REGULAR MEETING AGENDA
OF THE JURUPA VALLEY CITY COUNCIL
Thursday, April 4, 2019
Regular Session: 7:00 p.m.
City Council Chamber
8930 Limonite Avenue, Jurupa Valley, CA  92509

1. 7:00 P.M. - CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

   •   Brian Berkson, Mayor
   •   Anthony Kelly, Jr., Mayor Pro Tem
   •   Chris Barajas, Council Member
   •   Lorena Barajas, Council Member
   •   Micheal Goodland, Council Member

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. PRESENTATIONS

6. PUBLIC APPEARANCE/COMMENTS
INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

CITY MANAGER’S UPDATE

APPROVAL OF MINUTES

A. MARCH 21, 2019 REGULAR MEETING

CONSENT CALENDAR (COMMENTS ON CONSENT AGENDA TAKEN HERE)

(All matters on the Consent Calendar are to be approved in one motion unless a Councilmember requests a separate action on a specific item on the Consent Calendar. If an item is removed from the Consent Calendar, it will be discussed individually and acted upon separately.)

A. COUNCIL APPROVAL OF A MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS INCLUDED IN THE AGENDA

Requested Action: That the City Council waive the reading of the text of all ordinances and resolutions included in the agenda.

B. CONSIDERATION OF CHECK REGISTER IN THE AMOUNT OF $1,811,382.64

Requested Action: That the City Council ratify the check registers dated March 14 and 21, 2019.

C. ORDINANCE NO. 2019-01

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-01, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY
D. ORDNANCE NO. 2019-02

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-02, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

E. APPROVAL OF FIRST AMENDMENT TO AGREEMENT WITH FIRSTCARBON SOLUTIONS CORPORATION FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED “RIO VISTA SPECIFIC PLAN” PROJECT, (CASE NUMBER: MA16045), (APPLICANT: RICHLAND COMMUNITIES)

Requested Action: That the City Council authorize the City Manager to execute the First Amendment to the Agreement with FirstCarbon Solutions Corporation for the preparation of an Environmental Impact Report (EIR) for the proposed “Rio Vista Specific Plan” project in an amount not to exceed $10,250.00, to be funded entirely by the applicant’s advance deposit sufficient to cover the EIR and the City administrative costs.

F. STATUS REPORT ON EMERGENCY REPAIRS TO LIMONITE AVENUE ROAD DAMAGE AND CONTINUED AUTHORIZATION OF EMERGENCY WORK

Requested Action: That the City Council adopt by a 4/5ths vote, Resolution No. 2019-22, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, DETERMINING THAT THERE IS A NEED TO CONTINUE THE ACTIONS AUTHORIZED BY RESOLUTION NO. 2019-13 FOR THE EMERGENCY REPAIR OF LIMONITE AVENUE, BETWEEN BAIN STREET AND BEACH STREET (PYRITE CREEK) PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050.
G. CONSIDERATION OF STIPEND FOR MEMBERS OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Requested Action: That the City Council pass and adopt Resolution No. 2019-23, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONFIRMING A STIPEND FOR MEMBERS OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

H. ADOPTION OF A RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE CONCERNING THE ORDER OF COUNCIL BUSINESS

Requested Action: That the City Council pass and adopt Resolution No. 2019-24, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE COUNCIL RULES OF PROCEDURE AND ORDER FOR CITY COUNCIL MEETINGS

11. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

12. PUBLIC HEARINGS

13. COUNCIL BUSINESS

A. CONSIDERATION OF CITY COUNCIL ATTENDANCE AT THE 2019 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) REGIONAL CONFERENCE AND GENERAL ASSEMBLY

Requested Action: That the City Council select a Delegate and Alternate for the SCAG General Assembly which will be held May 2 – 3, 2019 at the JW Marriott Desert Springs Resort in Palm Desert, CA.

14. CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS

A. MAYOR BRIAN BERKSON

1. UPDATE ON THE METROLINK/SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY MEETING OF MARCH 22, 2019

2. UPDATE ON THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION – WESTERN RIVERSIDE PROGRAMS AND PROJECTS COMMITTEE MEETING OF MARCH 25, 2019
3. UPDATE ON THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION - FUTURE FUNDING AD HOC COMMITTEE MEETING OF MARCH 25, 2019

4. UPDATE ON THE INTERAGENCY COORDINATING COUNCIL MEETING OF MARCH 29, 2019

B. MAYOR PRO TEM ANTHONY KELLY, JR.

1. UPDATE ON THE RIVERSIDE TRANSIT AGENCY MEETING OF MARCH 28, 2019

C. COUNCIL MEMBER CHRIS BARAJAS

1. UPDATE ON THE WESTERN COMMUNITY ENERGY BOARD OF DIRECTORS MEETING OF MARCH 27, 2019

D. COUNCIL MEMBER LORENA BARAJAS

1. UPDATE ON THE WESTERN RIVERSIDE COUNTY - REGIONAL CONSERVATION AUTHORITY MEETING OF APRIL 1, 2019

E. COUNCIL MEMBER MICHEAL GOODLAND

1. UPDATE ON THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS MEETING OF APRIL 1, 2019

2. UPDATE ON THE HEALTHY JURUPA VALLEY COMMUNITY MEETING OF APRIL 2, 2019

15. CITY ATTORNEY’S REPORT

16. COUNCIL MEMBER REPORTS AND COMMENTS

17. ADJOURNMENT

Adjourn to the Regular Meeting of April 18, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

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City Council are public records. If such writing is distributed less than 72 hours prior to a public meeting, the writing will be made available for public inspection at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, Jurupa Valley City Council Members. The City Council may also post the writing on its Internet website at www.jurupavalley.org.

Agendas and Minutes are posted on the City’s website at www.jurupavalley.org.
MINUTES
OF THE REGULAR MEETING
OF THE JURUPA VALLEY CITY COUNCIL
March 21, 2019

The meeting was held at the Jurupa Valley City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA

1. 6:00 P.M. - CALL TO ORDER AND ROLL CALL FOR WORKSHOP

   • Brian Berkson, Mayor
   • Anthony Kelly, Jr., Mayor Pro Tem
   • Chris Barajas, Council Member
   • Lorena Barajas, Council Member
   • Micheal Goodland, Council Member

   Mayor Berkson called the workshop to order at 6:09 p.m.

2. SUMMARY OF CONFLICT OF INTEREST LAWS AND BROWN ACT

   A. PRESENTED BY CITY ATTORNEY PETER THORSON

   City Attorney Peter Thorson gave a presentation on Conflict of Interest laws and the Brown Act and responded to Council’s questions.

3. 7:00 P.M. - RECONVENE IN OPEN SESSION

4. CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

   • Brian Berkson, Mayor
   • Anthony Kelly, Jr., Mayor Pro Tem
   • Chris Barajas, Council Member
   • Lorena Barajas, Council Member
   • Micheal Goodland, Council Member

   Mayor Berkson called the regular meeting to order at 7:07 p.m.

5. INVOCATION was given by Pastor Kyle Fagon, Beacon Hill Assembly of God Church.

6. PLEDGE OF ALLEGIANCE and presentation of the colors was led by the Rubidoux High School Air Force JROTC.

7. APPROVAL OF AGENDA

   A motion was made by Council Member Chris Barajas, seconded by Council Member Micheal Goodland, to approve the Agenda with a change to the Agenda to move Item 16.A after the Consent Calendar.
Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

8. PRESENTATIONS

A. RECOGNITION TO RUBIDOUX HIGH SCHOOL JROTC

Mayor Berkson welcomed Mark Mcloouth, Maj, USAF, (Ret), Senior Aerospace Science Instructor, to accept a Proclamation acknowledging the Rubidoux High School JROTC for their community efforts and numerous public service projects.

B. JURUPA PRO RODEO COMMITTEE

Laurie Bakewell announced the upcoming Jurupa Pro Rodeo which will be held June 7 and 8, 2019 at the Rick Thompson Arena. She discussed various sponsorship opportunities and encouraged everyone to attend this fun family-oriented event.

C. UPDATE ON LIMONITE AVENUE/I-15 INTERCHANGE PROJECT

Mayor Berkson welcomed Dennis Green, Public Affairs Manager, who gave an update on the Limonite Avenue/I-15 Interchange Project. He announced that Stage 2-A will involve a closure of the northbound I-15 on-ramp and the southbound I-15 off-ramp and a temporary relocation of the park and ride lot. He reported that the new park and ride lot will be relocated on Wineville Avenue near the Vernola Shopping Center. Further information is available at the following website: https://i15limonite.org/project-news

9. PUBLIC APPEARANCE/COMMENTS

Betty Anderson announced that she recently attended a public memorial service for her friend Colleen Smethers, a local public advocate who passed away last month. Colleen was a nurse practitioner who worked for the Center for Community Action and Environmental Justice for many years. Ms. Smethers worked tirelessly to prevent the proliferation of mega warehouses in Jurupa Valley. Ms. Anderson requested that tonight’s meeting be adjourned in her memory.

Elizabeth Alabbasi stated that she owns the Shell Station on Pyrite Street and Granite Hill. She shared photographs of a homeless encampment that is located across from her business. She described issues such as transients living in abandoned boats in the nearby hills, taking showers in the restrooms, breaking into vehicles, and panhandling. She requested that the property owner be held responsible for the illegal dumping.

City Manager Gary Thompson stated that the City will make contact with the property owner to deal with this issue.
10. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

Council Member Micheal Goodland provided a quote by Helen Keller regarding happiness. He reported that he attended a groundbreaking ceremony for a new preparatory school at Flabob Airport. He reported on his attendance at a small business expo that was hosted by Healthy Jurupa Valley. The meeting was very informative and included several useful business topics.

Mayor Pro Tem Anthony Kelly announced that the annual Day of the Child event will be held Wednesday, April 17th at the Rubidoux Family Resource Center. The event will feature educational booths and attendees will learn about safety, health, and life skills. He announced the following upcoming programs that are available at the Family Resource Center: 1) an Anger Management Certification Group; and 2) a Parents at Work Workshop which will be held from April 4th through May 9th.

Mayor Berkson stated that he thoroughly enjoyed his visits to the VFW and the Lions Club for corn beef and cabbage in celebration of St. Patrick’s Day. He reported on his attendance at the grand opening of the new District office for the Jurupa Area Recreation and Park District and the Desert Region Mayor’s Luncheon. He announced that he was recently appointed to the Executive Committee for the Riverside County Transportation Committee.

The following item was taken out of order:

17. CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS

A. MAYOR BRIAN BERKSON

1. Mayor Berkson gave an update on the Metrolink / Southern California Regional Rail Authority meeting of March 8, 2019.

2. Mayor Berkson gave an update on the Riverside County Transportation Commission meeting of March 13, 2019.


B. MAYOR PRO TEM ANTHONY KELLY, JR.

1. Mayor Pro Tem Anthony Kelly gave an update on the Northwest Mosquito and Vector Control District meeting of March 21, 2019.
C. COUNCIL MEMBER CHRIS BARAJAS


11. CITY MANAGER’S UPDATE

City Manager Gary Thompson introduced Terri Rollings, Assistant to the City Manager/PIO who gave a slide show presentation on the recent field tour with members of the Santa Ana River Trails Project, board members of the Coastal Conservancy, and MaLisa Martin from the National Park Service.

Ms. Rollings reported that as a result of the heavy rains there are resulting geological changes to the Downey Street Park. She pointed out the changes to the river elevation and beach area. She discussed the resulting damages to the walkway which was washed away by the flooding. City staff have mitigated the damages to the walkway by backfilling with additional natural materials. She reported that the tour was very informative and there were good discussions with a lot of positive feedback. She noted that even though the river has changed, there is now a much larger beach area. She added that staff from the National Park Service are almost finished preparing the conceptual design of the park. Additional information will be forthcoming.

Council Member Chris Barajas suggested that City staff obtain input from the City of Riverside regarding access to the river as it may also affect their side of the park.

City Manager Gary Thompson gave an update on the Riverside Transmission Reliability Project and reported that new information has been added to the City’s website.

12. APPROVAL OF MINUTES

A. MARCH 7, 2019 REGULAR MEETING

A motion was made by Mayor Pro Tem Kelly, seconded by Council Member Micheal Goodland, to approve the Minutes of the March 7, 2019 regular meeting.

Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

13. CONSENT CALENDAR

A. COUNCIL APPROVAL OF A MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS INCLUDED IN THE AGENDA
Requested Action: That the City Council waive the reading of the text of all ordinances and resolutions included in the agenda.

B. CONSIDERATION OF CHECK REGISTER IN THE AMOUNT OF $1,272,930.15

Requested Action: That the City Council ratify the check registers dated February 28 and March 7 as well as the payroll registers dated February 27 and March 5, 2019.

C. ACCEPTANCE OF COMPREHENSIVE ANNUAL FINANCIAL REPORT PREPARED BY THE CITY’S AUDITORS, VAVRINEK TRINE DAY & CO.

Requested Action: That the City Council receive and file the Comprehensive Annual Financial Report prepared by the City’s Auditors, Vavrinek, Trine, Day & Co.

D. AWARD OF CONSTRUCTION AGREEMENT TO HARDY & HARPER, INC. FOR VAN BUREN BOULEVARD PAVEMENT REHABILITATION, PH. 2B, RUTILE TO BELLEgrave

1. Requested Action: That the City Council approve and award a Construction Agreement to Hardy & Harper, Inc. in the amount of $432,349 for the Van Buren Boulevard Pavement Rehabilitation, Ph.2B Project for the work included in its proposal and authorize the City Manager to execute the Agreement in such final form as approved by the City Attorney; and

2. Authorize the City Manager to execute contract change orders not to exceed 5% of the total agreement pursuant to requirements set forth in the agreement; and

3. Appropriate $500,000 of Road Maintenance & Rehabilitation Account (RMRA) funds from the Rubidoux Boulevard Pavement Rehabilitation Project (Account No. 71338) to the Project Account to fund the total project costs; and

4. Authorize the City Manager to record the Notice of Completion upon acceptance of the work by the City Engineer.

E. AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND DOKKEN ENGINEERING FOR ENVIRONMENTAL DOCUMENTATION SERVICES FOR THE VAN BUREN BOULEVARD WIDENING, LIMONITE TO SANTA ANA RIVER PROJECT, CIP PROJECT NO. 17-B.1
1. Requested Action: That the City Council approve an agreement between Dokken Engineering and the City of Jurupa Valley for Environmental Documentation Services for the Van Buren Boulevard Widening, Limonite to Santa Ana River Project in an amount not-to-exceed $120,340 and authorize the City Manager to execute the Agreement in such final form as approved by the City Attorney; and

2. Authorize the City Manager to execute scope of services amendments not to exceed 10% of the total agreement, pursuant to requirements set forth in the agreement.

F. AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND EPIC LAND SOLUTIONS, INC. FOR RIGHT-OF-WAY APPRAISAL AND ACQUISITION SERVICES FOR THE VAN BUREN BOULEVARD WIDENING, LIMONITE TO SANTA ANA RIVER PROJECT, CIP PROJECT NO. 17-B.1

1. Requested Action: That the City Council approve an agreement between Epic Land Solutions, Inc., and the City of Jurupa Valley for Right-of-Way Appraisal and Acquisition Services for the Van Buren Boulevard Widening, Limonite to Santa Ana River Project in an amount not-to-exceed $42,885 and authorize the City Manager to execute the Agreement in such final form as approved by the City Attorney; and

2. Authorize the City Manager to execute scope of services amendments not to exceed 10% of the total agreement, pursuant to requirements set forth in the agreement.

G. STATUS REPORT ON EMERGENCY REPAIRS TO LIMONITE AVENUE ROAD DAMAGE AND CONTINUED AUTHORIZATION OF EMERGENCY WORK

Requested Action: That the City Council adopt by a 4/5ths vote, Resolution No. 2019-16, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, DETERMINING THAT THERE IS A NEED TO CONTINUE THE ACTIONS AUTHORIZED BY RESOLUTION NO. 2019-14 FOR THE EMERGENCY REPAIR OF LIMONITE AVENUE BETWEEN BAIN STREET AND BEACH STREET (PYRITE CREEK) PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to approve the Consent Calendar.
Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

14. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

The following item was taken out of order:

16. COUNCIL BUSINESS

A. APPOINTMENTS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Sean McGovern, Senior Management Analyst, presented the staff report.

Mayor Berkson welcomed the following individuals who expressed an interest in serving on the Community Development Advisory Committee: Evelyn Hedrick, Edward Lee, Rachel Lopez, and Laura Shultz. He invited each candidate to give a brief overview of their qualifications to serve on the Community Development Advisory Committee. Andrew MacMillan and Marilyn Blackwell were unable to attend tonight’s meeting.

City Attorney Peter Thorson clarified that the structure of the committee is set by the U.S. Department of Housing and Urban Development.

The applicant presentations followed.

Donald Oaks expressed his interest in serving on the Community Development Advisory Committee. He outlined his background, education, and experience.

A motion was made by Mayor Brian Berkson to appoint Donald Oaks to the Community Development Advisory Committee for a four-term expiring in December 2023.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

A motion was made by Mayor Pro Tem Anthony Kelly to appoint Evelyn Hedrick to the Community Development Advisory Committee for a four-term expiring in December 2023.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None
A motion was made by Council Member Chris Barajas to appoint Laura Shultz to the Community Development Advisory Committee for a four-term expiring in December 2023.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly  
Noes: None  
Absent: None

A motion was made by Council Member Lorena Barajas, to appoint Edward Lee to the Community Development Advisory Committee for a four-term expiring in December 2023.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly  
Noes: None  
Absent: None

A motion was made by Council Member Micheal Goodland, to appoint Rachel Lopez to the Community Development Advisory Committee for a four-term expiring in December 2023.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly  
Noes: None  
Absent: None

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to bring back a resolution adding a $50 stipend for members of the Committee.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly  
Noes: None  
Absent: None

15. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER GENERAL PLAN AMENDMENT (GPA) NO. 19002 TO AMEND THE 2017 GENERAL PLAN HOUSING ELEMENT TO REFLECT CHANGES REQUESTED BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD); INITIATION OF AMENDMENTS TO THE GENERAL PLAN MAP AND ZONING MAP TO IMPLEMENT THE HOUSING ELEMENT; AND RECEIVE THE GENERAL PLAN ANNUAL PROGRESS REPORT FOR REVIEW AND APPROVAL

Mary Wright, Director of Planning Services, presented the staff report.

Mayor Berkson opened the public hearing and called for any public comments.
Jacqueline Lee stated that she was opposed to several areas where high density housing is recommended. She stated that Sites #31, 32, 33, 34, and 35 are located near an underground gas line and they are located across from Paradise Knolls which is a project of 650 homes which will contribute to increased traffic. She stated that Site #32 includes a ditch that was washed away due to the recent heavy rains. These properties are also located in an equestrian overlay zone which should stay low density.

Betty Anderson stated that Site #20 near the I-15 freeway should be zoned commercial. She stated that south of the Lowe’s Shopping Center there has already been an entitled apartment complex which is not listed and it should be designated medium or low density housing. Also, Site #12 is also entitled as medium density housing and is also not listed. She stated that if certain apartments will be designated as low rent, it should specify how long the rent will be subsidized.

Further discussion followed.

Mayor Berkson clarified the Council’s action which is to add 16 acres of high density housing to the General Plan. By approving the recommended action, the Council will be given a certain amount of flexibility as there are more than 500 acres to choose from. The item will be returned to the Planning Commission and they will evaluate any future zone changes.

Council Member Chris Barajas referred to the Residential Site Inventory List. He suggested that most of the proposed changes to Highest Density Residential are in the Rubidoux area. He would like to see that land use designation spread out to other areas of the City. He suggested various changes to the proposed General Plan designations.

There being no further comments, the public hearing was closed.

A motion was made by Council Member Micheal Goodland, seconded by Council Member Chris Barajas, to approve General Plan Amendment No. 19002 to amend the 2017 General Plan Housing Element to reflect changes requested by the California Department of Housing and Community Development (HCD), initiate amendments to the General Plan Land Use Map and Zoning Map implement the 2017 General Plan Housing Element, and receive the General Plan Annual Progress Report; and pass and adopt Resolution No. 2019-17, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY APPROVING GENERAL PLAN AMENDMENT NO. 19002 TO AMEND THE 2017 GENERAL PLAN HOUSING ELEMENT TO REFLECT CHANGES REQUESTED BY THE CALIFORNIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND DETERMINING NO FURTHER CEQA REVIEW REQUIRED

Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

B. PUBLIC HEARING FOR RECONSIDERATION OF MASTER APPLICATION (MA) NO. 17099: CHANGE OF ZONE (CZ) NO. 17003 TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 10.4 COMBINED GROSS ACRES OF REAL PROPERTY FROM R-1 (ONE (1) FAMILY DWELLINGS) TO R-4 (PLANNED RESIDENTIAL) AND TO CONSIDER AN APPEAL OF TENTATIVE TRACT MAP (TTM) NO. 37211, SUBDIVISION OF SAID PROPERTY INTO 48 LOTS FOR FUTURE SINGLE FAMILY RESIDENTIAL DEVELOPMENT, THREE LETTERED STREET LOTS, 2 LETTERED LOTS FOR DRAINAGE FACILITIES, AND THE CONSTRUCTION OF ASSOCIATED ON-SITE AND OFF-SITE INFRASTRUCTURE LOCATED AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018). APPLICANT: (SEQUANATA PARTNERS, LP) (CONTINUED FROM THE JANUARY 17, 2019 MEETING)

Rocio Lopez, Senior Planner, presented the staff report.

Thomas Merrell, Planning Director, summarized how staff worked with the applicant to address the impacts from the project which included a variety of benefits to the community which includes a sound wall and a public/private partnership with the Riverside County Flood Control District to correct a flooding problem at Opal and Canal. He stated that the project is also consistent with the General Plan. He noted that the applicant has indicated that without the additional lots he will be unable to afford to construct the sound wall. Staff is recommending the plan for the R-4 zone; however, the Council has the option of approving the plan for the R-1 zone, minus some of the upgrades.

Council Member Lorena Barajas asked Mr. Merrell to clarify which upgrades will be lost if the Council approves the plan for the R-1 zone.

Ms. Lopez responded that the project would lose some of the architectural consistency that is outlined in the development plan such as the architectural features, the landscaping plan and the perimeter monument walls.

Thomas Merrell, Planning Director clarified that the applicant is a subdivider and likely will be selling the development to a builder. If the City Council adopts the R-4 zone with the development plan then the architecture that is shown in the development plan is an obligation of whoever builds the homes.
Mayor Berkson opened the public hearing and called for any public comments.

Paul Onofer, (applicant) representing Sequanata Partners, LP, spoke in support of the project. He stated that they have come back with a plan that is consistent with the R-1 zoning which includes 41 lots with the same street layout and same landscape plan. The difference is that there is no development plan with no sound wall. He noted that the sound wall is predicated upon the additional housing units. He offered to answer any questions on either of the plans.

Further discussion followed.

Council Member Chris Barajas stated that in talking to the Rubidoux Community Services District they do not charge the connection fee so the applicant would only be paying for the extension of the sewer line.

Paul Onofer (applicant) stated that if the Council were to make this an amendment to the Conditions of Approval, he would accept it provided that that he does not have to pay the connection fees.

City Attorney Peter Thorson clarified that if the applicant signs the Conditions as the developer and the signature indicates that the Conditions are valid and binding it would take the place of a Development Agreement.

Further discussion followed.

Mayor Berkson stated that the applicant has agreed to make a significant expense on a retaining wall which will benefit the greater community. Although he still feels there are problems with this project, the benefits outweigh the additional units if the developer agrees to include the sewer line extension and the sewer line stub outs. He would also request an additional Condition that a sidewalk be added around the retention basin.

Further discussion followed.

City Attorney Peter Thorson clarified how the Conditions of Approval may be structured.

There being no further comments, the public hearing was closed.

a. A motion was made by Council Member Micheal Goodland, seconded by Council Member Lorena Barajas to adopt Resolution No. 2019-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND
REPORTING PROGRAM FOR A PROPOSED RESIDENTIAL SUBDIVISION (“SEQUANOTA HEIGHTS”) (48 UNITS) LOCATED ON 10.4 ACRES AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018)

Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

b. A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly to introduce Ordinance No. 2019-01, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 10.4 COMBINED GROSS ACRES OF REAL PROPERTY LOCATED AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018) FROM ONE (1) FAMILY DWELLINGS (R-1) ZONE TO PLANNED RESIDENTIAL (R-4) ZONE

Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

c. A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Lorena Barajas, to pass and adopt Resolution No. 2019-03, with the following changes to the Conditions of Approval as follows: 1) the applicant will install a sewer line extension on Opal Street for five homes with sewer line stub outs behind the curb and gutter, however, the applicant will not be required to pay the connection fee for those homeowners; and 2) the applicant will be required to add a sidewalk around the retention basin entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION’S ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION PROJECT LOCATED AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018), APPROVAL OF AN EXCEPTION TO
SUBSECTION G OF SECTION 7.10.080 OF CHAPTER 7.10 OF TITLE 7 OF THE JURUPA VALLEY MUNICIPAL CODE, APPROVAL OF TENTATIVE TRACT MAP NO. 37211, AND APPROVAL OF A DEVELOPMENT PLAN TO PERMIT A SCHEDULE “A” SUBDIVISION OF APPROXIMATELY 10.4 COMBINED GROSS ACRES OF REAL PROPERTY LOCATED AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018) INTO 48 SINGLE-FAMILY RESIDENTIAL LOTS

Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

C. PUBLIC HEARING TO CONSIDER MASTER APPLICATION (MA) NO. 18089 (CZ18001, TTM37470, VAR18004, AND EXCEPTION TO SECTION 7.10.080 (C) OF TITLE 7) FOR 34 SINGLE-FAMILY LOT SUBDIVISION OF A 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE, APNS: 177-020-018; 177-020-012; 177-110-005 (APPLICANT: JA BRAY, LLC) (CONTINUED FROM THE FEBRUARY 7, 2019 MEETING)

Annette Tam, Senior Planner, presented the staff report.

Further discussion followed.

Thomas Merrell, Planning Director explained the variances which will allow the R-1 zoning on this particular development to have less than 7200 sq. ft. lots, however, the lots will conform to the R-4 zoning.

Mayor Brian Berkson and Council Member Micheal Goodland disclosed that they both met with the developer to discuss this project.

Mayor Berkson opened the public hearing and called for any public comments.

John Schafer, (applicant), representing JA Bray, LLC, spoke in support of the project. He offered to answer any questions.

Betty Anderson suggested that the applicant correct the size of the trail as the standard for trails is 10 ft. wide.

Mr. Schafer (applicant) stated that they would be happy to meet the standard requirement for the trail. He suggested that the landscape architect may have mistakenly drawn it as 8 ft. wide.
There being no further comments, the public hearing was closed.

Council Member Chris Barajas suggested that the developer not build this project until the extension for Sierra to 20th Street is completed.

Mr. Schafer agreed that the 34 lots are part of a larger project and he would agree to that condition.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Micheal Goodland, to adopt Resolution No. 2019-10, entitled:


Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

A motion was made by Council Member Lorena Barajas, seconded by Mayor Pro Tem Anthony Kelly, to introduce Ordinance No. 2019-02, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

Ayes: C. Barajas, B. Berkson, L. Barajas, M. Goodland, A. Kelly
Noes: None
Absent: None

A motion was made by Council Member Chris Barajas, seconded by Council Member Lorena Barajas, to adopt Resolution No. 2019-18, with the following added conditions as follows: 1) the trail shall be 10 ft. wide; and 2) the applicant shall complete Sierra Avenue as required by Highland Park 1 prior to the issuance of any building permits for Highland Park 2, entitled:

Ayes: C. Barajas, B. Berkson, L. Barajas
Noes: M. Goodland, A. Kelly
Absent: None

Council Member Micheal Goodland stated that he was not in favor of adding a condition to complete the extension of Sierra Avenue. He made an amended motion as follows:

An amended motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to adopt Resolution No. 2019-18, with the following added condition as follows: 1) the trail shall be 10 ft. wide, entitled:


Ayes: M. Goodland, A. Kelly
Noes: C. Barajas, B. Berkson, L. Barajas
Absent: None
MOTION FAILED
In response to a question from Council Member Michele Goodland, Thomas Merrell, Planning Director clarified how the 9 acre rule hinders the Council. He would prefer the Council to have maximum flexibility to deal with issues on a case-by-case basis. Another option would be to refer it to the Planning Commission to consider an amendment that would keep the 9 acre rule but would have a provision to allow the Council on a case-by-case basis to decide whether or not to waive it.

4. A motion was made by Council Member Chris Barajas, seconded by Mayor Pro Tem Anthony Kelly to refer the 9 acre rule to the Planning Commission to consider an amendment to Title 9 of the Zoning Ordinance to allow the Council on a case-by-case basis to decide whether or not to waive Sec. 9.100.030, entitled “Minimum area for zone”; and

5. That the City Council initiate a Change of Zone for the real property located south of the intersection of 30th Street and Sierra Avenue (APNS: 177-020-018, 177-020-012, 177-110-005) from One (1) Family Dwellings (R-1) zone to Planned Residential (R-4) zone.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

B. CONSIDERATION OF RESOLUTIONS REGARDING THE ANNEXATION OF ZONE 2-C (TR 32722) TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&LMD 89-1-C”) VOLUME 2, TRACT 32722 NORTH OF MISSION BOULEVARD AT SUNNYHILL DRIVE

George Wentz, Deputy City Manager, presented the staff report.

A motion was made by Council Member Lorena Barajas, seconded by Council Member Chris Barajas, to adopt Resolution Nos. 2019-19, 2019-20, and 2019-21, entitled:


Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

18. CITY ATTORNEY’S REPORT

City Attorney Peter Thorson had no report.

19. COUNCIL MEMBER REPORTS AND COMMENTS

There were no additional Council comments.

20. ADJOURNED IN MEMORY

Mayor Berkson adjourned the meeting in memory of Colleen Smethers, a long-time community advocate. He conveyed condolences to her family on behalf of the City Council.

There being no further business before the City Council, Mayor Berkson adjourned the meeting at 10:44 p.m.

The next meeting of the Jurupa Valley City Council will be held April 4, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.
Respectfully submitted,

Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: APRIL 4, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER
BY: ALAN KREIMEIER, ADMINISTRATIVE SERVICES DIRECTOR

SUBJECT: AGENDA ITEM NO. 10.B

CHECK REGISTERS

RECOMMENDATION

That the City Council ratify the check registers dated March 14 and 21, 2019.

The City Council of the City of Jurupa Valley authorizes expenditures through the annual budget process. The FY 2018-19 Budget was adopted on June 7, 2018. Expenditures not included in the annual budget process are approved by resolution throughout the fiscal year.

ANALYSIS

All expenditures on the attached check registers have been approved by the City Council and are in conformance with the authority provided by Section 37208 of the Government Code.

OTHER INFORMATION

None.

FINANCIAL IMPACT

Check registers:

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ALTERNATIVES

1. Not ratify the attached check registers.

Prepared by:                                             Submitted by:

Alan Kreimeier                                             Gary S. Thompson
Administrative Services Director                           City Manager

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City of Jurupa Valley

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Sub total for CHASE BANK: 1,388,168.40
ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 10.4 COMBINED GROSS ACRES OF REAL PROPERTY LOCATED AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018) FROM ONE (1) FAMILY DWELLINGS (R-1) ZONE TO PLANNED RESIDENTIAL (R-4) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Project Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) Sequanata Partners, LP (the “Applicant”) has applied for Change of Zone No. 17003, Exception to Subsection G. of Section 7.10.080 of Chapter 7.10 of Title 7 of the Jurupa Valley Municipal Code, Tentative Tract Map No. 37211, and a Development Plan (collectively, Master Application No. 17099 or MA No. 17099) to permit a Schedule “A” subdivision of approximately 10.4 combined gross acres into forty-eight (48) single-family residential lots, two (2) water quality basin lots, and three (3) lettered street lots on real property located at the intersection of Canal and Opal Streets, north of State Route 60, and east of Pacific Avenue (APNs: 177-130-007, 177-142-018) in the One (1) Family Dwellings (R-1) Zone and designated Medium Density Residential (MDR).

(b) All of the components of Master Application No. 17099 shall collectively be known as the “Project.” Change of Zone Application No. 17003 is the subject of this Ordinance.

(c) The Applicant is seeking approval of Change of Zone No. 17003 to rezone 10.4 combined gross acres located at the intersection of Canal and Opal Streets, north of State Route 60, and east of Pacific Avenue (APNs: 177-130-007, 177-142-018) from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone.

(d) Section 9.285.020.A. of the Jurupa Valley Municipal Code provides that the owner of real property, or a person authorized by the owner, may request that the City consider a change in the zoning classification that has been applied to the owner’s property.

(e) Section 9.285.020.B. of the Jurupa Valley Municipal Code provides that applications for change of zone must be made to the Planning Commission on forms provided by the Planning Department, must supply all required information, and must be accompanied by the filing fee set forth in Chapter 3.65.
Section 9.285.020.C. of the Jurupa Valley Municipal Code provides that an application for a change of zone may not be set for a public hearing until (1) all procedures required by the Jurupa Valley Rules Implementing the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.) to hear a matter have been completed; and (2) the requested change of zone is consistent with the 2017 Jurupa Valley General Plan.

Sections 9.285.040.(1) and (2) of the Jurupa Valley Municipal Code provide that the Planning Commission shall hold a noticed public hearing on a proposed amendment to Title 9 of the Jurupa Valley Municipal Code that proposes to change property from one zone to another.

Section 9.285.040.(3) of the Jurupa Valley Municipal Code provides that, after closing the public hearing, the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which shall contain the reasons for the recommendation and the relationship of the proposed amendment to 2017 General Plan. A copy of the Planning Commission’s recommendation must be mailed to the applicant and proof thereof must be shown on the original transmitted to the City Council.

Section 9.285.040.(4)(a) of the Jurupa Valley Municipal Code provides that upon receipt of a recommendation for approval by the Planning Commission, the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day, and give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the Planning Commission.

Section 9.285.040.(5) of the Jurupa Valley Municipal Code provides that after closing the public hearing the City Council must render its decision within a reasonable time and may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any proposed modification of the Planning Commission’s recommendation not previously considered by the Planning Commission must first be referred back to the Planning Commission for a report and recommendation.

The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

On October 24, 2018, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 17099, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2018-10-24-01, recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Change of Zone No. 17003 to change the zoning classification of approximately 10.4 combined gross acres of real property located at the intersection of Canal and Opal Streets (APNs: 177-130-007, 177-142-018) from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone. Additionally, the Planning Commission adopted Resolution
No. 2018-10-24-02, approving an exception to Section 7.10.080.G. of Chapter 7.10 of Title 7 of the Jurupa Valley Municipal Code and Tentative Tract Map No. 37211.

(m) On October 26, 2018, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 37211 with the City Clerk and a copy of the notice was mailed to the Applicant, the Applicant’s authorized agent, and all interested parties requesting a copy.

(n) On November 15, 2018, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 37211 with the City Council, which notice was placed on the City Council’s regular meeting agenda on that date.

(o) On November 15, 2018, the City Council of the City of Jurupa Valley held a public hearing on the proposed Change of Zone No. 17003, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and voted to deny the proposed Change of Zone No. 17003.

(p) On November 20, 2018, Mayor Goodland filed a timely appeal of the Planning Commission’s approval of Tentative Tract Map No. 37211, which includes an appeal of the Planning Commission’s approval of the exception to Section 7.10.080.G. of Chapter 7.10 of Title 7 of the Jurupa Valley Municipal Code and the Development Plan (the “Appeal”). The Appeal set aside the Planning Commission’s action and made the Council the approving body.

(q) On December 6, 2018, the City Council of the City of Jurupa Valley adopted a motion to reconsider the introduction of this Ordinance (which would, if adopted, approve Change of Zone No. 17003), and then set the public hearing on the introduction of this Ordinance and the Appeal for the City Council’s regular meeting on January 17, 2019.

(r) On January 17, 2019, the City Council of the City of Jurupa Valley held a public hearing on the introduction of this Ordinance and the Appeal, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council continued the public hearing to a date uncertain.

(s) On March 21, 2019, the City Council of the City of Jurupa Valley held a continued public hearing on the introduction of this Ordinance and the Appeal, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

(t) All legal preconditions to the adoption of this Ordinance have occurred.

Section 2. California Environmental Quality Act Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of the Project:

§15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration ("MND") was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on July 5, 2018, and expired on August 3, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City received did not receive any comments during the public review period.

(c) On October 24, 2018, the Planning Commission conducted a duly noticed public hearing to consider the Project and the MND, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the MND and the Project and approved Resolution No. 2018-10-24-01 recommending that City Council adopt the MND, adopt a Mitigation Monitoring and Reporting Program for the Project, and approve the proposed Change of Zone No. 17003.

(d) On November 15, 2018, January 17, 2019, and March 21, 2019, the City Council conducted duly noticed public hearings to consider the Project and the MND, reviewed the staff reports, accepted and considered public testimony. Based upon the evidence presented at the hearings, including the staff reports and oral testimonies, the City Council, by separate Resolution No. 2019-17, adopted the MND and a MMRP for the Project as set forth in Exhibit “A” to City Council Resolution No. 2019-17.

(e) All actions taken by City have been duly taken in accordance with all applicable legal requirements, including the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) ("CEQA"), and all other requirements for notice, public hearings, findings, votes and other procedural matters.

(f) The custodian of records for the MND, MMRP, and all other materials that constitute the record of proceedings upon which the City Council’s decision was based, including, without limitation, the staff reports for Master Application No. 17099, all of the materials that comprise and support the MND and all of the materials that support the staff reports for Master Application No. 17099, is the Planning Department of the City of Jurupa Valley. Those documents are available for public examination during normal business hours at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 3. Findings for Approval of Change of Zone. The City Council of the City of Jurupa Valley hereby finds and determines that Change of Zone No. 17003 should be adopted because the proposed change of zoning classification from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) is consistent with the 2017 Jurupa Valley General Plan and the requirements of the General Plan Land Use designation of Medium Density Residential (MDR) in that the proposed Project, which proposes a density of 4.6 dwelling units per acre, complies with the maximum five (5) dwelling unit per acre requirement for premises designated MDR.
Section 4. Approval of Zone Change. The City Council of the City of Jurupa Valley hereby rezones the approximately 10.4 combined gross acres of real property located at the intersection of Canal and Opal Streets, north of State Route 60, and east of Pacific Avenue (APNs: 177-130-007, 177-142-018) from One (1) Family Dwellings (R-1) Zone to Planned Residential (R-4) Zone, and directs the City Manager to revise the official City of Jurupa Valley Zoning Map to designate the property as being in this new zone.

Section 5. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 6. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside incorporated by the City of Jurupa Valley that may in conflict with the terms of this Ordinance.

Section 7. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 8. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 4th day of April, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

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

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-01 was regularly introduced at a regular meeting of the City Council held on the 21st day of March, 2019 and thereafter at a regular meeting held on the 4th day of April, 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 4th day of April, 2019

________________________________
Victoria Wasko, CMC
City Clerk
ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNs: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Project Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) JA Bray, LLC (the “Applicant”) has applied for Change of Zone No. 18001, Variance No. 18004, and an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 (collectively, Master Application No. 18089 or MA No. 18089) to change the classification of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and to permit a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005).

(b) All of the components of Master Application No. 18089 shall collectively be known as the “Project.” Change of Zone Application No. 18001 is the subject of this Ordinance.

(c) The Applicant is seeking approval of Change of Zone No. 18001 to rezone 6.74 gross acres located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone.

(d) Section 9.285.020.A. of the Jurupa Valley Municipal Code provides that the owner of real property, or a person authorized by the owner, may request that the City consider a change in the zoning classification that has been applied to the owner’s property.

(e) Section 9.285.020.B. of the Jurupa Valley Municipal Code provides that applications for change of zone must be made to the Planning Commission on forms provided by the Planning Department, must supply all required information, and must be accompanied by the filing fee set forth in Chapter 3.65.
Section 9.285.020.C. of the Jurupa Valley Municipal Code provides that an application for a change of zone may not be set for a public hearing until (1) all procedures required by the Jurupa Valley Rules Implementing the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.) to hear a matter have been completed; and (2) the requested change of zone is consistent with the 2017 Jurupa Valley General Plan.

Sections 9.285.040.(1) and (2) of the Jurupa Valley Municipal Code provide that the Planning Commission shall hold a noticed public hearing on a proposed amendment to Title 9 of the Jurupa Valley Municipal Code that proposes to change property from one zone to another.

Section 9.285.040.(3) of the Jurupa Valley Municipal Code provides that, after closing the public hearing, the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which shall contain the reasons for the recommendation and the relationship of the proposed amendment to 2017 General Plan. A copy of the Planning Commission’s recommendation must be mailed to the applicant and proof thereof must be shown on the original transmitted to the City Council.

Section 9.285.040.(4)(a) of the Jurupa Valley Municipal Code provides that upon receipt of a recommendation for approval by the Planning Commission, the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day, and give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the Planning Commission.

Section 9.285.040.(5) of the Jurupa Valley Municipal Code provides that after closing the public hearing the City Council must render its decision within a reasonable time and may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any proposed modification of the Planning Commission's recommendation not previously considered by the Planning Commission must first be referred back to the Planning Commission for a report and recommendation.

The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

On January 9, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18089, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-01-09-01, recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Change of Zone No. 18001 to change the zoning classification of approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone. Additionally, the Planning Commission adopted Resolution No. 2019-01-09-02, approving Variance No. 18004, an exception to Section
7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37052 to permit a Schedule “A” subdivision of approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) into thirty-four (34) single-family residential lots.

(m) On February 4, 2019, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 18004 with the City Clerk and a copy of the notice was mailed to the Applicant, the Applicant’s authorized agent, and all interested parties requesting a copy.

(n) On February 7, 2019, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 18004 with the City Council, which notice was placed on the City Council’s regular meeting agenda on that date.

(o) On February 7, 2019, the City Council of the City of Jurupa Valley held a public hearing on the proposed Change of Zone No. 18001, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council continued the public hearing.

(p) On February 7, 2019, the City Council Member filed a timely appeal of the Planning Commission’s approval of Variance No. 18004, an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37052 (the “Appeal”). The Appeal set aside the Planning Commission’s action and made the Council the approving body.

(q) On March 21, 2019, the City Council of the City of Jurupa Valley held a continued public hearing on the introduction this Ordinance and a public hearing on the Appeal, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearings.

(r) All legal preconditions to the adoption of this Ordinance have occurred.

Section 2. California Environmental Quality Act Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of proposed Change of Zone No. 18001:

(a) Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (“MND”) was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 20, 2018, and expired on December 19, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley,
The City received did not receive any comments during the public review period.

(c) On January 9, 2019, the Planning Commission conducted a duly noticed public hearing to consider the Project and the MND, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the MND and the Project and approved Resolution No. 2019-01-09-01 recommending that City Council adopt the MND, adopt a Mitigation Monitoring and Reporting Program for the Project, and approve the proposed Change of Zone No. 18001.

(d) On February 7, 2019, the City Council conducted a duly noticed public hearing to consider proposed Change of Zone No. 18001 and the MND, reviewed the staff report, accepted and considered public testimony. Following the receipt of public testimony the City Council continued the public hearing.

(e) On March 21, 2019, the City Council held a continued public hearing to consider proposed Change of Zone No. 18001 and the MND, reviewed the staff report, accepted and considered public testimony. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council, by separate Resolution No. 2019-10, adopted the MND and a MMRP for the proposed Change of Zone No. 18001 as set forth in Exhibit “A” to City Council Resolution No. 2019-10.

(f) All actions taken by City have been duly taken in accordance with all applicable legal requirements, including the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”), and all other requirements for notice, public hearings, findings, votes and other procedural matters.

(g) The custodian of records for the MND, MMRP, and all other materials that constitute the record of proceedings upon which the City Council’s decision was based, including, without limitation, the staff reports for Master Application No. 18089, all of the materials that comprise and support the MND and all of the materials that support the staff reports for Master Application No. 18089, is the Planning Department of the City of Jurupa Valley. Those documents are available for public examination during normal business hours at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 3. Findings for Approval of Change of Zone. The City Council of the City of Jurupa Valley hereby finds and determines that Change of Zone No. 18001 should be adopted because the proposed change of zoning classification from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone is consistent with the 2017 Jurupa Valley General Plan and the requirements of the General Plan land use designation of Medium Density Residential (MDR). The General Plan land use designation of MDR permits single-family detached and attached residential and allows up to five (5) dwelling units per acre. The Project proposes single-family detached and a density of five (5) dwelling units per acre. The General Plan land use designation of MDR permits lot ranges from 5,500 square-feet to 20,000 square-feet. The proposed Project’s average lot size is almost 6,400 square-feet, with one lot under 6,000 square-feet and a several lots greater than 7,200 square-feet.
Section 4. Approval of Zone Change. The City Council of the City of Jurupa Valley hereby rezones approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and directs the City Manager to revise the official City of Jurupa Valley Zoning Map to designate the property as being in this new zone.

Section 5. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 6. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside incorporated by the City of Jurupa Valley that may in conflict with the terms of this Ordinance.

Section 7. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 8. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 4th day of April, 2019.

____________________________
Brian Berkson
Mayor

ATTEST:

____________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
CITY OF JURUPA VALLEY

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-02 was regularly introduced at a regular meeting of the City Council held on the 21st day of March, 2019 and thereafter at a regular meeting held on the 4th day of April, 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 4th day of April, 2019

________________________________
Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: APRIL 4, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: GARY S. THOMPSON, CITY MANAGER
BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR

SUBJECT: AGENDA ITEM NO. 10.E

APPROVAL OF FIRST AMENDMENT TO AGREEMENT WITH FIRSTCARBON SOLUTIONS CORPORATION FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED “RIO VISTA SPECIFIC PLAN” PROJECT, (CASE NUMBER: MA16045), (APPLICANT: RICHLAND COMMUNITIES)

RECOMMENDATION

That the City Council authorize the City Manager to execute the First Amendment to the Agreement with FirstCarbon Solutions Corporation for the preparation of an Environmental Impact Report (EIR) for the proposed “Rio Vista Specific Plan” project in an amount not to exceed $10,250.00, to be funded entirely by the applicant’s advance deposit sufficient to cover the EIR and the City administrative costs.

BACKGROUND

On July 21, 2018, the City and FirstCarbon Solutions Corporation, entered into an Agreement entitled “AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND FIRSTCARBON SOLUTIONS CORPORATION FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED “RIO VISTA SPECIFIC PLAN 2016” PROJECT PROPOSED BY RICHLAND COMMUNITIES.”

The proposed First Amendment to the Agreement will allow for: (1) FirstCarbon Solutions Corporation’s review of additional studies and (2) project management and coordination tasks. The total value of the services to be provided by FirstCarbon Solutions Corporation under the First Amendment is $10,250.00, which will be fully funded by the applicant. Applicant has agreed to pay the additional funds.
Status of Project

The project, including Specific Plan, is pending review at this time. After staff’s review of the project documents and studies, staff will schedule the project for a work session before the Planning Commission. At the work session, the applicant will receive feedback from the Planning Commission regarding the project.

Subsequent steps concerning the City’s consideration of the project application include the following:

- Pending Interagency Review of Specific Plan
- Completion of the draft EIR and 45-day public review period
- Planning Commission work session to introduce the draft EIR and provide an update on the project (including any changes to design)
- Planning Commission and City Council Public Hearings

CONCLUSION

Staff recommends the City Council approve the First Amendment to the contract to allow FirstCarbon Solutions Corporation to continue working on the Environmental Impact Report and related tasks.

FINANCIAL IMPACT

The proposed First Amendment will have no effect on City costs or revenues. Full cost recovery will occur inasmuch as the City will require that the applicant deposit the total contract value with the City prior to commencement of work. The applicant is aware of the proposed First Amendment and has agreed to deposit the necessary funds to cover the additional work.

ALTERNATIVES

1. Decline to authorize the City Manager to execute the contract amendment for the EIR and give appropriate direction; (No action, maintaining the status quo)
2. Defer action and request additional information.

Prepared by: Submitted by:

Thomas G. Merrell, AICP Gary S. Thompson
Planning Director City Manager

www.jurupavalley.org
ATTACHMENTS

1. First Amendment to FirstCarbon Solutions Corporation Agreement for “Rio Vis:a Specific Plan” project
AMENDMENT NO. 1 TO
AGREEMENT FOR CONSULTANT SERVICES

This Amendment No. 1 ("First Amendment") to the July 21, 2018 Agreement for Consultant Services ("Agreement") between the City of Jurupa Valley, a California municipal corporation ("City") and FirstCarbon Solutions Corporation, a California corporation ("Consultant") is dated April 4, 2019, and is between City and Consultant.

RECITALS

A. City and Consultant entered into the Agreement for Consultant's preparation of an Environmental Impact Report for the proposed Rio Vista Specific Plan 2016 Project (Master Application No. 16045, or MA16045).

B. City and Consultant desire to amend the Agreement to modify scope of services and the compensation amount.

The parties therefore agree as follows:

Section 1. Section 2 of the Agreement is hereby amended to read as follows:

2. **Services**

   Consultant shall perform the services and tasks described and set forth on pages 1-15 of Consultant’s Proposal dated May 23, 2016, and attached hereto as Exhibit A, and the services and tasks described and set forth on page 2 of Consultant’s Proposal dated January 11, 2019, and attached hereto as Exhibit A-1, each exhibit incorporated herein as though set forth in full. Consultant shall complete Tasks 1-14 according to the schedule of performance set forth on page 32 of Exhibit A and on page 2 of Exhibit A-1.

Section 2. Paragraph A of Section 4 of the Agreement is hereby amended to read as follows:

   "A. City agrees to cause Consultant to be paid monthly, in accordance with the payment rates and terms and the schedule of payment as set forth on pages 33-36 of Exhibit A, and page 3 of Exhibit A-1, based upon actual time spent on the above tasks. This amount shall not exceed One Hundred Eighty-Two Thousand Four Hundred Ninety-Nine dollars ($182,499.00) for the total term of this Agreement, unless additional payment is approved as provided in this Agreement."

Section 3. Exhibit A-1 is hereby added to the Agreement to read as Exhibit A-1 of this First Amendment.

Section 4. The person or persons executing this First Amendment on behalf of Consultant warrants and represents that he or she has the authority to execute this First Amendment.
Amendment on behalf of Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

**Section 5.** Except as expressly modified or supplemented by this First Amendment, all other provisions of the Agreement shall remain unaltered and in full force and effect. In the event of a conflict between the provisions of this First Amendment and the provisions of the Agreement, the provisions of this First Amendment shall control.

[SIGNATURE PAGE Follows]
The parties are signing this First Amendment on the date stated in the introductory clause.

CITY OF JURUPA VALLEY

By: __________________________
    Gary S. Thompson, City Manager

ATTEST:

By: __________________________
    Victoria Wasko, CMC, City Clerk

APPROVED AS TO FORM: FIRSTCARBON SOLUTIONS CORPORATION

By: __________________________
    Peter M. Thorson, City Attorney

By: __________________________
    Robert Francisco, President

By: __________________________
    Patrick Schultz,
    Chief Operating Officer
    Treasurer

(Signatures of two corporate officers or corporate authority resolution required, unless corporate documents authorize only one person to sign this Agreement on behalf of the corporation)
EXHIBIT A-1

SCOPE OF SERVICES

(Attached)
January 11, 2019

Annette Tam, Senior Planner
City of Jurupa Valley Planning Department
8930 Limonite Avenue
Jurupa Valley, CA 92509

Subject: Augment for Additional Peer Review Services for Rio Vista Specific Plan—
Project Description, SP16001, and Response to Comment on Biological
Assessment

Dear Ms. Tam:

FirstCarbon Solutions (FCS) is in the process of preparing a Project Level Environmental
Impact Report (EIR) for the Rio Vista Specific Plan Project. FCS has conducted peer review of
Applicant-provided technical studies under Task 3 of the original contract including review of
the applicant prepared Ecological Assessment, Jurisdictional Delineation, Multiple Species
Habitat Conservation Plan (MSHCP), Narrow Endemic Plant, Burrowing Owl Breeding Season,
and Delhi Sands Flower-Loving Fly Focused Surveys, Phase I Cultural Resources Assessment
(CRA), Updated Phase I Paleontological Resources Inventory, and Phase I Environmental Site
Assessment (ESA). Because of these additional services, which are all outside our scope of
work, FCS has prepared the attached augment to cover the additional work, as outlined
below. Furthermore, FCS kindly requests additional replenishment of management and
coordination of costs.

If you have any questions or would like to discuss your specific project needs in more detail,
please contact me at 714.508.4100, or via email at jbrandman@fcs-intl.com.

Sincerely,

Jason Brandman, Vice President
FirstCarbon Solutions
650 E. Hospitality Lane, Suite 125
San Bernardino, CA 92408
SCOPE OF WORK

Task 1: Additional Services for Background Research and Peer Review

FCS has conducted peer review of Applicant-provided technical studies under Task 3 of the original contract including review of Biological Assessment, Jurisdictional Delineation, Multiple Species Habitat Conservation Plan (MSHCP), Narrow Endemic Plant, Burrowing Owl Breeding Season, and Delhi Sands Flower-Loving Fly Focused Surveys, Phase I Cultural Resources Assessment (CRA), Updated Phase I Paleontological Resources Inventory, and Phase I Environmental Site Assessment (ESA). At the request of the City, FCS has provided additional peer review services for the following Applicant-provided technical studies which were out-of-scope from the original contract:

3. Water Supply Assessment

FCS has utilized $8,138 of the $15,659 of the contingency funds to date to cover the out-of-scope items listed above.

At the request of the City, FCS will provide additional peer review services for the following Applicant-provided technical studies:

4. Revised Biological Assessment—$750
5. Health Risk Assessment—$2,500
6. Phase II Environmental Site Assessment—$2,000

Task 2: Management and Coordination

FCS has conducted management and coordination under Task 13 of the original contract. Dating back to project initiation in May 2017, periodic updates on the project status and deadlines have been maintained. The day-to-day coordination with the Client; Project Team regarding the requested additional peer review services and revisions to the Notice of Preparation, the $8,205 of the original $10,600 budget for this task has been exhausted by the Project Director, Senior Project Manager, and the Project Manager coordinating day-to-day with the City’s Case Planners, and the Project team. FCS requests an additional $5,000 to cover ongoing meetings and coordination anticipated for the Project.

These changes total and bring the total amount payable under the Contract to $182,499.
FEES

The proposed fees are based upon the scope of work described above; they include all labor and direct costs.

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<tr>
<th>Task</th>
<th>Fees</th>
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<tr>
<td>Task 1: Additional Services for Peer Review</td>
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<tr>
<td>Task 2: Management and Coordination</td>
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<tr>
<td>FCS Professional Fee Not to Exceed</td>
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STAFF REPORT

DATE: APRIL 4, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY S. THOMPSON, CITY MANAGER
BY: STEVE R. LORISO PE, CITY ENGINEER/DIRECTOR OF PUBLIC WORKS
SUBJECT: AGENDA ITEM NO. 10.F

STATUS REPORT ON EMERGENCY REPAIRS TO LIMONITE AVENUE ROAD DAMAGE AND CONTINUED AUTHORIZATION OF EMERGENCY WORK

RECOMMENDATION

1) That the City Council adopt by a 4/5ths vote, Resolution No. 2019-22, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, DETERMINING THAT THERE IS A NEED TO CONTINUE THE ACTIONS AUTHORIZED BY RESOLUTION NO. 2019-13 FOR THE EMERGENCY REPAIR OF LIMONITE AVENUE, BETWEEN BAIN STREET AND BEACH STREET (PYRITE CREEK) PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050

STATUS REPORT ON LIMONITE AVENUE ROAD DAMAGE REPAIRS

On February 21, 2019, the City Council adopted Resolution No. 2019-13 finding that severe problems exist with portions of the roadway, underlying soils and surrounding land on Limonite Avenue, between Bain Street and Beach Street (at Pyrite Creek) consisting of the following: sinkholes; road failures; underlying soil failures; flooding; excessive ground water; and other related problems resulting from these conditions (“Limonite Avenue Road Damage”).

Resolution 2019-13 also authorized the City Manager to proceed at once to replace or repair the Limonite Avenue Road Damage without adopting plans, specifications, plan sheets, or working details, or giving notice for bids to let contracts and authorized the City Manager to enter into one or more contracts not exceeding a combined amount of $500,000 to do such work pursuant to Public Contract Code Sections 22035 and 22050.

Public Contract Code Section 22050(c) requires the City Council review the emergency action at its next regularly scheduled meeting following the adoption of Resolution No.
2019-13 to determine, by a four-fifths vote, that there is a need to continue the action and to take a similar action at each regularly scheduled meeting thereafter until the emergency is terminated.

As of April 4, 2019, the following work for the repair and replacement of the Limonite Avenue Road Damage has been completed:

- Placement of erosion control measures (i.e., boulders, concrete slurry on slopes) and repair of existing drainage pipe crossing Limonite Avenue.
- Re-establishment of shoulder under and adjacent to the pavement reconstruction to minimize further erosion.
- Observation by City Engineer and staff.

As of April 4, 2019 the following work needs to be undertaken to complete the repair and replacement of the Limonite Avenue Road Damage:

- Closeout of emergency repairs.

The City Manager entered into the following agreement(s) on behalf of the City to repair and replace the Limonite Avenue Road Damage:

1. City of Jurupa Valley Agreement for Minor Construction and Maintenance Services, dated March 14, 2019 (with Gentry Brothers, Inc.) in the total amount of $29,657.48 for emergency culvert repair along Limonite Avenue.

As of April 4, 2019, the City has received the following estimates for the cost of the external contract work to the repair and replacement of the Limonite Avenue Road Damage:

- $10,000 from HR Green for construction management and inspection services.

OTHER INFORMATION

Previous Actions:

- March 7, 2019 – the City Council adopted Resolution 2019-14 continuing emergency repairs for Limonite Avenue.
FINANCIAL IMPACT

The cost to repair and replace Limonite Avenue Road Damage by external contract services as well as City staff is not expected to exceed $50,000. The City Manager will seek reimbursement from State and Federal emergency funds and any parties responsible for the damage, as appropriate.

************************SIGNATURES ON FOLLOWING PAGE************************
Prepared by:
Steve R. Loriso, PE
City Engineer/Director of Public Works

Submitted by:
Gary S. Thompson
City Manager

Reviewed by:
George A. Wentz
Deputy City Manager

Reviewed by:
Peter M. Thorson
City Attorney

Attachment(s):
1. Resolution No. 2019-22
RESOLUTION NO. 2019-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, DETERMINING THAT THERE IS A NEED TO CONTINUE THE ACTIONS AUTHORIZED BY RESOLUTION NO. 2019-13 FOR THE EMERGENCY REPAIR OF LIMONITE AVENUE, BETWEEN BAIN STREET AND BEACH STREET (PYRITE CREEK) PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and declare that:

(a) On February 21, 2019, the City Council adopted Resolution No. 2019-13 finding that severe problems exist with Limonite Avenue between Bain Street and Beach Street (Pyrite Creek) consisting of the following: sinkholes; road failures; underlying soil failures; flooding; excessive ground water; and other related problems resulting from these conditions ("Damaged Road").

(b) Resolution 2019-13 also authorized the City Manager to proceed at once to replace or repair the Damaged Road without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts and authorized the City Manager to enter into one or more contracts not exceeding a combined amount of $500,000 to do such work pursuant to Public Contract Code Sections 22035 and 22050.

(c) The repair work for the Damaged Road is proceeding under the authority of Resolution No. 2019-13. The City Manager has submitted a written report to the City Council of this date detailing the status of the repair work and reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action continues to be necessary to respond to the emergency.

Section 2. Continued Finding of Emergency. Based on the evidence submitted in the City Manager's Staff Report to the City Council, the City Council hereby finds, based on substantial evidence in the record, that the Damaged Road constitutes a continuing emergency that will not permit a delay resulting from a competitive solicitation for bids, and that the actions described in Resolution No. 2019-13 are necessary and continue to be necessary to respond to the emergency, complete the repairs to the Damaged Road and protect the public using Limonite Avenue between Bain Street and Beach Street (Pyrite Creek).

Section 3. Ratification of Staff Actions to Repair Damaged Road. The City Council hereby ratifies and affirms the actions of the City Manager and City employees and contractors taken so far to repair or replace portions of Limonite Avenue between Bain Street and Beach Street (Pyrite Creek) and associated rights of way as a result of the Damaged Road, any directly related and immediate action required to mitigate the Damaged Road, and procurement of the necessary equipment, services, and supplies for those purposes.
Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 4th day of April, 2019.

________________________________________
Brian Berkson
Mayor

ATTEST:

________________________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

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

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-22 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on this 4th day of April, 2019 by the following votes, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 4th day of April, 2019.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
STAFF REPORT

DATE: APRIL 4, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY S. THOMPSON, CITY MANAGER

SUBJECT: AGENDA ITEM NO. 10.G

CONSIDERATION OF STIPEND FOR MEMBERS OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

RECOMMENDATION

1) That the City Council adopt Resolution No. 2019-23, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONFIRMING A STIPEND FOR MEMBERS OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

ANALYSIS

Chapter 2.36 of the Jurupa Valley Municipal Code established the Community Development Advisory Committee. Section 2.36.080 of the Jurupa Valley Municipal Code provides that the City Council may approve a stipend for members of the Community Development Advisory Committee.

Each member of the Community Development Advisory Committee would receive a stipend of fifty dollars ($50.00) for each meeting he or she attends effective March 21, 2019. The proposed Resolution ratifies the action of the City Council on March 21, 2019 establishing this stipend for members of the Community Development Advisory Committee.

Staff anticipates the Community Development Advisory Committee would meet once each month except during the period when applications for Community Development Block Grant funding would be reviewed by the Community Development Advisory Committee and a recommendation made to the Council for approval or denial. During this time, the Community Development Advisory Committee is likely to meet several times per month.
Pursuant to opinions of the California Attorney General, the stipend would be paid only for meetings at which substantive matters were on the agenda. If the only item on the agenda was the approval of minutes for a previous meeting, the stipend could not be paid because the minutes are not a substantive agenda item and could be approved at the next meeting.

FINANCIAL IMPACT

The stipend for the five members of the Community Development Advisory Committee would be a total of $250 per meeting.

Submitted by:

Gary Thompson
City Manager

Reviewed by:

George A. Wentz
Deputy City Manager

Reviewed by:

Sean McGovern
Management Analyst

Reviewed by:

Alan Kreimeier
Director of Administrative Services

 Reviewed by:

Peter M. Thorson
City Attorney

Attachments:

1. Proposed Resolution
RESOLUTION NO. 2019-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONFRIMING A STIPEND FOR MEMBERS OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

A. Chapter 2.36 of the Jurupa Valley Municipal Code established the Community Development Advisory Committee.

B. Section 2.36.080 of the Jurupa Valley Municipal Code provides that the City Council may approve a stipend for members of the Community Development Advisory Committee.

Section 2. Each member of the Community Development Advisory Committee shall receive a stipend of fifty dollars ($50.00) for each meeting he or she attends effective March 21, 2019. This Resolution ratifies the action of the City Council on March 21, 2019 establishing this stipend for members of the Community Development Advisory Committee.

Section 3. Pursuant to opinions of the California Attorney General, the stipend would be paid only for meetings at which substantive matters were on the agenda. If the only item on the agenda was the approval of minutes for a previous meeting, the stipend could not be paid because the minutes are not a substantive agenda item and could be approved at the next meeting.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 4th day of April, 2019.

_______________________________
Brian Berkson
Mayor
ATTEST:

_________________________________
Victoria Wasko, CMC
City Clerk

CERTIFICATION

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

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-23 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 4th day of April, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, on the 4th day of April, 2019.

_________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
STAFF REPORT

DATE: APRIL 4, 2019
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: GARY THOMPSON, CITY MANAGER
SUBJECT: AGENDA ITEM NO. 10.H

ADOPTION OF A RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE CONCERNING THE ORDER OF COUNCIL BUSINESS

RECOMMENDATION

1) That the City Council pass and adopt Resolution No. 2019-24, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE COUNCIL RULES OF PROCEDURE AND ORDER FOR CITY COUNCIL MEETINGS

BACKGROUND

At their March 21, 2019 meeting, the City Council discussed a minor change to the Council Rules that would modify the Order of Business. Following discussion, staff was directed to bring back an Agenda item to rearrange the order of the Agenda.

ANALYSIS

The proposed changes will amend the Order of Business as follows:

Order of Business.

The order of business for regular meetings of the City Council shall be:

Call to Order and Roll Call for Closed Session
Closed Session
Report of Closed Session Action, if any
Call to Order and Roll Call for Open Session
Invocation
Pledge of Allegiance
Approval of Agenda
Presentations
Public Appearance/Comments
Introductions, Acknowledgments and Council
    Comments and Announcements
Council Member Oral/Written Reports Regarding
    Regional Boards and Commissions
City Manager's Update
Consent Calendar
Items Removed from the Consent Calendar
Public Hearings
Council Business
Department Reports
City Attorney's Report
Council Member Reports and Comments

CONCLUSION

No other changes to the Council Rules have been made.

FINANCIAL IMPACT

None.

ALTERNATIVES

Provide additional comments to the City Manager if necessary, or schedule the item for further discussion at a future Council Meeting.

Submitted by: Reviewed by:

Gary Thompson Peter M. Thorson
City Manager City Attorney

ATTACHMENTS

1. Resolution No. 2019-24
2. City Council Rules of Procedure and Order for City Council Meetings with the proposed changes shown in redline.
RESOLUTION NO. 2019-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE RULES OF PROCEDURE AND ORDER FOR CITY COUNCIL MEETINGS

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The City Council of the City of Jurupa Valley does find, determine and declare that:

(a) The City Council of the City of Jurupa Valley incorporated on July 1, 2011.

(b) The City Council encourages public participation in its meetings.

(c) The City Council has determined that public participation in meetings is enhanced when members of the public and Council Members utilize pre-established rules and policies that allow the presentation of various viewpoints and perspectives on matters of community concern.

(d) The Rules of Procedure and Order for City Council Meetings complies with and implements the provisions of the Ralph M. Brown Act, California’s open meeting act.


(f) The City Council now seeks to amend the Rules of Procedure and Order for City Council Meetings in order to update the Rules.

(g) The City Council may amend the Rules of Procedure and Order for City Council meetings from time to time.

Section 2. Adoption of Rules. The City Council hereby amends and restates the Rules of Procedure and Order for City Council Meetings as set forth in Exhibit “A”, attached hereto and incorporated herein by reference. As the City Council develops policies, the City Clerk may assign an official policy number to these Rules.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 4th day of April, 2019.
Brian Berkson
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk
CERTIFICATION

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

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-24 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 4th day of April, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 4th day of April, 2019.

__________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
EXHIBIT “A”
1. CITY COUNCIL MEETING PREPARATION

A. Deadline for Filing Items to Be Presented at Regular City Council Meetings. All Agenda items submitted by Council Members or Staff for the City Council Agenda must be in writing, except as provided in Subsection B. The deadline for submitting an item to the City Clerk is 12:00 p.m. on Monday one week prior to the regular City Council Meeting at which the item is to be presented. If, however, a Council Member wishes to submit a late Agenda Item for discussion, it must be submitted to the City Manager and City Clerk no later than 12:00 pm on Thursday one week prior to the regular Council Meeting in order to accommodate the assembly and printing of the Agenda and Staff Reports.

B. Placing an Item on the Agenda by a Council Member. Any Council Member may place an item on a future Agenda under Council Comments accompanied by a brief written explanation. The request of a Council Member to place an item on the Agenda shall be submitted in writing to the City Manager and City Clerk. If, however, the request is made by a Council Member during a Council Meeting, a written request is not required. Members of the public may speak to the Council during the Public Comment portion of the meeting and request an item be put on a Council agenda, but it is only a Council Member or the City Manager who can place an item on a City Council Agenda.

C. Posting of the Agenda. The regular City Council Meeting Agenda shall be posted on or before 5:00 p.m. on the Monday before the Thursday Council Meeting which is the 72 hour period required by the Brown Act for posting of the Agenda. If posted earlier than this time, however, the Agenda may be reposted when it is necessary to add an item to the Agenda up until 72 hours before the City Council Meeting as provided for by law.

D. Agenda Posting Locations. A complete copy of the City Council Agenda shall be posted on the outdoor bulletin board located at the City Hall, 8304 Limonite Avenue, Suite M, Jurupa Valley 92509, and at the following locations:

City Council Chambers
[Former Sam’s Western Wear Building]
8930 Limonite Avenue
Jurupa Valley, CA 92509
E. **Delivery and Distribution of Agenda Packets.** The City Council Agenda packets are prepared by the City Clerk’s Office. Barring unavoidable difficulties or holidays, the Agenda packets will be distributed to members of the City Council the Monday evening preceding the Thursday City Council Meeting.

F. **Backup Material for Agenda Items.** Each Agenda item shall be composed of the City Council Agenda Report cover sheet and all backup material needed for the City Council to take its action.

G. **Agenda Material Distributed Less Than 72 Hours Prior To Meeting.** In the event that materials are distributed to the City Council on an agenda item less than 72 hours before the meeting time, the materials shall be made available to the public at City Hall, 8304 Limonite Avenue, Suite M, Jurupa Valley 82509.

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2. **CITY COUNCIL MEETING PROCESS AND GENERAL POLICIES**

A. **Order of Business.** The order of business for regular meetings of the City Council shall be:

- Call to Order and Roll Call for Closed Session
- Closed Session
- Report of Closed Session Action, if any
- Call to Order and Roll Call for Open Session
- Invocation
- Pledge of Allegiance
- Approval of Agenda
- Presentations
- Public Appearance/Comments
- Introductions, Acknowledgments and Council Comments and Announcements
- **Council Member Oral/Written Reports Regarding Regional Boards and Commissions**
- City Manager’s Update
- Consent Calendar
- Items Removed from the Consent Calendar
- Public Hearings
- Council Business
- Department Reports (written only)
Council Member Oral/Written Reports Regarding Regional Boards and Commissions

City Attorney’s Report
Council Member Reports and Comments

Consent Calendar. The Consent Calendar shall consist of all matters considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the City Council request specific items be removed from the Consent Calendar for separate discussion and action. Members of the public will have the right to comment on these matters during the Public Comment portion of the Agenda prior to the adoption of the Consent Calendar.

B. Reordering Agenda Items. The Mayor may, with Council concurrence, reorder items on the Agenda to accommodate the public or to address other concerns.

C. Presentations. Presentations shall be scheduled as necessary to recognize persons or groups, or to promote events. The request of a Council Member for a presentation shall be submitted in writing to the City Manager and City Clerk. If, however, the request is made by a Council Member during a Council Meeting, a written request is not required. Presentation requests shall be forwarded to the Mayor. The Mayor will review the requests and determine whether any recognition will be given and what form that recognition will take (for example, Certificate of Appreciation, Certificate of Commendation, Proclamation). If a Council Member is not satisfied with the action by the Mayor, the Council Member may place an item on the Agenda requesting Council action for the proposed recognition.

D. City Council Action Minutes. The City Clerk shall prepare minutes of the actions taken by the City Council. The minutes shall record the items considered, the members of the public who spoke on those items, and the motions made by the members of the Council, which shall include the Council Member who made the motion, the Council Member who seconded the motion and the vote. Minutes shall be submitted for approval or correction in draft form on the Consent Calendar at a subsequent regular City Council Meeting. The minutes shall not include the specific comments made by members or the public, Staff or Council Members.

E. Notification of Meeting Absences. Members of the City Council shall notify the City Clerk when they are unable to attend a City Council Meeting.

3. CITY COUNCIL MEETING RULES OF ORDER

A. Obtaining the Floor. Any Council Member wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any
Council Member who seeks the floor when that Council Member is appropriately entitled to do so.

B. **Council Discussion.** Following the Staff Report and public comments on an item, the Council may discuss the matter before a motion is made.

C. **Motions.** The Mayor or any member of the Council may call for action on any matter before the Council by making a motion. Before the motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Mayor shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council Member properly recognized by the Mayor. Once the motion has been fully debated and the Mayor calls for a vote, no further debate will be allowed. However, Council Members may be allowed to explain their vote.

D. **Council Questions Only During Staff Report or Public Comment.** Council participation during the presentation of public testimony or staff reports shall be limited to questions asked at the conclusion of the testimony. No general discussion should be permitted until the testimony has been completed. Council discussion not relevant to the Agenda item should be reserved for the Council Comment portion of the Agenda.

E. **Voting.**

1) If the vote is a voice vote, the Mayor shall declare the result and note for the record all yes votes and all no votes. The Council may also vote by roll call or ballot. Regardless of the manner of voting, the results reflecting all yes and no votes and the Council Members who cast them must be clearly set forth for the minutes of the meeting. No secret ballots are allowed. To be adopted, a motion requires the yes vote of a majority of the quorum present, unless the vote of three Council Members is required by statute, ordinance, or resolution.

2) If a member is disqualified from voting, the member shall not participate in the consideration of the matter and shall not be counted for the purpose of the quorum. In addition, as required by the Fair Political Practices Act and regulations the member shall leave the dais and the Council chamber during the consideration of the matter, except for matters on the Consent Calendar.

   a) If, however, the matter is being considered on the Consent Calendar and has not been removed from Consent Calendar, the Council Member may remain on the dais and disclosed the reason for disqualification.

   b) A disqualified Council Member may speak on the matter as a private citizen, but only to the limited extent allowed by the
Section 18702.5 of the Regulations of the Fair Political Practices Commission, or its successor sections.

3) A tie vote means no action has been taken on the motion.

F. Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Council Member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are not debatable; the last three are debatable.

1) Subsidiary Motions.

a) Lay on the Table. Any Council Member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. To bring the matter back before the Council, a motion must be adopted that the matter be taken from the table. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next meeting of the Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion. A motion to lay on the table is not debatable.

b) Move Previous Question. Any Council Member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A majority vote of the quorum present is required for passage. A motion to move previous question is not debatable.

c) Limit or Extend Limits of Debate. Any Council Member may vote to put limits on the length of debate. The motion must be made and seconded and requires a majority vote of the quorum present to pass. A motion to limit or extend limits of debate is not debatable.

d) Postpone to a Time Certain. Any Council Member may move to postpone debate and action on a motion to a date and time certain. A motion to postpone to a time certain is debatable.

e) Commit or Refer. Any Council Member may move that the matter being discussed should be referred to staff, a committee, or a commission for further study. The motion may contain directions for the staff, committee, or commission, as well as a date upon which the matter will be returned to the Council’s Agenda. If
no date is set for returning the item to the Council Agenda, any Council Member may move, at any time, to require that the item be returned to the Agenda. A motion to commit or refer is debatable.

f) **Amend.** Any Council Member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to the amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment that substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Mayor. A motion to amend is debatable.

2) **Motions of Privilege, Order, and Convenience.** The following actions by the Council are to ensure orderly conduct of meetings and are for the convenience of the Mayor and Council Members. These motions take precedence over any pending main or subsidiary motion and may be debated except as noted.

a) **Call for Orders of the Day.** Any Council Member may demand that the Agenda be followed in the order stated therein. No second is required, and the Mayor must comply unless the Council, by majority vote, sets aside the Agenda order of the day.

b) **Request for Privilege.** Any Council Member, at any time during the meeting, may make a request of the Mayor to accommodate the personal needs of the Council for such things as reducing noise, adjusting room temperature, ventilation, etc. The validity of the request is ruled on by the Mayor.

c) **Recess.** Any Council Member may move for a recess. No second is required, and the Mayor must comply unless the Council, by majority vote, sets aside the motion.

d) **Adjourn.** Any Council Member may move to adjourn at any time, even if there is business pending. The motion must be seconded, and a majority vote is required for passage. A motion to adjourn is not debatable.

e) **Point of Order.** Any Council Member may require the Mayor to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Mayor.

f) **Appeal.** Should any Council Member be dissatisfied with a ruling from the Mayor, he or she may move to appeal the ruling to the full Council. The motion to appeal requires a second, and the ruling of the Mayor may be overturned by a majority vote of the members present.
g) **Suspend the Rules.** Any Council Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second, and a majority vote is required for passage.

h) **Division of Question.** Any Council Member may move to divide the subject matter of a motion which is made up of several parts so that Council Members can vote separately on each part. This motion may also be applied to complex ordinances or resolutions.

i) **Reconsider.** Except for votes regarding matters that are quasi-judicial in nature or matters that require a noticed Public Hearing, the Council may reconsider any vote taken at the same meeting, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors or to consider new information not available at the time of the vote.

   (1) The motion to reconsider must be made by a Council Member who voted on the prevailing side, must be seconded, and requires a majority vote of the quorum for passage, regardless of the vote required to adopt the motion being reconsidered.

   (2) If the matter is to be reconsidered at the next regular meeting, a Council Member on the prevailing side must ask the City Clerk to place the matter on the Agenda or otherwise comply with the Government Code.

   (3) If the matter to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply.

   (4) Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

j) **Rescind, Repeal, or Annul.** The Council may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

4. **PUBLIC PARTICIPATION IN COUNCIL MEETINGS**

A. **Audience Decorum.** Members of the audience have the right to express their views about items on the Agenda or issues within the jurisdiction of the City.
Members of the audience, however, shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; sign waving or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible. Actions expressing the views of members of the public, such as clapping, are permitted as free speech so long as the actions do not disturb, disrupt, or otherwise impede the orderly conduct of the meeting.

B. **Request to Speak Form.** Members of the public may address the City Council during Public Comments and before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor. Any person wishing to speak, whether during Public Comments or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk before the Mayor calls for Public Comments or calls the particular agenda item. A speaker is not required to list his or her name and address, but doing so does helps the Council and Staff to provide follow-up information to the speaker if needed.

C. **Purpose.** The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.

D. **Speaker Decorum.** Each person addressing the City Council shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting.

E. **Speak Only Once.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law.

F. **Addressing the Council.** Comment and testimony are to be directed to the Council through the Mayor. Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor.

G. **Public Comments to City Council**

1) **Non-Agenda Items and Consent Calendar.** The public has right to comment on matters within the jurisdiction of the City but are not listed on the Agenda. The Agenda shall provide for such public comments and for comments on the Consent Calendar items.

   a) Public Comment will be heard at the beginning of the meeting for as provided in Section 2.A. of these Rules. Persons wishing to speak on Consent Calendar items will be heard during this period prior to consideration of the Consent Calendar.
b) A member of the public who wishes to speak under Public Comments must fill out a Public Comment Request to Speak form and submit it to the City Clerk before the Mayor calls for Public Comments.

c) Persons may speak under Public Comments for three (3) minutes and shall be allowed to defer any portion of their time as provided in this subsection. During Public Comments, one member of the public may yield their time to another speaker. The person to whom time is yielded shall indicate on his or her request to speak form the name of the person who will yield time to the speaker. The person yielding time to the speaker shall be present at the time the speaker is called to speak during Public Comments. A speaker may receive additional time from one other speaker for a total maximum time of six (6) minutes.

d) State law prohibits the City Council from taking action on any item not listed on the Agenda unless the Council makes a determination that an emergency exists or that the need to take immediate action on the item arose subsequent to the final posting of the Agenda. Council Members or staff members may provide brief response to comments, ask brief questions of the speaker, refer the speaker to Staff or another agency, or request that the matter be place on a future agenda when recognized by the Mayor for the purpose of doing so.

2) **Consent Calendar Items.** Members of the Public who wish to speak on a Consent Calendar item will have the opportunity to do so during Public Comments and shall be subject to the rules governing speaking during the Public Comment portion of the Agenda.

   a) Members of the Public who wish to speak on a Consent Calendar item will be allowed to speak during the first 30-minute portion of the Public Comment prior to the consideration of the Consent Calendar.

   b) Persons shall be allowed to speak under Public Comments for Consent Calendar items for three (3) minutes and shall be allowed to defer any portion of their time to other speakers as provided in subsection 4.G.1c).

3) **Agenda Items.** The public has a right to comment on Agenda items.

   a) A member of the public who wishes to speak on an Agenda item must fill out a Request to Speak form and submit it to the City Clerk before the Mayor calls the Agenda item.
b) Subject to the special provisions discussed below for Public Hearings, persons may speak about an Agenda item for three (3) minutes and shall be allowed to defer any portion of their time as provided in this subsection. During the agenda item, a member of the public may yield his or her time to another speaker on the agenda item. The person to whom time is yielded shall indicate on his or her request to speak form the name of the person who will yield time to the speaker. The person yielding time to the speaker shall be present at the time the speaker is called to speak at the public hearing. A speaker may receive additional time from only one other speaker for a total maximum time of six (6) minutes.

4) In the event there is a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak on the item.

H. **Violation of the Rules of Decorum.** Upon violation of the rules of decorum described above, the procedure to enforce the rules shall be as follows:

1) **Warning.** The Mayor shall first request that a person who is violating the rules cease such conduct.

2) **Recess.** If, after receiving a request from the Mayor, the person persists in violating the rules, the Mayor shall order a recess. Any representative of law enforcement who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating the rules and that he or she is requested to cease such conduct.

3) **Removal of Disruptive Person.** If upon resumption of the meeting the violation persists so as to disturb, disrupt, or otherwise impede the orderly conduct of the meeting, the Mayor shall have the authority to ask the law enforcement personnel to remove the person from the meeting.

4) **Motion to Enforce.** If the Mayor fails to enforce the rules of decorum set forth herein, any Council Member may move to require the Mayor to do so, and an affirmative vote of three members of the Council shall require the Mayor to do so. If the Mayor fails to carry out the will of the majority of the Council in this matter, the Council by an affirmative vote of three Members of the Council may designate another Council Member to act as Mayor for the limited purpose of enforcing the rules of decorum established herein for that meeting.

5) **Clearing the Room.** Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to disrupt, disturb or otherwise impede the orderly conduct of such meeting and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, City Council may order that the meeting room may be ordered cleared and the meeting shall
continue in session. The motion to clear the room shall be by a vote not less than three members of the City Council in favor. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.

6) **Violation of the California Penal Code.** A person or persons who substantially impairs the conduct of a City Council meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

5. **PUBLIC HEARINGS**

A. **Process and Procedures.** The City Council conducts Public Hearings on applications, projects, and other matters as required to provide due process of law. The following outlines the process under which Public Hearings will be conducted.

1) Staff will review the application/project/matter, will prepare a staff report, and may make a recommendation or propose alternatives to the City Council prior to the Public Hearing.

2) A notice of the Public Hearing shall be posted, published, and mailed as required by law and the Jurupa Valley Municipal Code.

3) The members of the City Council will receive the staff report for the application/project/matter in the Agenda packet prior to the meeting. This provides the Council with an opportunity to study the staff report, which will become part of the hearing record, and to become familiar with the project prior to the Public Hearing.

4) When the Public Hearing is called, staff shall summarize the application/project/matter as contained in the staff report or request a continuance to a future meeting. The City Council may ask questions for clarification.

5) Once the Public Hearing is opened, the applicant/property owner is entitled to present the application/project/matter in person or through a representative.

6) Following this presentation, members of the public shall be called upon to speak on the application/project/matter in the order their Request to Speak cards are received by the City Clerk.

7) Once the members of the public have spoken, the applicant/property owner shall be provided an opportunity to rebut any testimony or evidence
provided by opponents or by staff. The rebuttal shall be limited to answering or refuting testimony of the public or staff.

8) Following each presentation, members of the City Council may question the speakers.

9) Following rebuttal, the item is then before the City Council for discussion and clarification.

10) When all parties have been heard and there are no additional requests to speak, the Mayor may close the Public Hearing and any member of the Council may make a motion to:

   a) Reopen the Public Hearing and continue it to a date certain to allow for further study or discussion; or

   b) Adopt the resolution for approval or denial of the project, with or without changes, as recommended in the Staff Report; or

   c) Direct Staff to prepare a different resolution than the one recommended for adoption on the Consent Calendar at the next regular meeting of the City Council.

11) The applicant may withdraw the application/project/matter at any time before a vote is taken by the City Council. An appellant may withdraw its appeal at any time prior to the opening of the public hearing.

B. Speaker Time Limits for Public Hearings

1) At Public Hearings involving land use matters the property owner or the applicant has the burden of proof and, therefore, shall be allowed ten (10) minutes for an initial presentation and an additional five (5) minutes for rebuttal following the other comments on the matter. The Mayor may allow more time if required to provide due process for the property owner or applicant.

2) An appellant, other than the property owner or applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property which is the subject of the Public Hearing, shall be allowed ten (10) minutes to present the appellant’s position to the Council. The Mayor may allow more time if required to provide due process for the property owner or applicant.

3) All other members of the public may speak during the Public Hearing for three (3) minutes and shall be allowed to defer any portion of their time as provided in this subsection. During the public hearing, a member of the public may yield his or her time to another speaker at the public hearing. The person to whom time is yielded shall indicate on his or her request to
speak form the name of the person who will yield time to the speaker. The person yielding time to the speaker shall be present at the time the speaker is called to speak at the public hearing. A speaker may receive additional time from only one other speaker for a total maximum time of six (6) minutes.

4) In the event there is a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak.

6. COUNCIL AUTHORITY

A. Role of the Mayor

1) The Mayor is responsible for conducting the meeting. The Mayor should reserve comment until all of the Council Members have spoken.

2) All comment should be directed to the Mayor. Cross talk between Council Members should be ruled out of order by the Mayor.

B. Council Seating Order. The Council seating order shall be at the discretion of the Mayor.

C. Selection of City Council Officers. At the first City Council Meeting in December of each year, the City Council shall select from among its members a Mayor and Mayor Pro Tempore to serve for the following year. The Mayor and Mayor Pro Tempore shall take office on January 1 of each year. The term of office for the Mayor and Mayor Pro Tempore shall be a calendar year from January 1 to December 31.

D. Waiver of Rules. The Council shall have the authority to waive provisions of the procedures established by this policy unless the procedure is required. Failure of the Council to follow these procedures shall not invalidate or otherwise affect any action of the Council.

7. HISTORY. The following actions have been taken by the City Council to adopt and amend these Rules:

A. July 1, 2011 Council enacts the Rules by adoption of Resolutions No. 11-02.


STAFF REPORT

DATE: APRIL 4, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER
BY: VICTORIA WASKO, CMC, CITY CLERK

SUBJECT: AGENDA ITEM NO. 13.A

CONSIDERATION OF CITY COUNCIL ATTENDANCE AT THE 2019 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) REGIONAL CONFERENCE AND GENERAL ASSEMBLY

RECOMMENDATION

1) That the City Council select a Delegate and Alternate for the SCAG General Assembly which will be held May 2 - 3, 2019 at the JW Marriott Desert Springs Resort in Palm Desert, CA.

BACKGROUND

The Southern California Association of Governments, founded in 1965, is a Joint Powers Authority under California state law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization and under state law as a Regional Transportation Planning Agency and a Council of Governments. SCAG develops long-range regional transportation plans as well as housing needs allocations and a portion of the South Coast Air Quality management plans.

SCAG is governed by delegates from every member city, county, and County Transportation Commission (CTC) through the General Assembly, which annually brings together the official representatives of SCAG’s membership and helps sets the agency’s course for the coming year.

ANALYSIS

The 2019 Regional Conference and General Assembly will be held May 2, 2019 at the Marriott Resort. The event will focus on regional collaboration and service to SCAG’s member cities as well as engage attendees in planning for a sustainable future for Southern California.
FINANCIAL IMPACT

Each Delegate Representative (or Alternate in the absence of the Delegate) will receive a complimentary one-night hotel accommodation at the Marriott for the night of May 2nd, validated overnight parking and meals during the conference. While SCAG only provides the hotel for the Delegate, SCAG waives the registration fee for Councilmembers and the City Manager.

ALTERNATIVES

1. Not select a Delegate or Alternate to attend the 2019 SCAG General Assembly

Prepared by:  
Victoria Wasko  
City Clerk

Submitted by:  
Gary S. Thompson  
City Manager

Reviewed by:  
Alan Kreimeier  
Administrative Services Director

Attachments:

1. Email from Tess Rey-Chaput, Southern California Association of Governments
From: Tess Rey-Chaput [mailto:REY@scag.ca.gov]
Sent: Thursday, January 03, 2C19 12:51 PM
To: city_clerks@lists.cacities.org
Subject: [City_clerks] SCAG: Delegate/Alternate Representative to the General Assembly

***To ALL City and County Clerks in the SCAG Region (Los Angeles, Orange, San Bernardino, Riverside, Imperial and Ventura)***

Dear City and County Clerks,

In anticipation of the Annual General Assembly on May 2 – 3, 2019, the Southern California Association of Governments (SCAG) is working to confirm the Delegate Representative and Alternate from your city/county in the SCAG region, as well as to determine if there are any policy proposals for review.

**SCAG’s 2019 Regional Conference and General Assembly**

- **Date:** Thursday and Friday, May 2-3, 2019
- **Time:** 9AM
- **Location:** JW Marriott Resort & Spa, 74-855 Country Club Drive, Palm Desert, CA 92260
If your city council or county board has already appointed a Delegate and Alternative Representative to SCAG’s General Assembly, please reply to REY@scag.ca.gov with their names as soon as possible.

If your city council or county board has not yet made those appointments, please email a copy of your city’s action or an excerpt from your meeting minutes regarding the appointment of a Delegate or Alternate Representative to REY@scag.ca.gov.

Each city/county Delegate Representative (or Alternate in the absence of the Delegate) will receive a complimentary one-night hotel accommodation at the JW Marriott Resort & Spa for the night of May 2, validated overnight parking and meals during the conference.

Each city/county delegate to SCAG’s General Assembly will also have an opportunity to bring any policy matter, in the form of a proposed resolution or proposed SCAG bylaw revision, before the General Assembly for determination. The deadline to submit proposed resolutions and/or SCAG bylaw revisions is 5PM, Friday, March 8, 2019. All proposed resolutions and/or bylaw revisions will be reviewed by SCAG’s Bylaws and Resolutions Committee and the Regional Council before being considered at the General Assembly business meeting.

Thank you for your attention and cooperation! We are looking forward to confirming your representative to the General Assembly!

Sincerely,
Tess

Tess Rey-Chaput, CMC
Clerk of the Board
Tel: (213) 236-1908 | Cell: (808) 799-6971
REY@scag.ca.gov

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700, Los Angeles, CA 90017

Join us for SCAG's 2019 Regional Conference & General Assembly, "Beyond Boundaries" May 1-3 at the JW Marriott Desert Springs Resort & Spa | Register at scag.ca.gov/ga2019