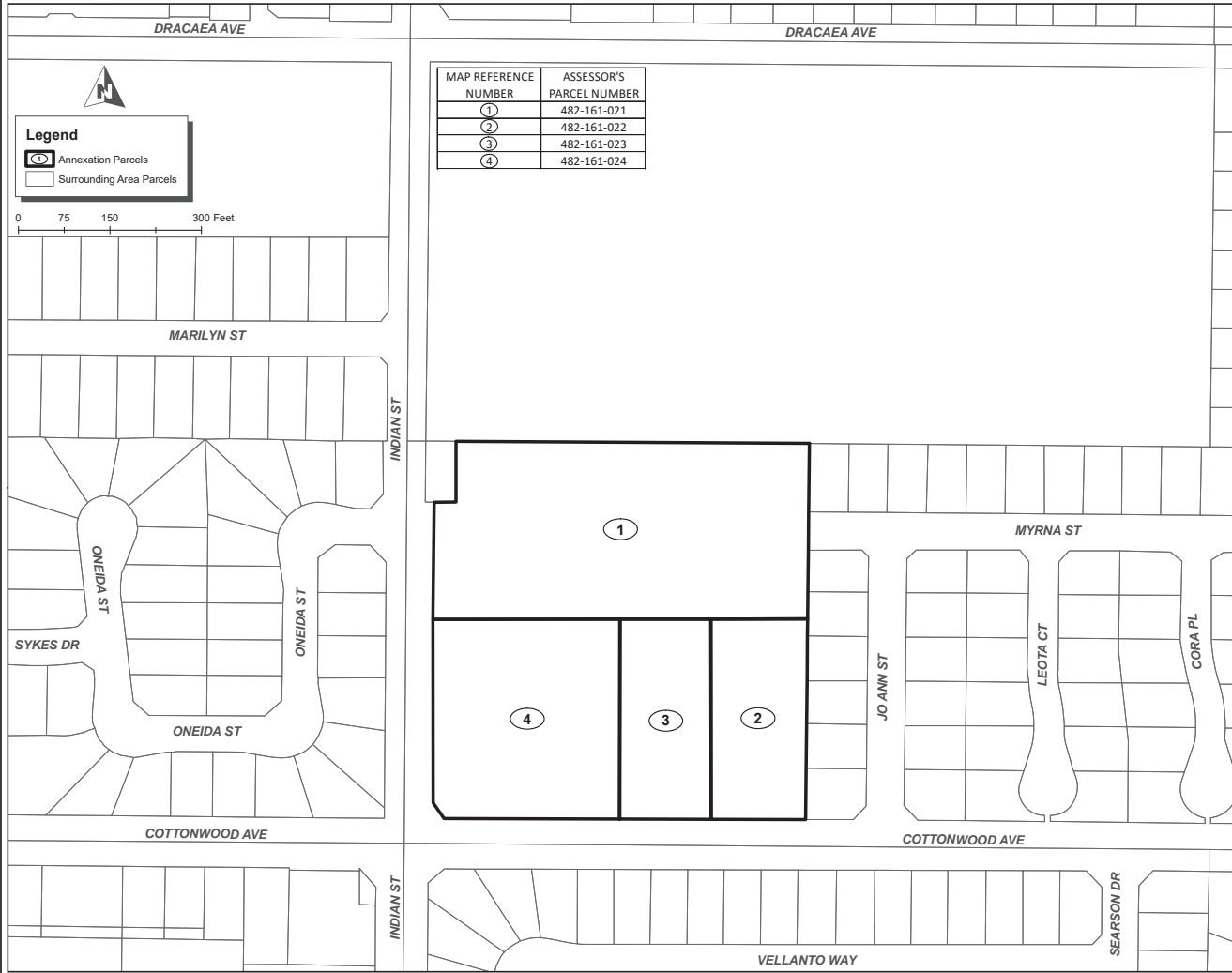


Attachment: Resolution Ordering Annexation No. 2020-61 (4181) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO

Resolution No. CSD 2020-61  
Date Adopted: December 1, 2020

# ANNEXATION MAP NO. 2020-54 OF COMMUNITY FACILITIES DISTRICT NO. 1

OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE



FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ OF THE DAY OF \_\_\_\_\_, \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER, 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. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDERS OFFICE ON JULY 17, 2003 IN BOOK 53 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

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

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

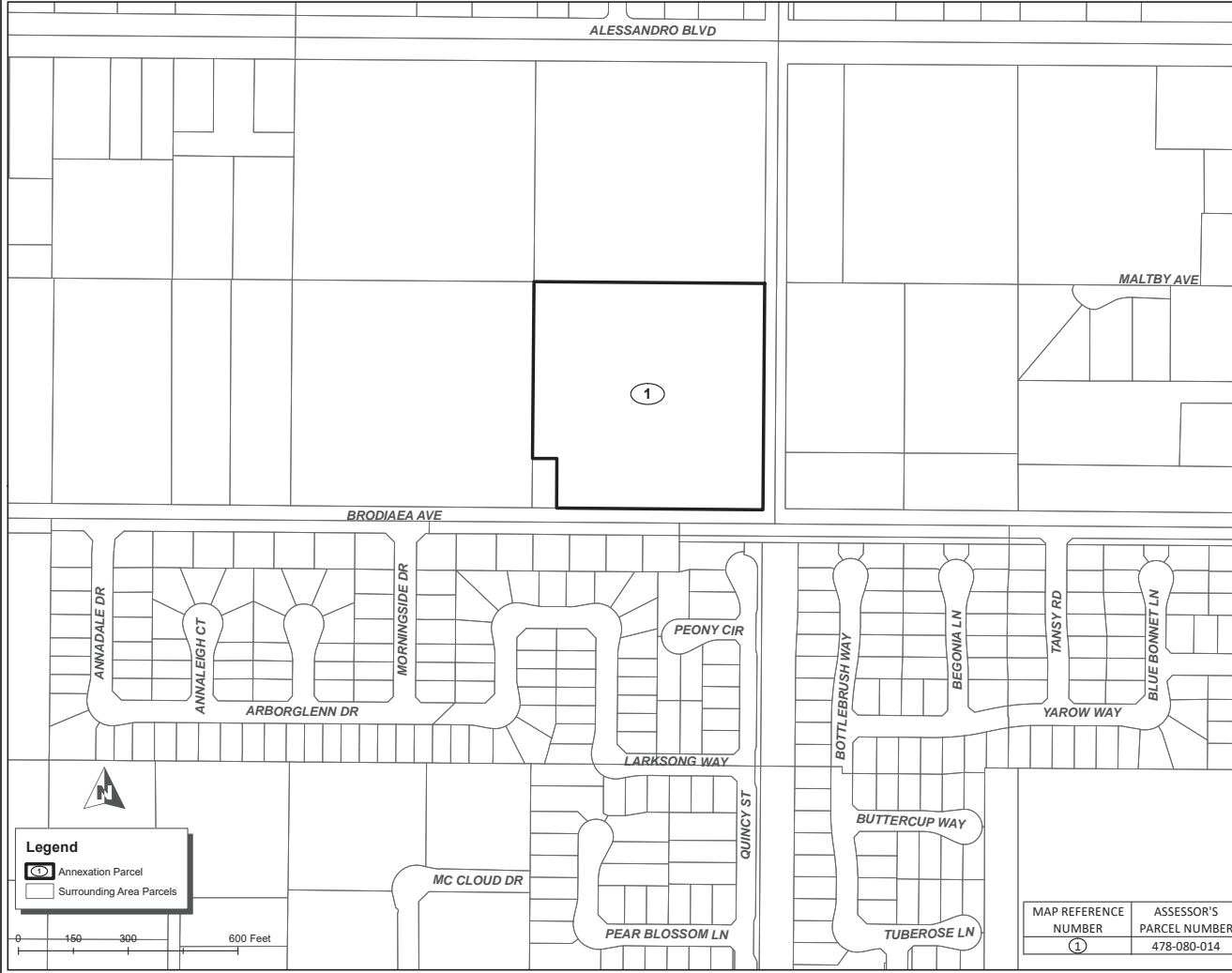
VICINITY MAP

Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

Attachment: Boundary Map - Annexation 2020-54 (4181) : PURSUANT TO LANDOWNER PETITIONS,

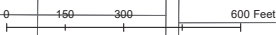
# ANNEXATION MAP NO. 2020-57 OF COMMUNITY FACILITIES DISTRICT NO. 1

OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**Legend**

- Annexation Parcel
- Surrounding Area Parcels



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	478-080-014

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

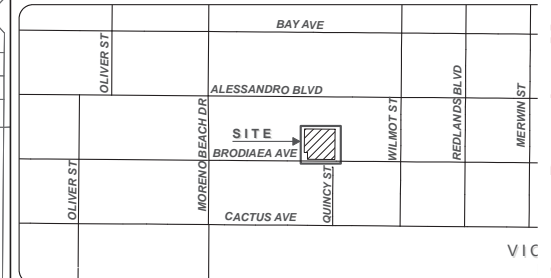
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK IN THE \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON JULY 17, 2003 IN BOOK 53 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

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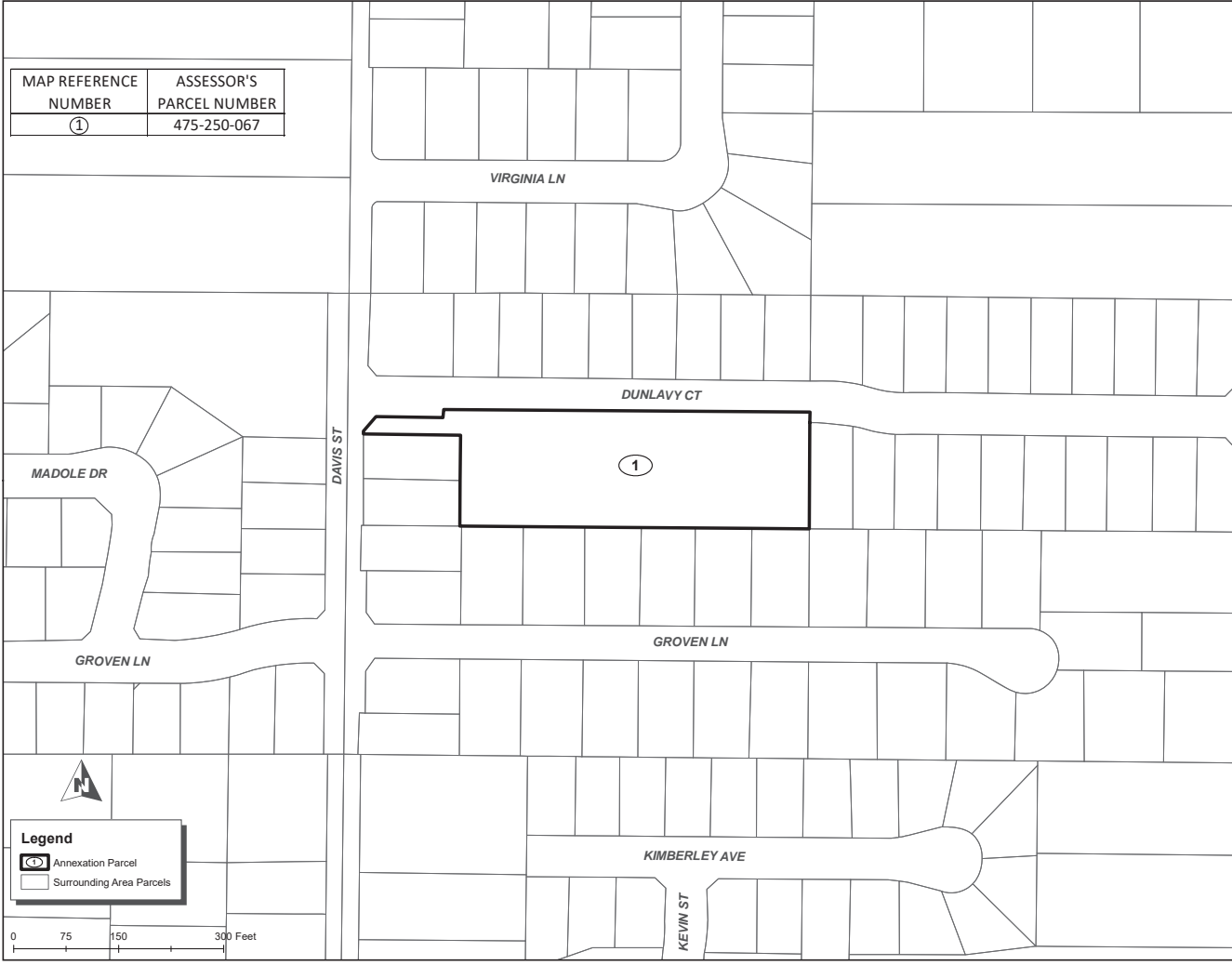
Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



Attachment: Boundary Map - Annexation 2020-57 (4181) : PURSUANT TO LANDOWNER PETITIONS,

# ANNEXATION MAP NO. 2020-58 OF COMMUNITY FACILITIES DISTRICT NO. 1

OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
①	475-250-067

**Legend**

- Annexation Parcel
- Surrounding Area Parcels



FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY ITS RESOLUTION NO. \_\_\_\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT THE HOUR OF \_\_\_\_\_ O'CLOCK IN THE \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER 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. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY RECORDED IN THE RIVERSIDE COUNTY RECORDER'S OFFICE ON JULY 17, 2003 IN BOOK 53 OF MAPS OF ASSESSMENT COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

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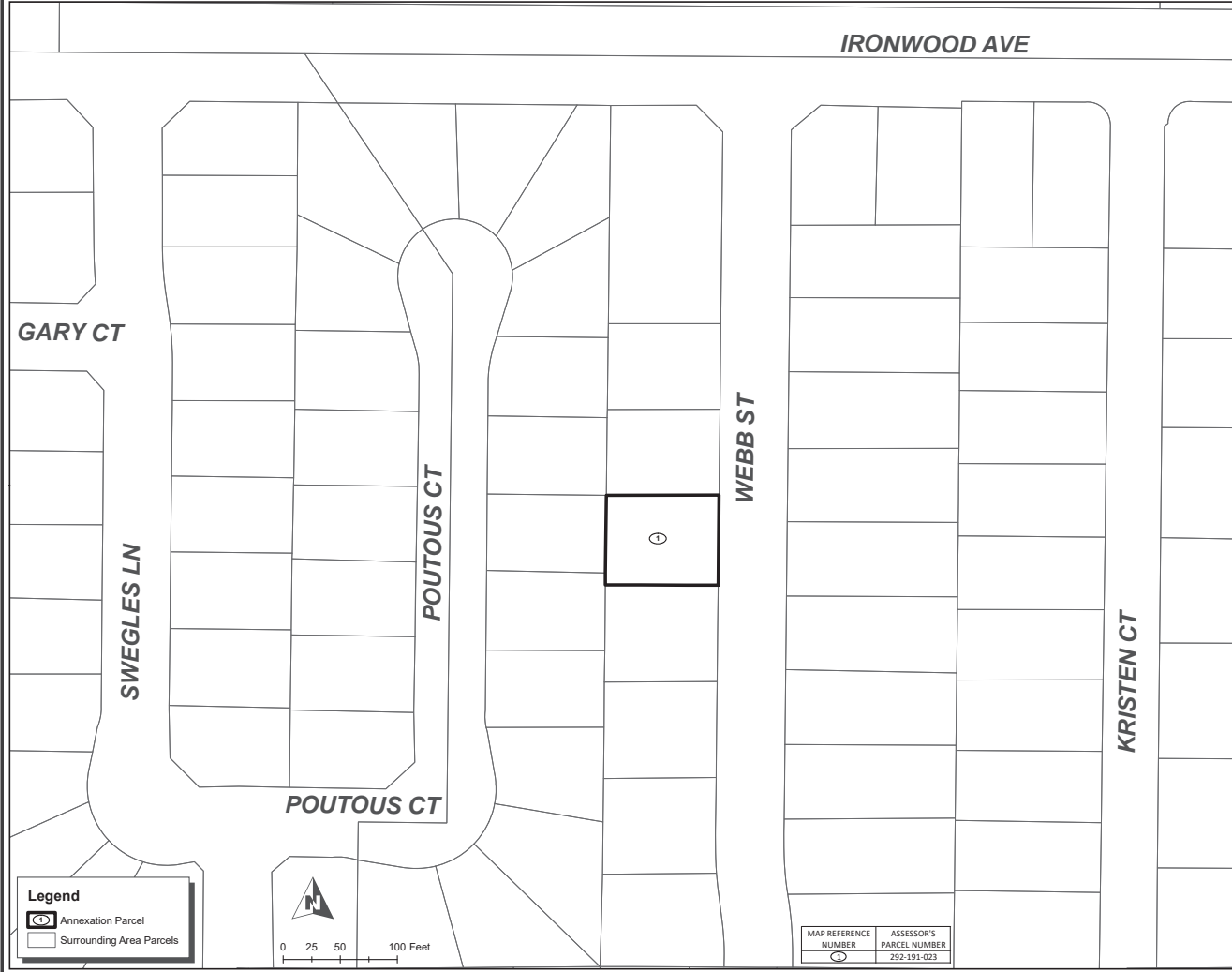
Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



Attachment: Boundary Map - Annexation 2020-58 (4181 : PURSUANT TO LANDOWNER PETITIONS,

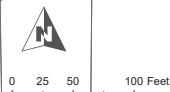
# ANNEXATION MAP NO. 2020-59 OF COMMUNITY FACILITIES DISTRICT NO. 1

OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**Legend**

- Annexation Parcel
- Surrounding Area Parcels



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
	292-191-023

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

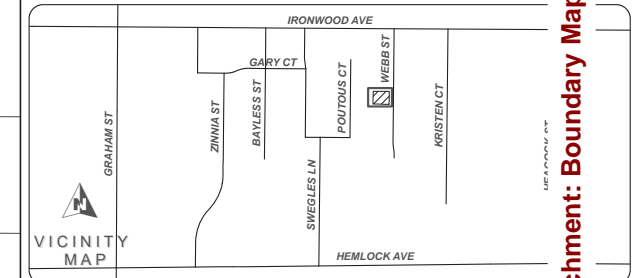
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK IN THE \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY RECORDED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, IN BOOK 53 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

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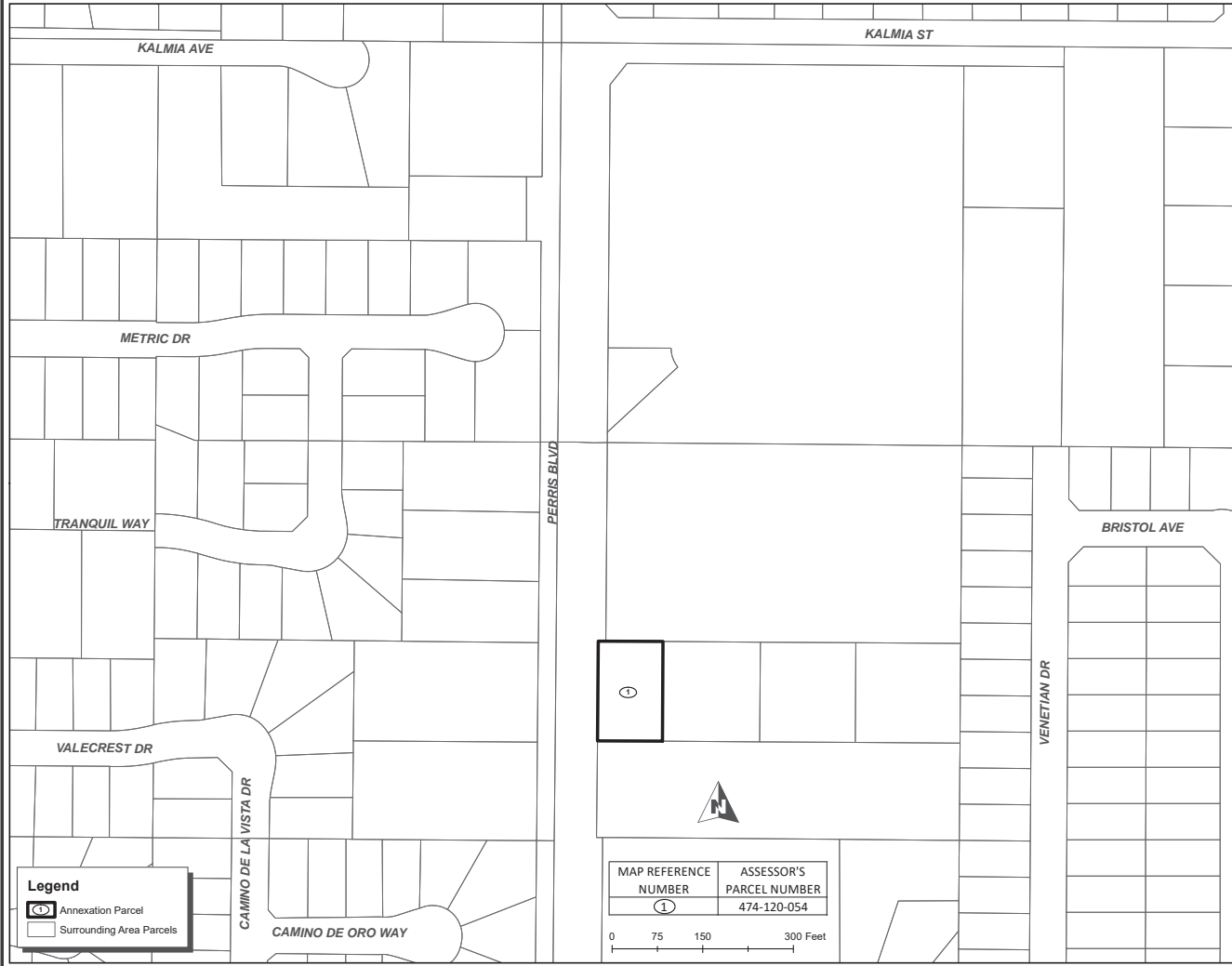
Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

Attachment: Boundary Map - Annexation 2020-59 (4181 : PURSUANT TO LANDOWNER PETITIONS,



**ANNEXATION MAP NO. 2020-61 OF  
COMMUNITY FACILITIES DISTRICT NO. 1**

**OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**Legend**

- 1 Annexation Parcel
- Surrounding Area Parcels

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	474-120-054

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICE DISTRICT OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_

CITY CLERK, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY OF MORENO VALLEY

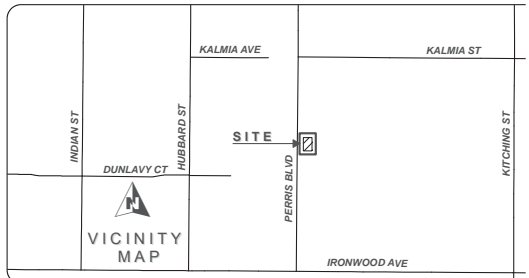
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT THE HOUR OF \_\_\_\_\_ O'CLOCK  
BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 1 OF MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY RECORDED IN THE RIVERSIDE COUNTY RECORDER'S OFFICE ON JULY 17, 2003 IN BOOK 53 OF MAPS OF ASSESSMENT: COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

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



Source: Riverside County GIS  
Geographic Coordinate Reference: GCS North American 1983  
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



**Attachment: Boundary Map - Annexation 2020-61 (4181) : PURSUANT TO LANDOWNER PETITIONS,**

**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 **November 9, 2020**, I did verify the completeness of the Landowner Petition for the annexation of property into

COMMUNITY FACILITIES DISTRICT NO. 1 OF THE  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
OF THE CITY OF MORENO VALLEY

ANNEXATION NO. 2020- 54

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Annexation 2020-54 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**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 **November 9, 2020**, I did verify the completeness of the Landowner Petition for the annexation of property into

COMMUNITY FACILITIES DISTRICT NO. 1 OF THE  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
OF THE CITY OF MORENO VALLEY

ANNEXATION NO. 2020- 57

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Annexation 2020-57 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

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

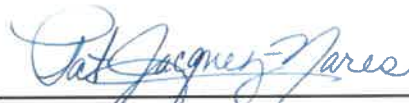
STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **November 9, 2020**, I did verify the completeness of the Landowner Petition for the annexation of property into

COMMUNITY FACILITIES DISTRICT NO. 1 OF THE  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
OF THE CITY OF MORENO VALLEY

ANNEXATION NO. 2020- 58

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Annexation 2020-58 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

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

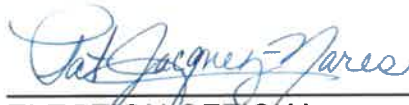
STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

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**COMMUNITY FACILITIES DISTRICT NO. 1 OF THE  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
OF THE CITY OF MORENO VALLEY**

**ANNEXATION NO. 2020- 59**

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Annexation 2020-59 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**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 **November 9, 2020**, I did verify the completeness of the Landowner Petition for the annexation of property into

COMMUNITY FACILITIES DISTRICT NO. 1 OF THE  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
OF THE CITY OF MORENO VALLEY

ANNEXATION NO. 2020- 61

WITNESS my hand this 9<sup>th</sup> day of November, 2020.



\_\_\_\_\_  
ELECTION OFFICIAL  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Annexation 2020-61 (4181 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** PUBLIC HEARING TO ADOPT UPDATES TO THE CARES ACT AMENDMENT TO THE 2019-2020 ANNUAL ACTION PLAN - 3RD ROUND ALLOCATION FOR CDBG-CV

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### **RECOMMENDED ACTION**

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

1. Conduct a Public Hearing to allow public comment on the proposed updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan.
2. Review and adopt the proposed updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan.
3. Authorize a budget amendment as set forth in the fiscal impact section and authorize the Chief Financial Officer to allocate grant funds between HUD- approved grant activities.

### **SUMMARY**

The City of Moreno Valley received a 3<sup>rd</sup> round allocation of \$1,095,860 in Community Development Block Grants Coronavirus (CDBG-CV) funding by the U.S. Department of Housing and Urban Development (HUD) under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This 3<sup>rd</sup> round allocation of federal funding is to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID19). Eligible CDBG-CV activities may include providing equipment, supplies and materials to carry out public services, providing emergency payments to very low-income persons, and providing social services to sheltered-in-place seniors such as meal delivery.

Furthermore, HUD has granted certain waivers with regard to public noticing and the public comment period normally required in a recipient agency’s Citizen Participation Plan for Substantial Amendments in order to accelerate the implementation of selected eligible activities for the CDBG-CV funds and to quickly respond to the growing spread and effects of COVID-19. The City has notified HUD of its election of the waiver reducing the public noticing and public comment period for the CARES Act Amendment from the official 30 days to a minimum of 5 days in advance of the public hearing.

This report recommends that the City Council conduct a public hearing to update the CARES Amendment to the 2019-20 Annual Action Plan to include the activities recommended for funding with the 3<sup>rd</sup> round allocation of CDBG-CV CARES Act funding.

**DISCUSSION**

As a recipient of federal grant funding, the City of Moreno Valley completes a five-year Consolidated Plan and an Annual Action Plan Update that details the use of the grant funds issued to the City by HUD. Under the City’s Citizen Participation Plan, it is required that in cases where there are substantial changes to an approved Plan that City notify its citizens of the proposed amendment(s) and provide them the opportunity to comment by holding a Public Hearing, then submitting the Council-approved ‘Substantial Amendment(s)’ to HUD for final approval. Tonight’s Public Hearing provides the opportunity for public comment and outlines the proposed updates to the CARES Amendment to the 2019-2020 Action Plan to include the CARES Act CDBG-CV additional funding as recommended in Attachment 1.

The following is the schedule for the updates to the CARES Act Amendment to 2019-2020 Annual Action Plan:

Date	Event
Thursday, November 26, 2020	Commencement CARES Act Amendment Update public comment/review period.
Tuesday, December 1, 2020	Close of CARES Act Amendment Update public comment/review period.
Tuesday, December 1, 2020	<b>Public Hearing:</b> Approve CARES Act Amendment Update to 2019-2020 Annual Action Plan.
Thursday, December 3, 2020	<b>Submittal of CARES Act Amendment Update to 2019-2020 Annual Action Plan to HUD</b>

The purpose of the CDBG-CV is to supplement the existing operational budgets of nonprofit organizations and government agencies responding to the critical needs of the community by providing services to prevent, prepare for, and respond to



increased demand for services for these populations. It is expected that these funds will be utilized quickly, within one (1) to six (6) months after award.

Additionally, activities must meet one of the HUD National Objectives (i.e. benefit to low and moderate-income persons; aid in the prevention or elimination of slums or blight; meet community development needs having a particular urgency and be eligible under 24 CFR Part 570.208.

**CDBG-CV Funding and Limitations**

<b>Fiscal Year 2019/2020 Allocation</b>	<b>Amount</b>
Planning and Administration Cap (20% of annual grant)	\$ 219,172.00
Available for Other Activities	876,688.00
<b>TOTAL Approved Allocation *</b>	<b>\$1,095,860.00</b>

*\* Approved allocations provided by HUD on September 11, 2020.*

The City staff collaborated with Willdan Financial Services (“Willdan”) and used an expedited evaluation process for the 3<sup>rd</sup> round CDBG-CV allocation appropriate for the current urgency and public health crisis resulting from the COVID19 pandemic. Past applications and current operational programs in our region we considered for the following:

- Impact of the coronavirus pandemic upon the applicant and the response to the critical needs of the community by providing services to prevent, prepare for, and respond to increased demand for services.
- The ability of the sub-recipient to readily utilize and expend the funds.

In line with the City’s policies, objectives, and the Citizen’s Participation Plan as amended for the CARES Act, the final project selections and recommended CARES Act CDBG-CV funding outlined in Attachment 1 were determined based on the CARES Act eligibility of the activity and the sub-recipient’s ability to perform under the required City and HUD criteria.

This Staff Report requests that City Council approve the proposed updates to the CARES Act Amendment to the 2019-2020 Action Plan and fund the recommended activities as outlined in Attachment 1.

**ALTERNATIVES**

**Alternative 1.** Conduct the Public Hearing, adopt the CDBG-CV updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan.; authorize the Chief Financial Officer to allocate grant funds between HUD-approved grant activities. *Staff recommends this action because it complies with HUD’s*

substantial amendment requirements, would allow the City to meet the commitment goals established for the CDBG-CV programs.

**Alternative 2:** Decline to adopt the CDBG-CV updates to the CARES Act Amendment to the 2019-2020 Annual Action; do not authorize the Chief Financial Officer to allocate grant funds between HUD-approved grant activities. *Staff DOES NOT recommend this action because it would not allow for the City to meet its upcoming commitment goals established for the CDBG-CV programs.*

**FISCAL IMPACT**

The allocation of the CDBG-CV 3<sup>rd</sup> round allocation of funds have been made available through HUD under the CARES Act. The allocation of the CARES Act funds will not impact any projects, as previously approved by the City Council. **This amendment would have no impact on the General Fund.**

The following allocation of grant funds is proposed:

Description	Fund	Section	Type (Rev/Exp)	FY 20/21 Budget	Proposed Adjustments	FY 20/21 Amended Budget
Grant Revenue	Fund 2512 - CDBG	CV3 - CARES Act	Rev	\$ 0	\$1,095,860	\$1,095,860
Administration/ Programs	Fund 2512 - CDBG	CV3 - CARES Act	Exp.	\$ 0	\$1,095,860	\$1,095,860

**NOTIFICATION**

Notice of this meeting was published in the Press-Enterprise newspaper on November 26, 2020. As part of HUD’s issued waivers of standard regulations for CARES Act funds, the official 30-day public review period was reduced to a minimum of 5 days. The 5-day public review period occurred from November 26, 2020 to December 1, 2020. Respondents were given the opportunity to provide comments via email, telephone, and in person. Staff would like to note that at the time of submission of this report there were no comments received from the public either in support or opposing these projects.

**PREPARATION OF STAFF REPORT**

Prepared By:  
Dena Heald  
Deputy Finance Director

Department Head Approval:  
Marshall Eyerman  
Assistant City Manager/  
Chief Financial Officer

**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. Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations
- 2. Press Enterprise Notice - Updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/19/20 2:57 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/19/20 5:58 PM



# City of Moreno Valley

**COMMUNITY DEVELOPMENT BLOCK GRANT  
CARES ACT 3<sup>rd</sup> Round ALLOCATION  
CORONAVIRUS FUNDS (CDBG-CV)**

**FISCAL YEAR 2019-20**

**CARES ACT AMENDMENT  
2<sup>nd</sup> UPDATE  
FUNDING RECOMMENDATIONS**

**Public Hearing  
December 1, 2020**

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F 951.587.3510

[www.willdan.com/financial](http://www.willdan.com/financial)



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DRAFT

Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT

## I. OVERVIEW

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The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed by President Trump on March 27, 2020 and made available \$5 billion in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Coronavirus (CDBG-CV) funds and \$1 billion in Emergency Solutions Grants Program Coronavirus funds (ESG-CV) to prevent, prepare for, and respond to the coronavirus (COVID-19).

In April 2020, the City received a 1st round CARES Act funding allocation of \$1,197,491 for CDBG-CV and \$630,838 for ESG-CV to be used to prevent, prepare for, and respond to the coronavirus among the residents and businesses in the City. An initial 2019-20 CARES Act Amendment for CDBG-CV and ESG-CV programs approved by City Council was submitted to HUD on June 18, 2020.

In June 2020, the City received a 2nd round CARES Act funding allocation in the amount of \$1,743,153 for ESG-CV to further prevent, prepare for, and respond to the coronavirus among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts of COVID-19. The first update to the 2019-20 CARES Act Amendment for CDBG-CV and ESG-CV programs approved by City Council was submitted to HUD on September 8, 2020.

In September 2020, the City received a 3rd round CARES Act funding allocation in the amount of \$1,095,860 for CDBG-CV. This 3rd round allocation of CARES Act funding is to further prevent, prepare for, and respond to the coronavirus pandemic. Eligible CDBG-CV activities may include providing equipment, supplies and materials to carry out public services, providing emergency payments to very low income persons, and providing social services to sheltered-in-place seniors, such as meal delivery. A second update to the 2019-20 CARES Act Amendment will be submitted to HUD pending approval of the CDBG-CV programs recommended in this Funding Recommendations report.

### **FY 2019/20 Citizen Participation Plan Amended for the CARES Act**

The City has developed a Citizen Participation Plan as a part of the Five-Year Consolidated Plan that sets forth the policies and procedures to encourage citizen's participation in the HOME, ESG and CDBG Program planning and implementation processes. This Citizen Participation Plan provides the method and process by which the City will encourage citizen participation in the development of its Consolidated Plan, Annual Action plans and substantial amendments to such plans.

In response to Coronavirus, HUD has granted certain waivers with regard to advance public noticing and the public comment period normally required in a recipient agency's Citizen Participation Plan for CARES Act related substantial amendments in order to accelerate the implementation of selected eligible activities for the CDBG-CV and ESG-CV funds and to quickly respond to the growing spread and effects of COVID-19. The City has notified HUD of its election of two CARES Act waivers reducing public noticing of the public hearing and public comment period for any CARES Act amendments to the

FY 2019/20 Annual Action Plan from the official 30 days to no less than 5 days in advance of the public hearing as allowed by the HUD waivers.

A copy of the FY 2019/20 City’s Citizen Participation Plan as amended for the CARES Act is available for inspection at the Financial & Management Services Department during normal business hours or on the City website under Grants Monitoring and Administration.

**Update to CARES Act Amendment to the FY 2019/20 Annual Action Plan**

The City is proposing this second update to the CARES Amendment to the 2019-2020 Action Plan to include the CARES Act CDBG-CV 3rd round additional funding (CARES Act Amendment 2<sup>nd</sup> Update). The CARES Act Amendment 2<sup>nd</sup> Update will outline the CDBG-CV expected funding and programs selected to accomplish the CARES Act related goals for the FY 2019-20 Annual Action Plan as shown in Section II of this Funding Recommendations report shown below.

On December 1, 2020, the City of Moreno Valley held a public hearing to adopt the update to the CARES Amendment to the 2019-2020 Action Plan. A copy of the proposed Updated CARES Act Amendment is available for inspection at the Financial & Management Services Department during normal business hours or on the City website under Grants Monitoring and Administration.

**Fiscal Year 2019/20 CARES Act Amendment Objectives and Policies**

The CDBG-CV funds are intended to be used for costs necessary to prevent, prepare for, and respond to the coronavirus pandemic, it is expected that these funds will be utilized quickly, within one (1) to six (6) months after award. The City's Objectives for the CDBG-CV programs are summarized below.

**ELIGIBLE CDBG-CV ACTIVITIES**

To be eligible for CDBG-CV funds the proposed activity must comply with U.S. Department of Housing and Urban Development (HUD) regulations by meeting one of the following National Objectives:

1. Benefit to Low and moderate-income Persons
2. Documented Health or Safety Condition or Particular Urgency

In addition, the activity must be considered eligible under HUD Part 24 CFR 570.

**Specific to the COVID-19 outbreak, applications must be for activities/programs that prevent, prepare for and/or respond to COVID-19. The following are considered by HUD to be among eligible expenses of CDBG-CV funds:**

**Buildings and Improvements, Including Public Facilities**

- Construction of a facility for testing, diagnosis or treatment.
- Rehabilitation of a community facility to establish an infectious disease treatment clinic.

- Acquisition/rehabilitation/construction of a group living facility designed to centralize patients undergoing treatment.
- Rehabilitation of a commercial building or closed school building to establish an infectious disease treatment clinic.
- Acquire and quickly rehabilitate (if necessary) a motel or hotel to expand capacity of hospitals to accommodate isolation of patients during recovery.
- Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.

Assistance to Businesses, including Special Economic Development Assistance

- Provide grants or loans to support new businesses or expand existing businesses to create jobs and manufacture medical supplies necessary to respond to infectious diseases.
- Provide short-term working capital assistance to small businesses to enable job retention held by low-/moderate-income persons.
- Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

Provision of New or Quantifiably Increased Public Services

- Carry out job training to expand the pool of health care workers and technicians that are available to treat disease.
- Provide testing, diagnosis or other services at a fixed or mobile location.
- Increase the capacity of targeted health services for infectious disease response within existing health facilities.
- Provide equipment, supplies and materials necessary to carry out a public service.
- Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.

**FY2019/20 CARES Act Application Process and Review**

The City staff collaborated with Willdan Financial Services (“Willdan”) and used an expedited evaluation process for the 3rd round CDBG-CV allocation appropriate for the current urgency and public health crisis resulting from the COVID19 pandemic. Past applications and current operational programs in our region we considered for the following:

- Impact of the coronavirus pandemic upon the applicant and the need for a quick response to the critical needs of the community by providing services to prevent, prepare for, and respond to increased demand for services.

Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT



- The ability of the sub-recipient to readily utilize and expend the funds.

In line with the City's policies, objectives, and the Citizen's Participation Plan as amended for the CARES Act, the final project selections and recommended 3rd round CDBG-CV funding outlined in Attachment 1 were determined based on the CARES Act eligibility of the activities and the sub-recipient's ability to perform under the required City and HUD criteria.

The City received seven (7) eligible applications requesting a total \$1,663,548. The following subsequent sections of this report contain the current proposed project selections for Fiscal Year 2019-20.

DRAFT

Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT

## II. CARES Act 3<sup>rd</sup> Round Allocation (CDBG-CV) - \$1,095,860.00

### Grant Purpose

The City received a 3rd round allocation of CDBG-CV funds to be used to prevent, prepare for, and respond to the coronavirus among the residents and businesses in the City. This allocation was authorized in response to the growing effects of this historic public health crisis.

### Funding Allocation

Fiscal Year 2019/2020 Allocation	Amount
Planning and Administration Cap (20% of annual grant)	\$ 219,172.00
Available for Other Activities	876,688.00
<b>TOTAL Approved Allocation *</b>	<b>\$1,095,860.00</b>

\* Approved allocations provided by HUD on September 11, 2020.

### CDBG-CV Activities Allocation and Elimination of Public Service 15% Cap.

CARES Act eliminated the 15% limit on Public Service activities for CBDG-CV funds.

The City's CARES priority ranking is prioritizing the unique needs of our community's low- and moderate-income persons and those most vulnerable such as elderly and homeless.

**Priority 1:** Providing new and quantifiable increased Public Services, including providing equipment, supplies and materials necessary. Basic Needs related social services programs such as but not limited to emergency food, shelter (homelessness), health services.

**Priority 2:** Employment services/programs and Job (Skills) Training

**Priority 3:** Assistance businesses, including special economic development assistance to local small business providing employment to low- and moderate-income residents

**Priority 4:** CDBG-CV Administration of the funded programs including but not limited to: Activity oversight; Processing of amendments; IDIS management; Implementation of the Citizen Participation plan for needs assessment and project selection; Preparation of the additional CARES act amendments; Preparation of the year-end CAPER report; Program specific reporting; On-site monitoring of subrecipients.

### Applications

There were a total of seven (7) CDBG-CV applications with funding requests totaling \$1,663,548, exceeding the estimated Available for Other Activities by \$567,688.

### Funding Recommendations

The applications were evaluated and CDBG-CV Funding Recommendations were determined based on the CARES Act eligibility of the activity, those activities most effective in achieving the CARES Act goals of preparing for, preventing and responding the Coronavirus pandemic, and the applicant’s ability to perform under the required City and HUD criteria.

Ref. #	Applicant	Program	CARES Priority	Funding Requested FY 19-20	Funding Recommended FY 19-20	
<b>(1) Public Service - Basic Needs</b>						
1	United Way of the Inland Valleys	Rental Rescue Subsistence Payments	Basic Needs (Emergency Payments )	\$900,000	\$150,000	
2	City of Moreno Valley	Moval Meals	Basic Needs (Health Services)	\$60,048	\$60,048	
3	City of Moreno Valley	Senior Eats-2 week extension	Basic Needs (Senior Services)	\$76,000	\$76,000	
4	City of Moreno Valley	Senior Eats-6.25% match	Basic Needs (Senior Services)	\$62,500	\$62,500	
<b>(2) Public Service - Urgent Need</b>						
5	City of Moreno Valley	Public Information Office COVID 19 Response	Basic Needs (Health Services)	\$115,000	\$115,000	
6	City of Moreno Valley	Personal Protective Equipment	Interim Assistance	\$100,000	\$88,140	
7	City of Moreno Valley	Remote Work Equipment for City Staff	Interim Assistance	\$325,000	\$325,000	
<b>(3) Project Administration</b>						
n/a	City of Moreno Valley	Project Administration - 20%			\$219,172	
				<b>Total</b>	<b>\$1,638,548</b>	<b>\$1,095,860</b>



Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT

### III. CDBG-CV Program Descriptions

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**Reference Number:** 1  
**Funding:** CDBG-CV

**Applicant:** United Way of the Inland Valleys  
**Program:** Rental Rescue Subsistence Payments

FY 19/20 Recommended Funding: \$150,000  
 Requested Funding Amount: \$900,000  
 MV # Households Served: 26  
 Funding per MV Persons/Unit Served: \$5,000 / household

**Program Description:**

MoVal Rental Rescue will distribute rental and financial assistance to Moreno Valley residents affected by COVID-19 due to lay-off, furlough and business closures. As a result, individuals and families are at imminent risk of losing, or have already lost, housing stability. Eligible households will receive up to \$5,000.00 to sustain housing.

**Reference Number:** 2  
**Funding:** CDBG-CV

**Applicant:** City of Moreno Valley  
**Program:** MoVal Meals

FY 19/20 Recommended Funding: \$60,048  
 Requested Funding Amount: \$60,048  
 MV # Persons Served: 1,556  
 Funding per MV Person/Unit Served: \$38.59 / person

**Program Description:**

The goal of the program is to have 500 care packages available to the most critical segment of Moreno Valley's population each week. These care packages will help in supplementing the resident's daily food and grocery supplies. The need and project success will have fed over 1,556 eligible participants and kept part-time staff employed during the COVID-19 pandemic.

Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT

Moreno Valley 2019-20 CARES Act Amendment 2<sup>nd</sup> Update

**Reference Number:** 3  
**Funding:** CDBG-CV

**Applicant:** City of Moreno Valley  
**Program:** Senior Eats-2 week extension

FY 19/20 Recommended Funding: \$76,000  
Requested Funding Amount: \$76,000  
MV # Persons Served: 151  
Funding per MV Person/Unit Served: \$503.31/person

**Program Description:**

The City of Moreno Valley Senior Eats program was derived from the California Governor's Office of Emergency Services (Cal OES) and the California Department of Aging's (CDA) the Great Plates Delivered program initiative, a meal delivery service for California's older adults beginning March 25, 2020. The purpose of program is twofold: 1) Help MoVal seniors 65 and older and other adults at high risk from COVID-19 to stay home and stay healthy by delivering two nutritious meals a day, and; 2) Provide essential economic stimulus to MoVal businesses struggling to stay afloat during the COVID-19 crisis.

This application is to fund this program for two additional weeks beyond the federal and state program end date. This will allow the City to notify participants in a timely manner since the federal agency has been notifying the City with only 1 or 2 days notice of the extension.

**Reference Number:** 4  
**Funding:** CDBG-CV

**Applicant:** City of Moreno Valley  
**Program:** Senior Eats-6.25% Match

FY 19/20 Recommended Funding: \$62,500  
Requested Funding Amount: \$62,500  
MV # Persons Served: 150  
Funding per MV Person/Unit Served: \$416.67/person

**Program Description:**

The City of Moreno Valley Senior Eats program was derived from the California Governor's Office of Emergency Services (Cal OES) and the California Department of Aging's (CDA) the Great Plates Delivered program initiative, a meal delivery service for California's older adults beginning March 25, 2020. The purpose of program is twofold: 1) Help MoVal seniors 65 and older and other adults at high risk from COVID-19 to stay home and stay healthy by delivering two nutritious meals a day, and; 2) Provide essential economic stimulus to MoVal businesses struggling to stay afloat during the COVID-19 crisis.

The program is targeting to provide lunch and dinner to 150 seniors and high risk adults Monday-Friday each week. These meals will help in supplementing the resident's daily meals. The need and project success will have fed 150 eligible participants and kept part-time staff employed during the COVID-19 pandemic.

This program is currently approved by CalOES and Department of Health & Human Services (FEMA) as a response to COVID-19. CalOES is funding 18.75% and FEMA is funding 75.00%, leaving 6.25% to be contributed by the City of Moreno Valley.

Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT

**Reference Number:** 5  
**Funding:** CDBG-CV

**Applicant:** City of Moreno Valley  
**Program:** Public Information Office COVID 19 Response

FY 19/20 Recommended Funding: \$115,000  
Requested Funding Amount: \$115,000  
MV # People Served: N/A  
Funding per MV Person/Unit Served: N/A

**Program Description:**

The need for coronavirus-related public information began in Moreno Valley in late January, before anywhere else in the country, when the first planeload of State Department employees and their families from Wuhan, China, arrived at March Air Reserve Base, just blocks away from City Hall. It continued through March 19 when the State of California issued a Stay-at-Home Order in response to the rapid spread of coronavirus. The City of Moreno Valley is home to 214,000 residents. The City staff received hundreds of phone calls and inquiries from residents and business owners expressing immediate concern for their health and safety. The City's public information office began issuing a variety of communications, including news releases, recorded phone alerts, email blasts, social media posts and informational videos from the Mayor. Our regular weekly Mayor's Message and e-newsletter, Moreno Valley at Work, became regular vehicles for coronavirus messaging.

With the City's Emergency Operations Center activated on March 16, 2020 and the City declaring a local Pandemic Emergency on March 17, sharing the information that City officials were privy to was critical to our residents and business owners. Knowing that we would be issuing news releases daily, and often more than once daily, we also knew we needed to issue them all in both English and Spanish, which required enlisting the translation services of several employees from different departments.

**Reference Number:** 6  
**Funding:** CDBG-CV

**Applicant:** City of Moreno Valley  
**Program:** Personal Protective Equipment

FY 19/20 Recommended Funding: \$88,140  
Requested Funding Amount: \$100,000  
MV # People Served: N/A  
Funding per MV Person/Unit Served: N/A

**Program Description:**

To protect our essential work force, including first responders we procured the necessary personal protective equipment (PPE) for 300 City personnel.

A variety of PPE such as the following were purchased and deployed: disposable nitrile gloves, masks and facial coverings, coveralls, sneeze guards, contactless thermometers and floor decals.

The City's Emergency Operations Center was activated on March 16, 2020 and the City declared a local Pandemic Emergency on March 17, 2020. Although multiple City facilities were closed, essential and critical services were still maintained such as Police and Fire Services, street maintenance, electric services, and code compliance.

Reference Number: 7  
Funding: CDBG-CV

**Applicant:** City of Moreno Valley  
**Program:** Remote Work Equipment for City Staff

FY 19/20 Recommended Funding: \$325,000

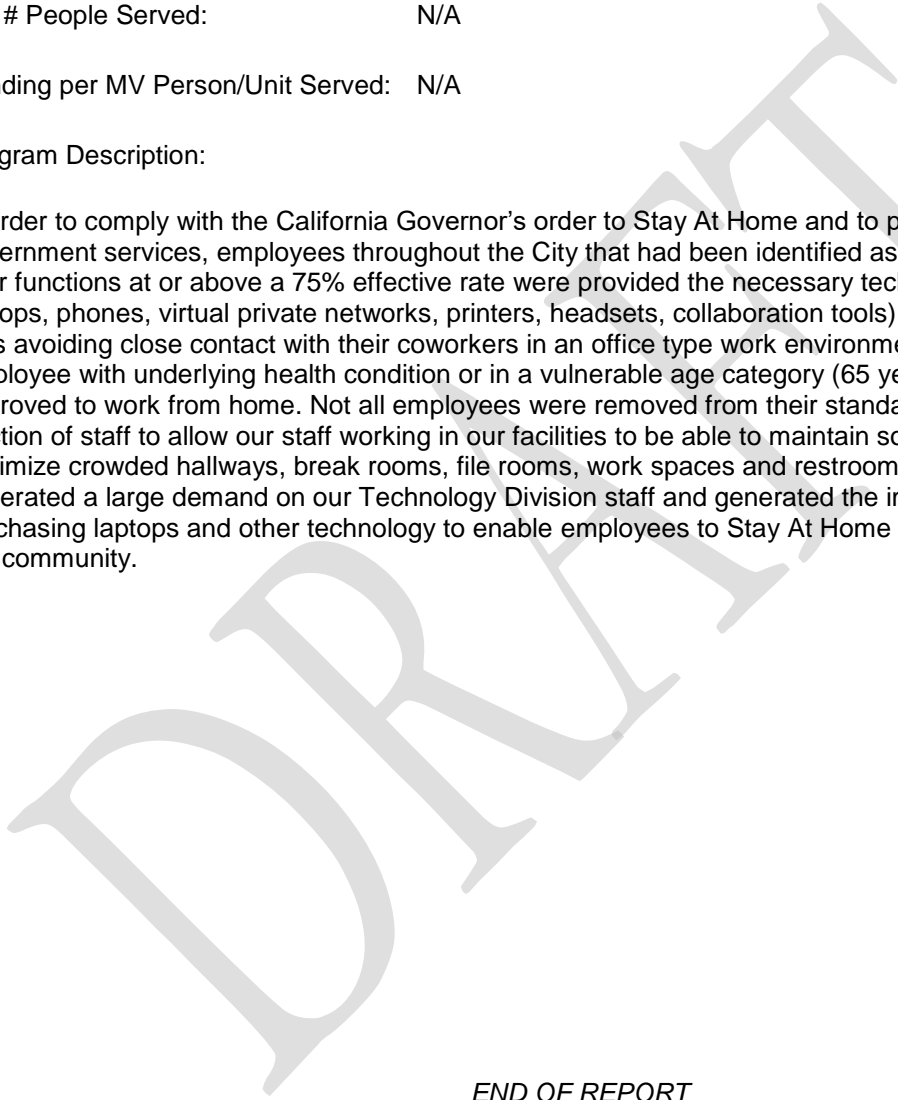
Requested Funding Amount: \$325,000

MV # People Served: N/A

Funding per MV Person/Unit Served: N/A

**Program Description:**

In order to comply with the California Governor’s order to Stay At Home and to provide continuity of government services, employees throughout the City that had been identified as being able to perform their functions at or above a 75% effective rate were provided the necessary technological tools (such as laptops, phones, virtual private networks, printers, headsets, collaboration tools) to work from home – thus avoiding close contact with their coworkers in an office type work environment. Additionally, any employee with underlying health condition or in a vulnerable age category (65 years or older) was approved to work from home. Not all employees were removed from their standard work location, just a fraction of staff to allow our staff working in our facilities to be able to maintain social distancing and to minimize crowded hallways, break rooms, file rooms, work spaces and restrooms. These efforts generated a large demand on our Technology Division staff and generated the immediate need for purchasing laptops and other technology to enable employees to Stay At Home and provide services to our community.



END OF REPORT

Attachment: Updates to the CARES Act Amendment - CDBG-CV Funding Recommendations [Revision 1] (4199 : PUBLIC HEARING TO ADOPT





**NOTICE OF PUBLIC COMMENT PERIOD AND  
PUBLIC HEARING TO ADOPT UPDATES TO THE  
CARES ACT AMENDMENT TO  
FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN**

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed by President Trump on March 27, 2020 and made available \$5 billion in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Coronavirus (CDBG-CV) funds and \$1 billion in Emergency Solutions Grants Program Coronavirus funds (ESG-CV) to prevent, prepare for, and respond to the coronavirus (COVID-19).

The City received a 3<sup>rd</sup> round allocation of CDBG-CV funds on September 11, 2020 in the amount of \$1,095,860 to continue to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19) affecting the low to moderate-income residents.

The City is proposing updates to the CARES Act Amendment to the 2019-2020 Annual Action Plan reflecting the 3<sup>rd</sup> round of CARES Act Funding Allocation. The amendment is available for public review and comment for 5 days from November 26, 2020 through December 1, 2020. To view the amendment in its entirety, please visit the City's website at [www.moval.org](http://www.moval.org) and click on Departments/Financial & Management Services and under the Grants & Programs option click on the Grants Monitoring and Administration link and choose the Grant Reports tab.

About the proposed FY 2019-2020 CARES Act Amendment:

As a recipient of federal grant funding, the City of Moreno Valley completes a five-year Consolidated Plan and an Annual Action Plan Update that details the use of the grant funds issued to the City by HUD. Under the City's Citizen Participation Plan, it is required that in cases where there are substantial changes to an approved Plan that City notify its citizens of the proposed amendment(s) and provide them the opportunity to comment by holding a Public Hearing, then submitting the Council-approved 'Substantial Amendment(s)' to HUD for final approval. The following changes summarize the proposed 'CARES Act Amendment':

- **FY 2019-2020 Annual Action Plan (AAP)**: Proposes updates to the CARES Act Amendment to the FY 2019-2020 AAP ("Update") providing recommended additional funding for CDBG-CV eligible activities. The draft of the Update to the CARES Act Amendment is available on the City website.

The proposed amendment will be available for public review from November 26, 2020 through December 1, 2020. The City Council will hold a Public Hearing to receive comments and adopt the proposed amendment on **Tuesday, December 1, 2020 at 6:00 p.m.** at the following location:

**VIA TELECONFERENCE ONLY**

Go to: <http://www.moval.org/social/zoom.html> for instructions

Citizens of the City of Moreno Valley and the general public are encouraged to attend via teleconference. Any questions or concerns regarding teleconferencing may be emailed to [zoom@moval.org](mailto:zoom@moval.org). All persons interested in this matter may appear and be heard at the hearing. Persons of low- and moderate-incomes, disabled, homeless, elderly and members of minority group are particularly encouraged to attend. If unable to attend, comments may be provided by contacting the Financial Operations Division at (951) 413-3450 or e-mailing [grantsadmin@moval.org](mailto:grantsadmin@moval.org).

*Upon request, this invitation public notice 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 these activities should direct such requests to Guy Pegan, ADA Coordinator, at (951) 413-3120 at least 72 hours before the activity. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility and participation in this meeting or event.*

**Date Published: November 26, 2020**





## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Marshall Eyerman, Assistant City Manager

**AGENDA DATE:** December 1, 2020

**TITLE:** PUBLIC HEARING FOR SEVEN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MAIL BALLOT PROCEEDINGS

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### **RECOMMENDED ACTION**

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

1. Conduct the Public Hearing and accept public testimony for the mail ballot proceedings for the National Pollutant Discharge Elimination System (NPDES) Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate or Residential Regulatory Rate to be applied to the property tax bill of the parcels identified herein for Courtyards at Cottonwood, LP located at the northeast corner of Cottonwood Ave. and Indian St., FR Nandina Avenue located southeast of Nandina Ave. and Indian St., Family Service Association located at the southeast corner Ironwood Ave. and Kilgore St., Juan Franco located at 12065 Webb St., Nafeesh Kahala located at 11668 Perris Blvd., Right Solutions located on the southeast corner of Dunlavy Ct. and Davis St., and FH II located on the northwest corner of Quincy St. and Brodiaea Ave.);
2. Direct the City Clerk to open and count the returned NPDES ballots;
3. Verify and accept the results of the mail ballot proceedings as maintained by the City Clerk on the Official Tally Sheet and if approved, set the rate and impose the NPDES Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate or the Residential Regulatory Rate, as applicable, on the Assessor's Parcel Numbers as mentioned;
4. Receive and file the Official Tally Sheet with the City Clerk's office.

### **SUMMARY**

The action before the City Council is to conduct a Public Hearing for seven NPDES mail ballot proceedings. The process to accept 11 parcels into the City's NPDES funding program impacts only the property owners identified below, 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 (e.g., the increase in costs 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).

As a condition of approval for development of their projects, the Property Owners, as identified below, are required to provide a funding source for the NPDES program and have requested the City conduct a mail ballot proceeding to satisfy the condition of approval. If each property owner approves the mail ballot and the City Council accepts the results, the condition of approval will be satisfied for their respective projects. Tonight's Public Hearing is a required part of the process.

## **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 originally 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. Each fiscal year, the City Council reviews and sets the rates for the following fiscal year.

The Planning Commission approves projects on the condition the developer provides 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.

As a condition of approval for the projects identified below, the Property Owners are required to provide a funding source to mitigate the increase in costs to the NPDES program, which will be created by their development project. The table below provides information for the parcels under development.

Property Owner/ Project	Assessor's Parcel Number	Location	FY 2020/21 Maximum Rate <sup>1</sup>
Courtyards at Cottonwood, LP 81-unit multi-family housing development PEN19-0110/SBP20-0008	482-161-021, 482-161-022, 482-161-023, and 482-161-024	Northeast corner of Cottonwood Ave. and Indian St.	\$260.84/parcel Commercial/Industrial Rate
FR Nandina Avenue 220,000 sq.ft. warehouse PEN18-0259/SBP20-0012	316-211-023 and 316-211-024	Southeast of Nandina Ave. and Indian St.	\$260.84/parcel Commercial/Industrial Rate
Family Service Association Daycare Facility PEN19-0122/SBP20-0015	481-341-032	Southeast corner Ironwood Ave. and Kilgore St.	\$260.84/parcel Commercial/Industrial Rate
Juan Franco Custom Home PEN19-0224/SBP20-0014	292-191-023	12065 Webb St.	\$346.38/parcel Residential Rate
Nafeesah Kahala Custom Home PEN19-0070/SBP20-0017	474-120-054	11668 Perris Blvd.	\$346.38/parcel Residential Rate
Right Solutions 7 single-family residential development PEN18-0144/SBP20-0013	475-250-067	Southeast corner of Dunlavy Ct. and Davis St.	\$346.38/parcel Residential Rate
FH II 45 single-family residential development PEN18-0092/SBP20-0011	478-080-014	Northwest corner of Quincy St. and Brodiaea Ave.	\$346.38/parcel Residential Rate
<p><sup>1</sup> The parcel's development status will be evaluated, and the applied rate calculated in accordance with the rate schedule, prior to levying the NPDES rate on the property tax roll each year. The applied rate is the amount applied to the property tax bill. It cannot exceed the maximum rate.</p>			

A property owner has 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 Owners elected to have the NPDES rate applied to the annual property tax bill of the property under development. Proposition 218 outlines the process to approve new charges, or an increase to existing charges, on property tax bills which includes conducting a mail ballot proceeding, noticing requirements, timing of noticing, and providing an opportunity for the property owner to address the City Council (i.e., public comment portion of the Public Hearing). A notice describing the purpose and amount of the charge, including the potential annual inflationary adjustment, and a ballot for the property was mailed to each Property Owner at least 45-days in advance of tonight's meeting (see Attachments 1-7). The ballot is due to the City Clerk prior to the close of the Public Hearing. The ballot can be opened and counted, and results announced, at the close of the Public Hearing.

The condition of approval to provide a funding source for the NPDES program will be satisfied with a property owner's approval of the NPDES mail ballot (i.e., marked yes and signed) and City Council acceptance of the results. In the event the ballot is not returned, is not approved, or is invalid (e.g., unmarked or unsigned), this condition of approval will remain unsatisfied and may delay development of the 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 funding 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 ballots and accept the results. *Staff recommends this alternative as it will satisfy each project's condition of approval provided the property owner approves the 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 specific regularly scheduled City Council meeting. *Staff does not recommend this alternative as it may delay project development and will cause the City to incur additional costs to restart the 45-day noticing period.*

### **FISCAL IMPACT**

Revenue received from the NPDES rate is restricted and can only be used within the stormwater management program. The revenue provides funding to maintain compliance with the unfunded requirements of the Permit. It also offsets stormwater management program expenses, which reduces the financial impact to the General Fund. 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.

The FY 2020/21 maximum Commercial/Industrial Rate is \$260.84 per parcel, and any division thereof. The FY 2020/21 maximum Residential Rate is \$346.38 per parcel, and any division thereof. The maximum NPDES rates are subject to an annual inflationary adjustment. However, the annual adjustment cannot be applied unless the City Council annually authorizes such 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 rate applied to the property tax bill will be based on the development status of the property at the time the applied rates are calculated for the upcoming fiscal year.

## **NOTIFICATION**

The ballot documents were mailed to each Property Owner at least 45-days in advance of the Public Hearing. The documents included a notice, NPDES ballot, NPDES Commercial/Industrial or Residential Rate schedule, map of the project area, instructions for marking and returning the ballot, and a postage-paid return envelope addressed to the City Clerk.

The Press-Enterprise published the legal notice for tonight's Public Hearing on November 12 and November 19, 2020.

## **PREPARATION OF STAFF REPORT**

Prepared By:  
Candace E. Cassel  
Special Districts Division Manager

Department Head Approval:  
Marshall Eyerman  
Assistant City Manager

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

Objective 5.2: Promote the installation and maintenance of cost effective, low maintenance landscape, hardscape and other improvements which create a clean, inviting community.

**ATTACHMENTS**

- 1. Courtyards at Cottonwood LP Ballot Documents
- 2. FR Nandina Avenue Ballot Documents
- 3. Family Service Association Ballot Documents
- 4. Juan Franco Ballot Documents
- 5. Nafeesah Kahala Ballot Documents
- 6. Right Solutions Ballot Documents
- 7. FH II Ballot Documents

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/10/20 6:12 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/12/20 3:12 PM

Tel: 951.413.3480  
 Fax: 951.413.3170  
 www.moval.org



14177 FREDERICK STREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

Courtyards at Cottonwood, LP  
 27700 Kalmia Ave  
 Rancho Belago, CA 92555  
 ATTN: James Jernigan

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMON INTEREST, COMMERCIAL, INDUSTRIAL, AND QUASI-PUBLIC USE REGULATORY RATE FOR APN(s) 482-161-021, 482-161-022, 481-161-023 and 482-161-024**

**\*\*\*\*\* 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 the APN(s) listed above 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

Notice of Mail Ballot Proceeding for Courtyards at Cottonwood, LP  
October 15, 2020

exceed the rate previously approved by the property owner.

### **Proposed Charge**

For FY 2020/21, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$260.84 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2021/22, 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 the APN(s) listed above (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, December 1, 2020**

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**



Notice of Mail Ballot Proceeding for Courtyards at Cottonwood, LP  
October 15, 2020

satisfy the Land Development Division's Condition of Approval to provide a funding 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@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](mailto: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 **December 1, 2020**, 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:



A check mark substantially inside a box;

Notice of Mail Ballot Proceeding for Courtyards at Cottonwood, LP  
October 15, 2020

-  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.**

**OFFICIAL MAIL BALLOT  
for Assessor's Parcel Number (APN)  
482-161-021, 482-161-022, 481-161-023 and 482-161-024  
National Pollutant Discharge Elimination System (NPDES)  
Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, **I approve** the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$260.84 per parcel, a combined total of \$1,043.36 for the APNs. This calculation is based on the current parcel configuration; the actual annual amount annual levied will be determined at the time the levy is calculated. 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 2021/22, 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 the APNs listed above, **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 2020/21 NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	4	\$260.84

Each Assessor's Parcel Number equals 1 Weighted Ballot.

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
PRINTED NAME

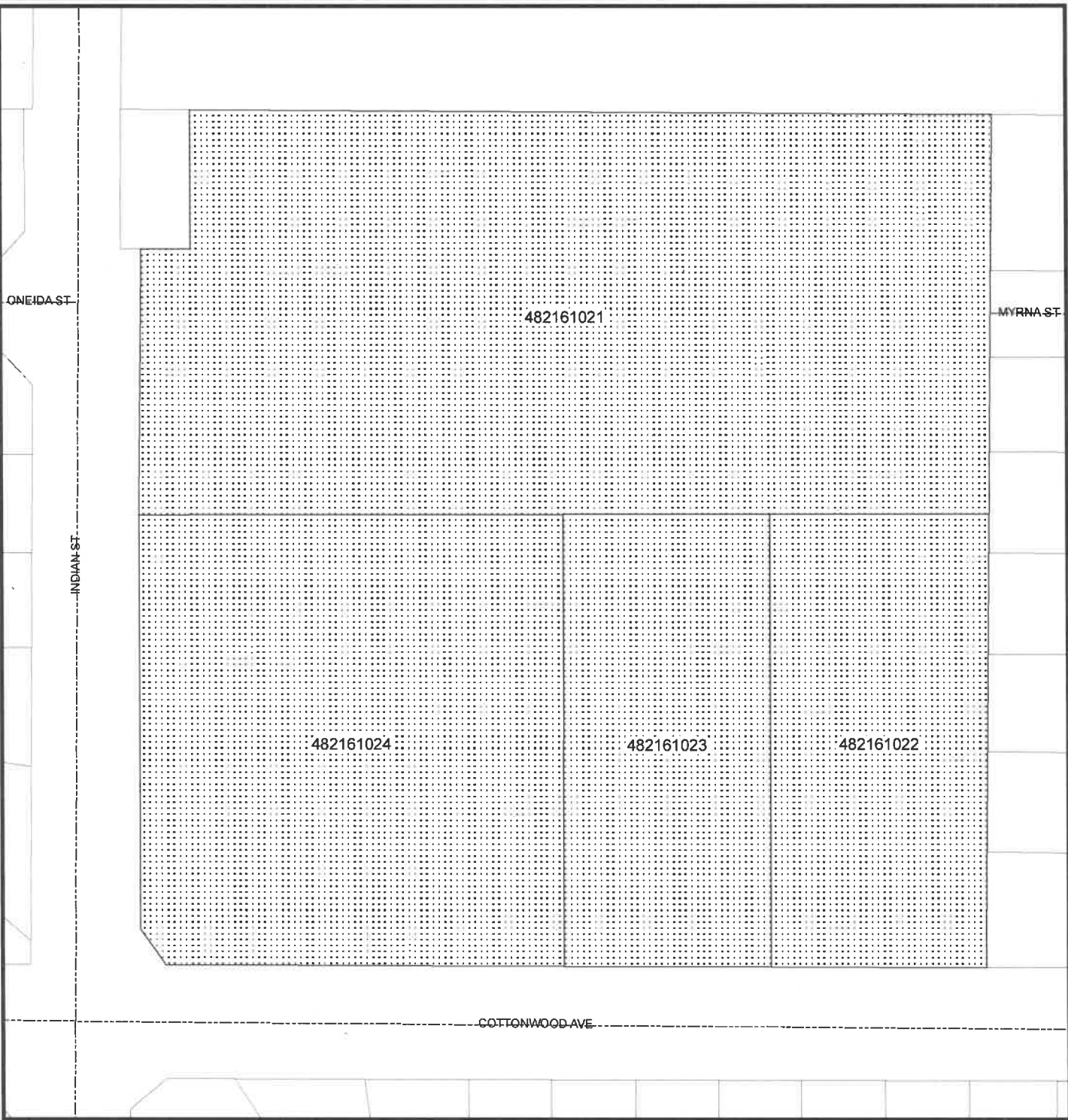
\_\_\_\_\_  
DATE








**Please remember to mark the appropriate box, sign and date the ballot, and return to the City Clerk's office in the enclosed envelope. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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. For administrative convenience, all parcels for your project have been combined on one ballot. If you prefer to have a separate ballot for each APN please call 951.413.3470 to request separate ballots.



### Courtyards at Cottonwood, L.P. Courtyards at Cottonwood PEN19-0110



- APN**
-  482161021
  -  482161022
  -  482161023
  -  482161024
  -  Parcels
  -  City Boundary
  -  Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of September 22, 2020.



G:\Divisions\SpecialDist\2020\WXD\PEN19-0110.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.



Attachment: Courtyards at Cottonwood LP Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN

**FY 2020/21  
NPDES RATE SCHEDULE  
COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE**

LEVEL 1		LEVEL II	
<b>NPDES Administration</b> (Not covered by CSA 152)		<b>Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance</b>	
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.	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$45.60</b>	<b>Parcel Rate</b>	<b>\$215.24</b>
*Service Levels will be imposed on an as-needed basis and cumulative (if required)			
Adopted by the City Council on January 10, 2006 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			
<i><u>Inflation Factor Adjustments</u></i>			
FY 2006/07 - 4.5% = (\$33.00 & \$158.00)		FY 2013/14 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar	
FY 2007/08 - 3.1% = (\$34.00 & \$163.00)		FY 2014/15 - 1.14% = (\$39.52 & \$186.49)(approved 6/10/14)	
FY 2008/09 - 4.2% = (\$35.00 & \$170.00)		FY 2015/16 - 0.73% = (\$39.81 & \$187.85)	
FY 2009/10 - no change = (\$35.00 & \$170.00)		FY 2016/17 - 2.03% = (\$40.62 & \$191.66)	
FY 2010/11 - no change = (\$35.00 & \$170.00)		FY 2017/18 - 1.97% = (\$41.42 & \$195.44)	
FY 2011/12 - 3.8% = (\$36.00 & \$176.00)		FY 2018/19 - 3.61% = (\$42.90 & \$202.48)(approved 6/19/18)	
FY 2012/13 - 2.7% = (\$37.00 & \$181.00)		FY 2019/20 - 3.24% = (\$44.30 & \$209.04)(approved 5/21/19)	
		FY 2020/21 - 2.97% = (\$45.60 & \$215.24)(approved 5/19/20)	

Attachment: Courtyards at Cottonwood LP Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN

Tel: 951.413.3480  
 Fax: 951.413.3170  
 www.moval.org



14177 FREDERICK STREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

FR Nandina Avenue  
 % First Industrial  
 898 N. Pacific Coast Hwy, Suite 175  
 El Segundo, CA 90245  
 ATTN: Michael Goodwin

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMON INTEREST, COMMERCIAL, INDUSTRIAL, AND QUASI-PUBLIC USE REGULATORY RATE FOR APN(s) 316-211-023 and 316-211-024**

\*\*\*\*\* 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 the APN(s) listed above 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

Notice of Mail Ballot Proceeding for FR Nandina Avenue  
October 15, 2020

comply with NPDES Permit requirements and levies the rate applicable for that service, not to exceed the rate previously approved by the property owner.

### **Proposed Charge**

For FY 2020/21, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$260.84 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2021/22, 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 the APN(s) listed above (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, December 1, 2020**

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.



Notice of Mail Ballot Proceeding for FR Nandina Avenue  
October 15, 2020

### 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 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@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](mailto: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 **December 1, 2020**, 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



Notice of Mail Ballot Proceeding for FR Nandina Avenue  
October 15, 2020

NO/Not Approved blank box:

-  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.**

**OFFICIAL MAIL BALLOT**  
**for Assessor's Parcel Number (APN) 316-211-023 and 316-211-024**  
**National Pollutant Discharge Elimination System (NPDES)**  
**Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, **I approve** the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$260.84 per parcel, a combined total of \$521.68 for the APNs. This calculation is based on the current parcel configuration; the actual annual amount annual levied will be determined at the time the levy is calculated. 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 2021/22, 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 the APNs listed above, **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 2020/21 NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	2	\$260.84
Each Assessor's Parcel Number equals 1 Weighted Ballot.			

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
 PRINTED NAME 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. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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. For administrative convenience, all parcels for your project have been combined on one ballot. If you prefer to have a separate ballot for each APN please call 951.413.3470 to request separate ballots.

Attachment: FR Nandina Avenue Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL POLLUTANT DISCHARGE ELIMINATION

# FR Nandina Avenue First Nandina II Logistics PEN18-0259

### APN

 316211023

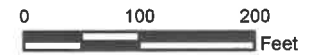
 316211024

 Parcels

 City Boundary

 Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of September 22, 2020.



G:\Divisions\SpecialDist\2020\MXD\PEN18-0259.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.



**FY 2020/21  
NPDES RATE SCHEDULE  
COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE**

LEVEL 1		LEVEL II	
<b>NPDES Administration</b> (Not covered by CSA 152)		<b>Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance</b>	
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.	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$45.60</b>	<b>Parcel Rate</b>	<b>\$215.24</b>
*Service Levels will be imposed on an as-needed basis and cumulative (if required)			
Adopted by the City Council on January 10, 2006 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			
<u><i>Inflation Factor Adjustments</i></u>			
FY 2006/07 - 4.5% = (\$33.00 & \$158.00)		FY 2013/14 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar	
FY 2007/08 - 3.1% = (\$34.00 & \$163.00)		FY 2014/15 - 1.14% = (\$39.52 & \$186.49)(approved 6/10/14)	
FY 2008/09 - 4.2% = (\$35.00 & \$170.00)		FY 2015/16 - 0.73% = (\$39.81 & \$187.85)	
FY 2009/10 - no change = (\$35.00 & \$170.00)		FY 2016/17 - 2.03% = (\$40.62 & \$191.66)	
FY 2010/11 - no change = (\$35.00 & \$170.00)		FY 2017/18 - 1.97% = (\$41.42 & \$195.44)	
FY 2011/12 - 3.8% = (\$36.00 & \$176.00)		FY 2018/19 - 3.61% = (\$42.90 & \$202.48)(approved 6/19/18)	
FY 2012/13 - 2.7% = (\$37.00 & \$181.00)		FY 2019/20 - 3.24% = (\$44.30 & \$209.04)(approved 5/21/19)	
		FY 2020/21 - 2.97% = (\$45.60 & \$215.24)(approved 5/19/20)	



Tel: 951.413.3480  
 Fax: 951.413.3170  
 www.moval.org



14177 FREDERICKSIREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

Family Service Association  
 21250 Box Springs Road, Suite 212  
 Moreno Valley, CA 92557  
 ATTN: Bill Brown

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMON INTEREST, COMMERCIAL, INDUSTRIAL, AND QUASI-PUBLIC USE REGULATORY RATE FOR APN(s) 481-341-032**

**\*\*\*\*\* 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 the APN(s) listed above 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

Notice of Mail Ballot Proceeding for Family Service Association  
October 15, 2020

exceed the rate previously approved by the property owner.

### Proposed Charge

For FY 2020/21, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$260.84 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### Annual Adjustment

Beginning in FY 2021/22, 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 the APN(s) listed above (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, December 1, 2020**

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**

Notice of Mail Ballot Proceeding for Family Service Association  
October 15, 2020

satisfy the Land Development Division's Condition of Approval to provide a funding 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@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](mailto: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 **December 1, 2020**, 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:



A check mark substantially inside a box;

Notice of Mail Ballot Proceeding for Family Service Association  
October 15, 2020

-  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.**

Attachment: Family Service Association Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL POLLUTANT DISCHARGE



**OFFICIAL MAIL BALLOT**  
**for Assessor's Parcel Number (APN) 481-341-032**  
**National Pollutant Discharge Elimination System (NPDES)**  
**Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, **I approve** the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate is \$260.84 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 2021/22, 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 the APNs listed above, **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 2020/21 NPDES Maximum Common Interest, Commercial, Industrial, and Quasi-Public Use Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	1	\$260.84

Each Assessor's Parcel Number equals 1 Weighted Ballot.

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER





PRINTED NAME \_\_\_\_\_ 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. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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.

# Family Service Assn FSA Daycare PEN19-0122



- APN**
-  481341032
  -  Parcels
  -  City Boundary
  -  Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of October 6, 2020.



G:\Divisions\SpecialDist\2020\MXD\PEN19-0122.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 recopied or resold.



Attachment: Family Service Association Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN

**FY 2020/21  
NPDES RATE SCHEDULE  
COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE**

LEVEL 1		LEVEL II																	
<b>NPDES Administration</b> (Not covered by CSA 152)		<b>Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance</b>																	
<p>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.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>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.</p>																	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>																
<b>Parcel Rate</b>	<b>\$45.60</b>	<b>Parcel Rate</b>	<b>\$215.24</b>																
*Service Levels will be imposed on an as-needed basis and cumulative (if required)																			
<p>Adopted by the City Council on January 10, 2006                      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</p> <p><u>Inflation Factor Adjustments</u></p> <table border="0"> <tr> <td>FY 2006/07 - 4.5% = (\$33.00 &amp; \$158.00)</td> <td>FY 2013/14 - 2.0% = (\$38.00 &amp; \$185.00) rounded to the nearest dollar</td> </tr> <tr> <td>FY 2007/08 - 3.1% = (\$34.00 &amp; \$163.00)</td> <td>FY 2014/15 - 1.14% = (\$39.52 &amp; \$186.49)(approved 6/10/14)</td> </tr> <tr> <td>FY 2008/09 - 4.2% = (\$35.00 &amp; \$170.00)</td> <td>FY 2015/16 - 0.73% = (\$39.81 &amp; \$187.85)</td> </tr> <tr> <td>FY 2009/10 - no change = (\$35.00 &amp; \$170.00)</td> <td>FY 2016/17 - 2.03% = (\$40.62 &amp; \$191.66)</td> </tr> <tr> <td>FY 2010/11 - no change = (\$35.00 &amp; \$170.00)</td> <td>FY 2017/18 - 1.97% = (\$41.42 &amp; \$195.44)</td> </tr> <tr> <td>FY 2011/12 - 3.8% = (\$36.00 &amp; \$176.00)</td> <td>FY 2018/19 - 3.61% = (\$42.90 &amp; \$202.48)(approved 6/19/18)</td> </tr> <tr> <td>FY 2012/13 - 2.7% = (\$37.00 &amp; \$181.00)</td> <td>FY 2019/20 - 3.24% = (\$44.30 &amp; \$209.04)(approved 5/21/19)</td> </tr> <tr> <td></td> <td>FY 2020/21 - 2.97% = (\$45.60 &amp; \$215.24)(approved 5/19/20)</td> </tr> </table>				FY 2006/07 - 4.5% = (\$33.00 & \$158.00)	FY 2013/14 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar	FY 2007/08 - 3.1% = (\$34.00 & \$163.00)	FY 2014/15 - 1.14% = (\$39.52 & \$186.49)(approved 6/10/14)	FY 2008/09 - 4.2% = (\$35.00 & \$170.00)	FY 2015/16 - 0.73% = (\$39.81 & \$187.85)	FY 2009/10 - no change = (\$35.00 & \$170.00)	FY 2016/17 - 2.03% = (\$40.62 & \$191.66)	FY 2010/11 - no change = (\$35.00 & \$170.00)	FY 2017/18 - 1.97% = (\$41.42 & \$195.44)	FY 2011/12 - 3.8% = (\$36.00 & \$176.00)	FY 2018/19 - 3.61% = (\$42.90 & \$202.48)(approved 6/19/18)	FY 2012/13 - 2.7% = (\$37.00 & \$181.00)	FY 2019/20 - 3.24% = (\$44.30 & \$209.04)(approved 5/21/19)		FY 2020/21 - 2.97% = (\$45.60 & \$215.24)(approved 5/19/20)
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Attachment: Family Service Association Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN

Tel: 951.413.3480  
 Fax: 951.413.3170  
 www.moval.org



14177 FREDERICK STREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

Juan Franco  
 2643 Murrieta Road  
 Perris, CA 92571

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APN(s) 292-191-023**

**\*\*\*\*\* 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 the APN(s) listed above the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**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 Juan Franco  
October 15, 2020

### **Proposed Charge**

For FY 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2021/22, the NPDES Maximum Residential 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 the APN(s) listed above (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 Residential 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, December 1, 2020**

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 Residential Regulatory Rate will be confirmed if the ballot is marked in favor (marked Yes) of the NPDES rate. Approving the NPDES Maximum Residential 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 Residential 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 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.

Notice of Mail Ballot Proceeding for Juan Franco  
October 15, 2020

### 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@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](mailto: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 **December 1, 2020**, 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:

- A check mark substantially inside a box;
- An X mark substantially inside a box;
- A dot or oval mark substantially inside a box;

Notice of Mail Ballot Proceeding for Juan Franco  
October 15, 2020

- 
 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.**

**OFFICIAL MAIL BALLOT  
for Assessor's Parcel Number (APN)  
292-191-023  
National Pollutant Discharge Elimination System (NPDES)  
Residential Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, I approve the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 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 2021/22, 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**NO\*\*** — as property owner of the APNs listed above, I do not approve the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund state and federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES Maximum Residential Regulatory Rate will not be levied on the annual Riverside County property tax bill.

YES*	NO**	Weighted Ballot Count*	Fiscal Year 2020/21 NPDES Maximum Residential Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	1	\$346.38

Each Assessor's Parcel Number equals 1 Weighted Ballot.

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
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. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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.



# Juan Franco Custom Home, Webb PEN19-0224

**APN**

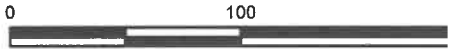
 292191023

 Parcels

 City Boundary

 Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of September 24, 2020.



G:\Divisions\SpecialDist\2020\MXD\PEN19-0224.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 recopied or resold.



Attachment: Juan Franco Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL

**FY 2020/21  
NPDES RATE SCHEDULE  
RESIDENTIAL**

LEVEL 1		LEVEL II		Level II-A		LEVEL III		LEVEL IV	
NPDES Administration (Not covered by CSA 152)		Water Quality Pond/Basin Maintenance		Sand Filter Maintenance		Water Quality Pond/Basin Remediation/Reconstruction		Water Quality System Retrofit	
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various storm water reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs.</p> <p>Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin.</p>		<p>Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel.</p> <p>Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter.</p>		<p>Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, plants, irrigation, removal and hauling of wastes and possible civil work.</p>		<p>Costs associated with the retrofitting, replacement, monitoring and maintenance of the water quality pond/basin systems and appurtenances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.</p>	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$45.44</b>	<b>Parcel Rate</b>	<b>\$86.34</b>	<b>Parcel Rate</b>	<b>\$39.36</b>	<b>Parcel Rate</b>	<b>\$77.02</b>	<b>Parcel Rate</b>	<b>\$175.24</b>

\*Service Levels will be imposed on an as-needed basis and cumulative (if required)

Levels I, II, III, and IV - Adopted by the City Council on June 10, 2003

Level II-A - Adopted by the City Council on June 10, 2008

Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index

Inflation Factor Adjustments:

2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)	2012/2013 - 2.7% = (\$37.00, \$74.00, \$33.00, \$64.00, \$147.00)
2005/2006 - 4.4% = (\$32.00, 61.00, 54.00 & 123.00)	2013/2014 - 2.0% = (\$38.00, \$75.00, \$34.00, \$65.00, \$150.00) rounded to the nearest whole dollar
2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00)	2014/2015 - 1.14% = (\$39.38, \$74.82, \$34.10, \$66.73, \$151.84) (approved 6/10/14)
2007/2008 - 3.1% = (\$34.00, 66.00, 58.00, & 132.00)	2015/2016 - 0.73% = (\$39.66, \$75.36, \$34.35, \$67.22, \$152.95)
2008/2009 - 4.2% = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2016/2017 - 2.03% = (\$40.47, \$76.89, \$35.05, \$68.58, \$156.05)
2009/2010 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2017/2018 - 1.97% = (\$41.27, \$78.40, \$35.74, \$69.93, \$159.12)
2010/2011 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2018/2019 - 3.61% = (\$42.74, \$81.22, \$37.02, \$72.44, \$164.86)(approved 6/19/18)
2011/2012 - 3.8% = (\$36.00, \$72.00, \$32.00, \$62.00, \$143.00)	2019/2020 - 3.24% = (\$44.14, \$83.86, \$38.22, \$74.80, \$170.20) (approved 5/21/19)
	2020/2021 - 2.96% = (\$45.44, \$86.34, \$39.36, \$77.02, \$175.24) (approved 5/19/20)

Attachment: Juan Franco Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL

Tel: 951.413.3480  
 Fax: 951.413.3170  
 www.moval.org



14177 FREDERICK STREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

Nafeesah Kahala  
 23961 Hemlock Ave #5  
 Moreno Valley, CA 92557

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APN(s) 474-120-054**

**\*\*\*\*\* 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 the APN(s) listed above the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**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 Nafeesah Kahala  
October 15, 2020

### **Proposed Charge**

For FY 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2021/22, the NPDES Maximum Residential 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 the APN(s) listed above (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 Residential 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, December 1, 2020**

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 Residential Regulatory Rate will be confirmed if the ballot is marked in favor (marked Yes) of the NPDES rate. Approving the NPDES Maximum Residential 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 Residential 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 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.

Notice of Mail Ballot Proceeding for Nafeesah Kahala  
October 15, 2020

### 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@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](mailto: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 **December 1, 2020**, 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:

- A check mark substantially inside a box;
- An X mark substantially inside a box;
- A dot or oval mark substantially inside a box;



Notice of Mail Ballot Proceeding for Nafeesah Kahala  
 October 15, 2020

-  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.**

**OFFICIAL MAIL BALLOT  
for Assessor's Parcel Number (APN)  
474-120-054  
National Pollutant Discharge Elimination System (NPDES)  
Residential Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, I approve the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 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 2021/22, 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**NO\*\*** — as property owner of the APNs listed above, I do not approve the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund state and federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES Maximum Residential Regulatory Rate will not be levied on the annual Riverside County property tax bill.

YES*	NO**	Weighted Ballot Count*	Fiscal Year 2020/21 NPDES Maximum Residential Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	1	\$346.38

Each Assessor's Parcel Number equals 1 Weighted Ballot.

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

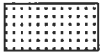



\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
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. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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.

# Nafeesah Kahala Custom Home, Perris PEN19-0070

- APN**
-  474120054
  -  Parcels
  -  City Boundary
  -  Roads

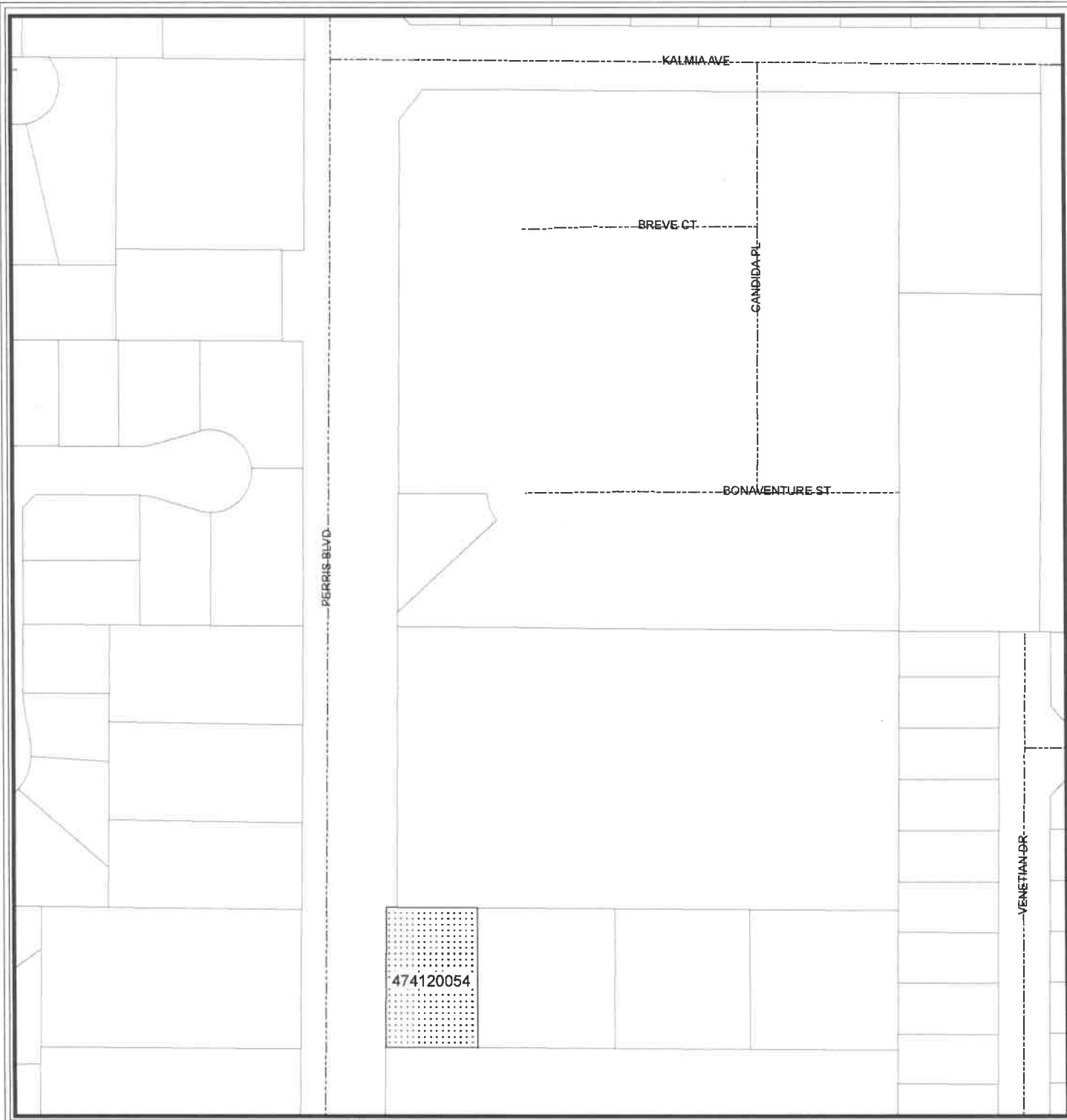
Map reflects all changes indicated on Riverside County Assessor Maps as of October 6, 2020.

N



G:\Divisions\SpecialDist\2020\MXD\PEN19-0070.mxd

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Attachment: Nafeesah Kahala Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL



**FY 2020/21  
NPDES RATE SCHEDULE  
RESIDENTIAL**

LEVEL 1		LEVEL II		Level II-A		LEVEL III		LEVEL IV	
NPDES Administration (Not covered by CSA 152)		Water Quality Pond/Basin Maintenance		Sand Filter Maintenance		Water Quality Pond/Basin Remediation/Reconstruction		Water Quality System Retrofit	
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various storm water reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs.</p> <p>Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin.</p>		<p>Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel.</p> <p>Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter.</p>		<p>Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, plants, irrigation, removal and hauling of wastes and possible civil work.</p>		<p>Costs associated with the retrofitting, replacement, monitoring and maintenance of the water quality pond/basin systems and appurtenances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.</p>	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$45.44</b>	<b>Parcel Rate</b>	<b>\$86.34</b>	<b>Parcel Rate</b>	<b>\$39.36</b>	<b>Parcel Rate</b>	<b>\$77.02</b>	<b>Parcel Rate</b>	<b>\$175.24</b>

\*Service Levels will be imposed on an as-needed basis and cumulative (if required)

Levels I, II, III, and IV - Adopted by the City Council on June 10, 2003

Level II-A - Adopted by the City Council on June 10, 2008

Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index

Inflation Factor Adjustments:

2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)	2012/2013 - 2.7% = (\$37.00, \$74.00, \$33.00, \$64.00, \$147.00)
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2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00)	2014/2015 - 1.14% = (\$39.38, \$74.82, \$34.10, \$66.73, \$151.84) (approved 6/10/14)
2007/2008 - 3.1% = (\$34.00, 66.00, 58.00, & 132.00)	2015/2016 - 0.73% = (\$39.66, \$75.36, \$34.35, \$67.22, \$152.95)
2008/2009 - 4.2% = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2016/2017 - 2.03% = (\$40.47, \$76.89, \$35.05, \$68.58, \$156.05)
2009/2010 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2017/2018 - 1.97% = (\$41.27, \$78.40, \$35.74, \$69.93, \$159.12)
2010/2011 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2018/2019 - 3.61% = (\$42.74, \$81.22, \$37.02, \$72.44, \$164.86)(approved 6/19/18)
2011/2012 - 3.8% = (\$36.00, \$72.00, \$32.00, \$62.00, \$143.00)	2019/2020- 3.24% = (\$44.14, \$83.86, \$38.22, \$74.80, \$170.20) (approved 5/21/19)
	2020/2021 - 2.96% = (\$45.44, \$86.34, \$39.36, \$77.02, \$175.24) (approved 5/19/20)

Attachment: Nafeesah Kahala Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL

Tel: 951.413.3480  
 Fax: 951.413.3170  
 www.moval.org



14177 FREDERICK STREET  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

Right Solutions  
 2835 S. Bristol St #C  
 Santa Ana, CA 92704  
 ATTN: Walil Abid

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APN(s) 475-250-067**

**\*\*\*\*\* 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 the APN(s) listed above the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**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 Right Solutions  
October 15, 2020

### **Proposed Charge**

For FY 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2021/22, the NPDES Maximum Residential 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 the APN(s) listed above (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 Residential 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, December 1, 2020**

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 Residential Regulatory Rate will be confirmed if the ballot is marked in favor (marked Yes) of the NPDES rate. Approving the NPDES Maximum Residential 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 Residential 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 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.

Notice of Mail Ballot Proceeding for Right Solutions  
October 15, 2020

### 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@moval.org) during the City's business hours.

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### Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

- A check mark substantially inside a box;
- An X mark substantially inside a box;
- A dot or oval mark substantially inside a box;

Notice of Mail Ballot Proceeding for Right Solutions  
October 15, 2020

-  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
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**OFFICIAL MAIL BALLOT  
for Assessor's Parcel Number (APN)  
475-250-067  
National Pollutant Discharge Elimination System (NPDES)  
Residential Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, **I approve** the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 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 2021/22, 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**NO\*\*** — as property owner of the APNs listed above, **I do not approve** the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund state and federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES Maximum Residential Regulatory Rate will not be levied on the annual Riverside County property tax bill.

YES*	NO**	Weighted Ballot Count*	Fiscal Year 2020/21 NPDES Maximum Residential Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	1	\$346.38
Each Assessor's Parcel Number equals 1 Weighted Ballot.			

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
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. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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.

# Right Solutions Tr 36761, Dunlavy Ct PEN18-0144

**APN**

 475250067

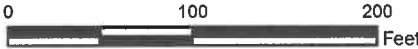
 Parcels

 City Boundary

 Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of September 22, 2020.

N

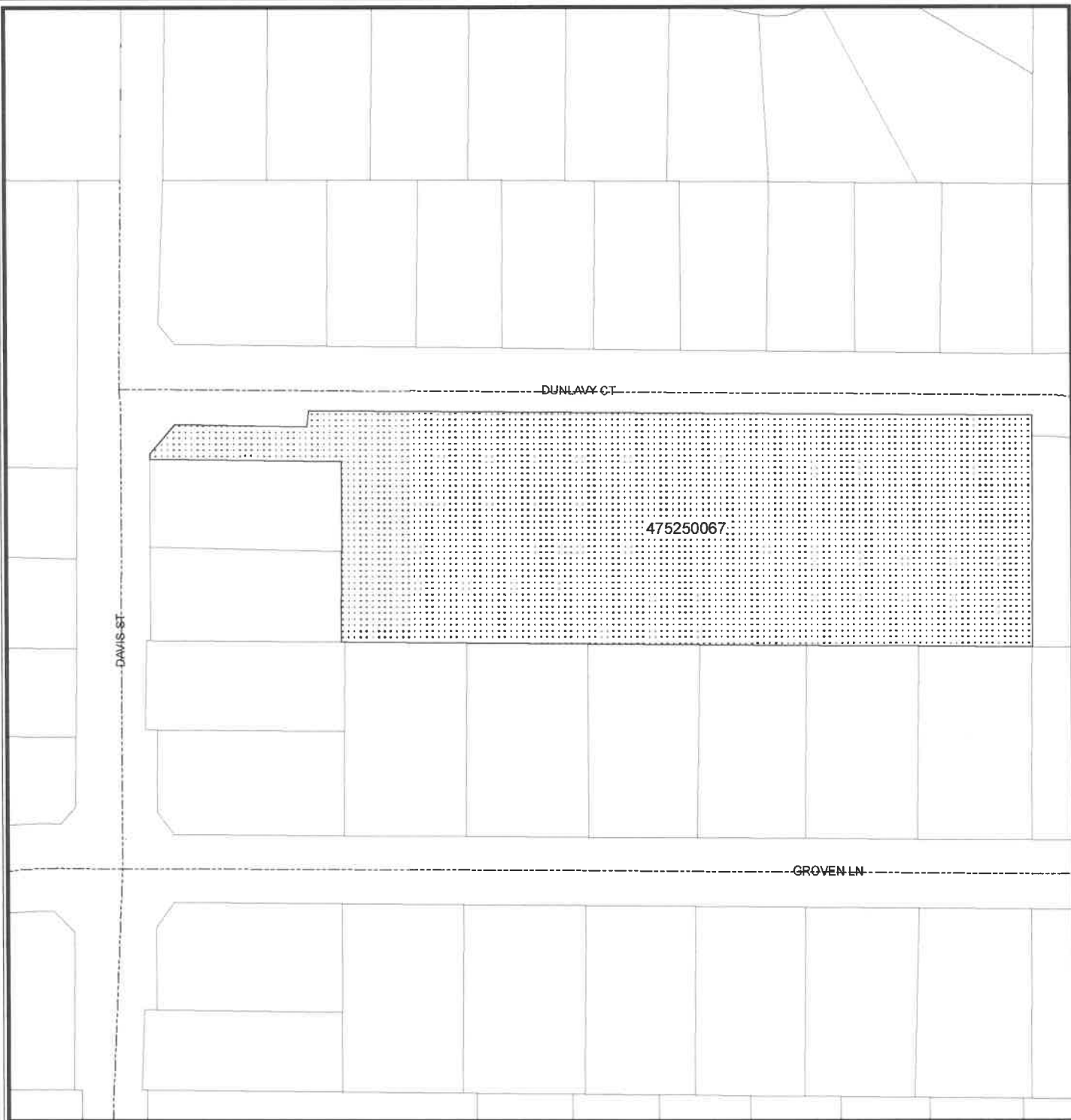


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Attachment: Right Solutions Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL



**FY 2020/21  
NPDES RATE SCHEDULE  
RESIDENTIAL**

LEVEL 1		LEVEL II		Level II-A		LEVEL III		LEVEL IV	
NPDES Administration (Not covered by CSA 152)		Water Quality Pond/Basin Maintenance		Sand Filter Maintenance		Water Quality Pond/Basin Remediation/Reconstruction		Water Quality System Retrofit	
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various storm water reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs.</p> <p>Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin.</p>		<p>Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel.</p> <p>Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter.</p>		<p>Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, plants, irrigation, removal and hauling of wastes and possible civil work.</p>		<p>Costs associated with the retrofitting, replacement, monitoring and maintenance of the water quality pond/basin systems and appurtenances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.</p>	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$45.44</b>	<b>Parcel Rate</b>	<b>\$86.34</b>	<b>Parcel Rate</b>	<b>\$39.36</b>	<b>Parcel Rate</b>	<b>\$77.02</b>	<b>Parcel Rate</b>	<b>\$175.24</b>

\*Service Levels will be imposed on an as-needed basis and cumulative (if required)

Levels I, II, III, and IV - Adopted by the City Council on June 10, 2003

Level II-A - Adopted by the City Council on June 10, 2008

Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index

Inflation Factor Adjustments:

2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)	2012/2013 - 2.7% = (\$37.00, \$74.00, \$33.00, \$64.00, \$147.00)
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2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00)	2014/2015 - 1.14% = (\$39.38, \$74.82, \$34.10, \$66.73, \$151.84) (approved 6/10/14)
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2010/2011 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2018/2019 - 3.61% = (\$42.74, \$81.22, \$37.02, \$72.44, \$164.86)(approved 6/19/18)
2011/2012 - 3.8% = (\$36.00, \$72.00, \$32.00, \$62.00, \$143.00)	2019/2020 - 3.24% = (\$44.14, \$83.86, \$38.22, \$74.80, \$170.20) (approved 5/21/19)
	2020/2021 - 2.96% = (\$45.44, \$86.34, \$39.36, \$77.02, \$175.24) (approved 5/19/20)

Attachment: Right Solutions Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL



Tel: 951.413.3480  
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14177 FREDERICK STREET  
 P.O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

October 15, 2020

FH II  
 2151 E. Convention Center, Suite 114  
 Ontario, CA 91764  
 ATTN: Tara Mitchell

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APN(s) 478-080-014**

**\*\*\*\*\* 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 the APN(s) listed above the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**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.

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### **Proposed Charge**

For FY 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 per parcel. The total amount of the NPDES rates levied for FY 2020/21 was \$572,616.88 for the program as a whole.

### **Annual Adjustment**

Beginning in FY 2021/22, the NPDES Maximum Residential 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 the APN(s) listed above (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 Residential 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, December 1, 2020**

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 Residential Regulatory Rate will be confirmed if the ballot is marked in favor (marked Yes) of the NPDES rate. Approving the NPDES Maximum Residential 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 Residential 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 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.

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### 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 Kimberly Ganimian, Senior Management Analyst, with the City's Special Districts Division at 951.413.3470 or via email at [KimberlyG@moval.org](mailto:KimberlyG@moval.org) or [SDAdmin@moval.org](mailto:SDAdmin@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](mailto: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 **December 1, 2020**, 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:

- A check mark substantially inside a box;
- An X mark substantially inside a box;
- A dot or oval mark substantially inside a box;

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-  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.**



**OFFICIAL MAIL BALLOT**  
**for Assessor's Parcel Number (APN)**  
**478-080-014**  
**National Pollutant Discharge Elimination System (NPDES)**  
**Residential Regulatory Rate**

**YES\*** — as property owner of the APN(s) listed above, **I approve** the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2020/21, the NPDES Maximum Residential Regulatory Rate is \$346.38 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 2021/22, 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 the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**NO\*\*** — as property owner of the APNs listed above, **I do not approve** the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund state and federally mandated NPDES Permit requirements will not satisfy the project's Conditions of Approval. The NPDES Maximum Residential Regulatory Rate will not be levied on the annual Riverside County property tax bill.

YES*	NO**	Weighted Ballot Count*	Fiscal Year 2020/21 NPDES Maximum Residential Regulatory Rate per Parcel
<input type="checkbox"/>	<input type="checkbox"/>	1	\$346.38
Each Assessor's Parcel Number equals 1 Weighted Ballot.			

**I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT I AM THE RECORD OWNER OF THE PARCEL(S) IDENTIFIED ON THIS BALLOT OR AM AUTHORIZED TO SUBMIT A BALLOT ON BEHALF OF THE RECORD OWNER.**

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
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. 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. The Public Hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be called, on December 1, 2020, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California.**

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.

# FH II Frontier Communities, Tr 37544 PEN18-0092

### APN

 478080014

 Parcels

 City Boundary

 Roads

Map reflects all changes indicated on Riverside County Assessor Maps as of September 22, 2020.



G:\Divisions\SpecialDist\2018\MXD\PEN18-0092.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 recopied or resold.



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**FY 2020/21  
NPDES RATE SCHEDULE  
RESIDENTIAL**

LEVEL 1		LEVEL II		Level II-A		LEVEL III		LEVEL IV	
NPDES Administration (Not covered by CSA 152)		Water Quality Pond/Basin Maintenance		Sand Filter Maintenance		Water Quality Pond/Basin Remediation/Reconstruction		Water Quality System Retrofit	
<p>Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various storm water reports and data collection and management.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs.</p> <p>Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin.</p>		<p>Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel.</p> <p>Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter.</p>		<p>Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, plants, irrigation, removal and hauling of wastes and possible civil work.</p>		<p>Costs associated with the retrofitting, replacement, monitoring and maintenance of the water quality pond/basin systems and appurtenances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.</p>	
<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>	<b>FY 2020/21</b>	<b>Annual Rate</b>
<b>Parcel Rate</b>	<b>\$45.44</b>	<b>Parcel Rate</b>	<b>\$86.34</b>	<b>Parcel Rate</b>	<b>\$39.36</b>	<b>Parcel Rate</b>	<b>\$77.02</b>	<b>Parcel Rate</b>	<b>\$175.24</b>

\*Service Levels will be imposed on an as-needed basis and cumulative (if required)

Levels I, II, III, and IV - Adopted by the City Council on June 10, 2003

Level II-A - Adopted by the City Council on June 10, 2008

Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index

Inflation Factor Adjustments:

2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)	2012/2013 - 2.7% = (\$37.00, \$74.00, \$33.00, \$64.00, \$147.00)
2005/2006 - 4.4% = (\$32.00, 61.00, 54.00 & 123.00)	2013/2014 - 2.0% = (\$38.00, \$75.00, \$34.00, \$65.00, \$150.00) rounded to the nearest whole dollar
2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00)	2014/2015 - 1.14% = (\$39.38, \$74.82, \$34.10, \$66.73, \$151.84) (approved 6/10/14)
2007/2008 - 3.1% = (\$34.00, 66.00, 58.00, & 132.00)	2015/2016 - 0.73% = (\$39.66, \$75.36, \$34.35, \$67.22, \$152.95)
2008/2009 - 4.2% = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2016/2017 - 2.03% = (\$40.47, \$76.89, \$35.05, \$68.58, \$156.05)
2009/2010 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2017/2018 - 1.97% = (\$41.27, \$78.40, \$35.74, \$69.93, \$159.12)
2010/2011 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2018/2019 - 3.61% = (\$42.74, \$81.22, \$37.02, \$72.44, \$164.86) (approved 6/19/18)
2011/2012 - 3.8% = (\$36.00, \$72.00, \$32.00, \$62.00, \$143.00)	2019/2020 - 3.24% = (\$44.14, \$83.86, \$38.22, \$74.80, \$170.20) (approved 5/21/19)
	2020/2021 - 2.96% = (\$45.44, \$86.34, \$39.36, \$77.02, \$175.24) (approved 5/19/20)

Attachment: FH II Ballot Documents (4179 : PUBLIC HEARING FOR SEVEN NATIONAL POLLUTANT



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Steve Quintanilla, Interim City Attorney

**AGENDA DATE:** December 1, 2020

**TITLE:** ADDING CHAPTER 2.65 "CAMPAIGN CONTRIBUTION REGULATIONS" TO TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MORENO VALLEY MUNICIPAL CODE TO ESTABLISH REGULATIONS AND LIMITATIONS ON CAMPAIGN CONTRIBUTIONS FOR CITY ELECTED OFFICIALS

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### **RECOMMENDED ACTION**

#### **RECOMMENDATION:**

That the City Council adopt the attached ordinance to add a new Chapter 2.65 ("Campaign Contribution Regulations") to Title 2 ("Administration and Personnel") of the Moreno Valley Municipal Code.

#### **DISCUSSION:**

In October 2019, the California State Legislature enacted AB 571 which amended the Political Reform Act to add default campaign contribution limitations for local elected officials. The law states that if a local government does not have campaign contribution regulations in effect on January 1, 2021, local candidates will be subject to the same limitations as candidates for elective state office. However, the City may enact its own regulations and limits at any time to maintain local control and to meet other transparency goals of the City. As soon as the City enacts its own regulations, they will take effect instead of the default State regulations.

The proposed ordinance shall maintain the historical and current limitations by not imposing any new limits on the amount a single person can contribute to a candidate in an election cycle. The proposed ordinance shall maintain local control and shall not prohibit any future modifications.



The response to AB 571 has been varied across the state. Some cities chose to do nothing which resulted in those cities succumbing to the state's limitations. Some cities, on the other hand, adopted more limited restrictions, while some cities chose not to adopt any limitations. For example, the City of Riverside adopted an ordinance that imposes no limitations. Although it may seem somewhat counterintuitive, the argument for supporting a "no limitations" ordinance similar to what the City of Riverside fairly recently adopted, is that imposing limitations would likely result in "less transparency" rather than "more transparency" when it comes to identifying sources of monetary support in favor of a particular candidate; monetary support that is not provided directly to the candidate's committee.

### **ALTERNATIVES**

1. Approve the proposed Recommended Actions as set forth in this staff report. Staff recommends this alternative.
2. Do not approve 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.

### **NOTIFICATION**

Notification was provided by a notice published in the newspaper and by publication of the agenda.

Prepared By:

Name Steven B. Quintanilla

Title Interim City Attorney

### **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. Ordinance - Municipal Code Amendment - Chapter 2.65 Campaign Contributions Regulations

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	11/25/20 2:52 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	11/25/20 2:53 PM

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 2.65 "CAMPAIGN CONTRIBUTION REGULATIONS" TO TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MORENO VALLEY MUNICIPAL CODE TO ESTABLISH REGULATIONS AND LIMITATIONS ON CAMPAIGN CONTRIBUTIONS FOR CITY ELECTED OFFICIALS**

**WHEREAS**, the City has authority to establish campaign contribution limits for elected positions within its jurisdiction under longstanding California law; and

**WHEREAS**, on October 8, 2019, the Governor signed Assembly Bill 571 which sets default campaign contribution limits for any local jurisdiction which does not specifically address campaign contributions in its own code; and

**WHEREAS**, AB 571 authorizes the City to set its own limits, either higher or lower than the default limits set forth in AB 571, and the City's ordinance will take precedence over the default limits.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1.            RECITALS**

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

**Section 2.            AMENDMENT TO TITLE 2 OF THE MORENO VALLEY MUNICIPAL CODE**

That Title 2 (Administration and Personnel) of the Moreno Valley Municipal Code is hereby amended to add a new Chapter 2.65 (Campaign Contribution Regulations) to read as follows:

**2.65.010 Purpose and Intent.**

- A. It is the purpose and intent of this chapter to ensure a level of discussion of public issues adequate for a viable campaign by providing voters with the information necessary to make an assessment of each candidate before voting.
- B. By enacting this chapter, the city council does not intend to deprive or restrict any person of the exercise of rights guaranteed under the United States Constitution or the California Constitution.

**2.65.020 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

1. "City" means city of Moreno Valley, California.
2. "City candidate" means any person who is a candidate for an elected city office or who is an elected city official and who is the subject of a recall election.
3. "City official" includes:
  - (a) Any elected or appointed city officeholder, including any city officeholder elected but not yet sworn in; and
  - (b) Any "public official" of the city as the term "public official" is defined under Government Code section 82048.
4. "Campaign committee" means any person or combination of persons formed for the purpose of promoting or opposing the election or reelection of a person to city elected office who directly or indirectly,
  - (a) Receives contributions;
  - (b) Makes independent expenditures; or
  - (c) Makes contributions at the behest of any city candidate.

A campaign committee includes any "controlled committee" within the meaning of Government Code section 82016, any "general purpose committee" within the meaning of Government Code section 82027.5, any "primarily formed committee" within the meaning of Government Code section 82047.5, any "sponsored committee" within the meaning of Government Code section 82048.7, or political action committee.
5. "Contribution" shall have the same meaning as set forth under Government Code section 82015.
6. "Gift" shall have the same meaning as set forth under Government Code section 82028.
7. "Person" means any natural person; any corporation of any variety; any limited liability company; any partnership of any variety; any sole proprietorship; any joint venture or like commercial venture or partnership; any trust; any independent contractor; or any organization or association of persons of any variety and formed for any purpose, including, but not limited to, any collective bargaining group or labor association.

**2.65.030 Campaign contribution limitations.**

- A. Any funds received by any elected city official, candidate, or committee controlled by an elected city official or candidate shall be considered either a campaign contribution, income or a gift. All campaign contributions received by such persons shall be subject to the provisions of this chapter unless such campaign contributions are used exclusively for elections held outside the jurisdiction. All income and gifts shall be subject to the disqualification provisions of the California Political Reform Act.
- B. There shall be no limit on the campaign contributions a person may make to a city candidate, or his or her campaign committee.

**2.65.040 City clerk responsibilities.**

In addition to other duties required by law, the city clerk shall:

1. Furnish a copy of this chapter to all qualified city candidates during the nomination period for city office.
2. Determine whether required statements and declarations have been filed timely and, if so, whether they conform on their face with the requirements of this chapter.
3. Promptly notify city candidates, or his or her campaign committee, of any errors in their statements or of failure to file.
4. Report, in writing, apparent violations of this chapter to the city attorney.

**2.65.050 Construction of provisions.**

This chapter shall be in addition to all other city and state laws applicable to municipal elections. Unless the contrary is stated or clearly appears from the context, the definitions and terms set forth in the Government Code shall govern the interpretations of terms used in this chapter. This chapter shall be construed liberally in order to effectuate its purpose.

**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. 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 5. CEQA**

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

**Section 6. EFFECTIVE DATE**

That this Ordinance shall take effect thirty (30) days after its second reading.

**Section 7. CERTIFICATION**

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

INTRODUCED at a regular meeting of the City Council on \_\_\_\_\_, 2020 and PASSED, APPROVED, and ADOPTED by the City Council on \_\_\_\_\_, 2020, by the following roll call vote, to wit:

\_\_\_\_\_  
Dr. Yxstian A. Gutierrez  
Mayor  
City of Moreno Valley

**ATTEST:**

\_\_\_\_\_  
Pat Jacquez-Nares, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven B. Quintanilla, Interim City Attorney