REGULAR MEETING AGENDA
OF THE JURUPA VALLEY CITY COUNCIL
Thursday, October 3, 2019
Closed Session: 6:00 p.m.
Regular Session: 7:00 p.m.
City Council Chamber
8930 Limonite Avenue, Jurupa Valley, CA 92509

1. 6:00 PM - CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION

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

2. CLOSED SESSION

   A. PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS

   B. APPOINTMENT, EMPLOYMENT OF CITY MANAGER. The City Council will meet in closed session pursuant to Government Code Section 54957 to consider the appointment or employment of the City Manager and pursuant to Government Code Section 94957.6 to meet with its designated representatives, Mayor Brian Berkson and City Attorney Peter Thorson, to provide direction to the designated representatives concerning the negotiation of salary, compensation and/or benefits.
for the unrepresented employee position of City Manager. No action will be taken on an appointment at this meeting.

3. **7:00 P.M. - RECONVENE IN OPEN SESSION**
   
   A. **ANNOUNCEMENT OF ANY REPORTABLE ACTIONS IN CLOSED 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

5. **INVOCATION**

6. **PLEDGE OF ALLEGIANCE**

7. **APPROVAL OF AGENDA**

8. **PRESENTATIONS**
   
   A. **PROCLAIMING OCTOBER 4, 2019 AS MANUFACTURING DAY**

9. **PUBLIC APPEARANCE/COMMENTS**

   Persons wishing to address the City Council on subjects other than those listed on the Agenda are requested to do so at this time. A member of the public who wishes to speak under Public Appearance/Comments OR the Consent Calendar must fill out a “Speaker Card” and submit it to the City Clerk BEFORE the Mayor calls for Public Comments on an agenda item. When addressing the City Council, please come to the podium and state your name and address for the record. While listing your name and address is not required, it helps us to provide follow-up information to you if needed. In order to conduct a timely meeting, we ask that you keep your comments to 3 minutes. Government Code Section 54954.2 prohibits the City Council from taking action on a specific item until it appears on an agenda.

10. **INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS**

11. **CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS**
A. MAYOR BRIAN BERKSON

1. UPDATE ON THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION - WESTERN RIVERSIDE PROGRAMS AND PROJECTS COMMITTEE MEETING OF SEPTEMBER 23, 2019

2. UPDATE ON THE INTERAGENCY COORDINATING COUNCIL MEETING OF SEPTEMBER 27, 2019

B. MAYOR PRO TEM ANTHONY KELLY, JR.

1. UPDATE ON THE RIVERSIDE TRANSIT AGENCY MEETING OF SEPTEMBER 26, 2019

C. COUNCIL MEMBER MICHEAL GOODLAND

1. UPDATE ON THE HEALTHY JURUPA VALLEY COMMUNITY MEETING OF OCTOBER 1, 2019

12. CITY MANAGER’S UPDATE

13. APPROVAL OF MINUTES

A. SEPTEMBER 18, 2019 SPECIAL MEETING

B. SEPTEMBER 19, 2019 REGULAR MEETING

14. 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 $1,595,994.01

Requested Action: That the City Council ratify the check registers dated September 12 and 19 as well as the payroll registers dated September 11 and 25, 2019.
C. **ORDINANCE NO. 2019-14**

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-14, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-002 (EMERALD RIDGE) AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN

D. **ORDINANCE NO. 2019-15**

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-15, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 7.15.230 (“EXPIRATION OF APPROVED TENTATIVE MAPS AND VESTING TENTATIVE MAPS - EXTENSION OF TIME”) OF CHAPTER 7.15 (“TENTATIVE MAPS”) OF THE JURUPA VALLEY MUNICIPAL CODE CONCERNING APPEALS OF DECISIONS ON APPLICATIONS FOR EXTENSIONS OF TIME FOR TENTATIVE MAPS, MAKING CLERICAL REVISIONS CONSISTENT WITH THE SUBDIVISION MAP ACT, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

E. **AGREEMENT WITH PICTOMETRY INTERNATIONAL CORP. FOR AERIAL IMAGERY SERVICES**

1. Requested Action: That the City Council approve the Agreement by and between the City of Jurupa Valley and Pictometry International Corp.; and

2. Authorize the City Manager to execute the Agreement in substantially the form attached to the staff report and in such final form as approved by the City Attorney.

F. **AUTHORIZATION TO PURCHASE A SKID STEER TRACTOR FOR PUBLIC WORKS MAINTENANCE OPERATIONS**

Requested Action: That the City Council approve the procurement of a 2020 Volvo MC70C Skid Steer Tractor for the Public Works Department.
G. ADOPTION OF A RESOLUTION PROCLAIMING OCTOBER 2, 2019 AS “CLEAN AIR DAY” IN THE CITY OF JURUPA VALLEY (REQUESTED BY COUNCIL MEMBER MICHEAL GOODLAND)

Requested Action: That the City Council adopt Resolution No. 2019-89, entitled:

A RESOLUTION OF THE CITY OF JURUPA VALLEY, CALIFORNIA, IN SUPPORT FOR AND DECLARATION OF CALIFORNIA CLEAN AIR DAY

H. RESOLUTION SUPPORTING INCREASED FUNDING FOR AFTERSCHOOL PROGRAMS IN THE 2020 STATE BUDGET (REQUESTED BY MAYOR PRO TEM ANTHONY KELLY, JR.)

Requested Action: That the City Council adopt Resolution No. 2019-90, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA TO SUPPORT AN ADDITIONAL FUNDING INCREASE OF $98.8 MILLION IN ASES FUNDING IN THE 2020 STATE BUDGET FOR AFTERSCHOOL PROGRAMS

15. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

16. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER PROHIBITING TRUCKS OVER 16,000 POUNDS ON ETIWANDA AVENUE FROM SR 60 FREEWAY TO HOPKINS STREET AND COUNTRY VILLAGE ROAD FROM SR 60 FREEWAY TO PHILADELPHIA AVENUE

1. The Council should consider whether to prohibit trucks and vehicles over 16,000 pounds on Etiwanda Avenue from SR 60 Freeway to Hopkins Street and Country Village Road from SR 60 Freeway to Philadelphia Avenue, subject to exemptions required by the California Vehicle Code, such as pick-ups and deliveries.

2. If the Council decides to prohibit trucks and vehicles over 16,000 pounds on these streets, then the Council should:

   A. Adopt Resolution No. 2019-91, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING
FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ADOPTION OF AN ORDINANCE AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE (STATE CLEARINGHOUSE NO. 2018021020)

B. Conduct a first reading and introduce Ordinance No. 2019-16, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE, PERMISSIBLE VEHICLE WEIGHT ON STREETS, ROADS, HIGHWAYS, AND BRIDGES; TRUCK ROUTES, TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS, TO ESTABLISH MAXIMUM VEHICLE AND TRUCK WEIGHT RESTRICTIONS OF 16,000 POUNDS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE

3. If the Council decides not to prohibit trucks and vehicles over 16,000 pounds on Etiwanda Avenue from SR 60 Freeway to Hopkins Street and Country Village Road from SR 60 Freeway to Philadelphia Avenue, the Council should adopt a motion terminating proceedings for the weight restrictions on these streets.

B. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE L) TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY; 42ND STREET AT FORT DRIVE AND TWINING STREET, AND RUBIDOUG BOULEVARD (FLABOB AIRPORT) (CONTINUED FROM THE SEPTEMBER 19, 2019 MEETING)

Requested Action: That the City Council adopt Resolution No. 2019-86, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY (ZONE L); LOCATED AT 42ND STREET AT FORT DRIVE

17. COUNCIL BUSINESS

A. AUTHORIZATION TO APPLY FOR AND RECEIVE SENATE BILL 2 (SB 2) PLANNING GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR FUNDING TO DEVELOP AND IMPLEMENT PLANNING PROGRAMS RELATED TO THE 2017 GENERAL PLAN AND HOUSING ELEMENT

Requested Action: That the City Council adopt Resolution No. 2019-92, entitled

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS

18. CITY ATTORNEY’S REPORT

19. COUNCIL MEMBER REPORTS AND COMMENTS

20. ADJOURNMENT

Adjourn to the Regular Meeting of October 17, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a meeting of the Jurupa Valley City Council or other services, please contact Jurupa Valley City Hall at (951) 332-6464. Notification at least 48 hours prior to the meeting or time when services are needed will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Agendas of public meetings and any other writings distributed to all, or a majority of, Jurupa Valley City Council Members in connection with a matter subject to discussion or consideration at an open meeting of the 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 SPECIAL MEETING
OF THE JURUPA VALLEY CITY COUNCIL
September 18, 2019

The meeting was held at the Jurupa Valley City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509

1. **8:30 AM - CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION MEETING**
   - 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 special meeting to order at 8:36 a.m.

2. **CLOSED SESSION**
   
   **A. PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM**

   There were no public comments regarding the closed session item.

   **B. APPOINTMENT, EMPLOYMENT OF CITY MANAGER.** The City Council will meet in closed session pursuant to Government Code Section 54957 to consider the appointment or employment of the City Manager and pursuant to Government Code Section 94957.6 to meet with its designated representatives, Mayor Brian Berkson and City Attorney Peter Thorson, to provide direction to the designated representatives concerning the negotiation of salary, compensation and/or benefits for the unrepresented employee position of City Manager. No action will be taken on an appointment at this meeting.

3. **RECONVENE IN OPEN SESSION**

   **A. ANNOUNCEMENT OF ANY REPORTABLE ACTIONS IN CLOSED SESSION**

   City Attorney Peter Thorson announced that there were no reportable actions taken.

4. **ADJOURNMENT**

   There being no further business before the City Council, Mayor Berkson adjourned the meeting at 4:31 p.m.
The next meeting of the Jurupa Valley City Council will be held September 19, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

Respectfully submitted,

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Victoria Wasko, CMC
City Clerk
MINUTES
OF THE REGULAR MEETING
OF THE JURUPA VALLEY CITY COUNCIL
September 19, 2019

The meeting was held at the Jurupa Valley City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509

1. 6:00 P.M. - CALL TO ORDER AND ROLL CALL FOR CLOSED 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 closed session meeting to order at 6:35 p.m.

2. CLOSED SESSION

   A. PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS

   There were no public comments regarding the closed session items.

   B. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION. The City Council met in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(1) with respect to one matter of pending litigation: Application of Southern California Edison Company (U-238-E) for a Certificate of Public Convenience and Necessity to Construct the Riverside Transmission Reliability Project, California Public Utilities Commission Case No. A.15-04-013.

   C. APPOINTMENT, EMPLOYMENT OF CITY MANAGER. The City Council met in closed session pursuant to Government Code Section 54957 to consider the appointment or employment of the City Manager and pursuant to Government Code Section 94957.6 to meet with its designated representatives, Mayor Brian Berkson and City Attorney Peter Thorson, to provide direction to the designated representatives concerning the negotiation of salary, compensation and/or benefits for the unrepresented employee position of City Manager.

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

   A. ANNOUNCEMENT OF ANY REPORTABLE ACTIONS IN CLOSED SESSION

   City Attorney Peter Thorson announced that there were no reportable actions taken.
4. **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

Mayor Berkson called the regular meeting to order at 7:13 p.m.

5. **INVOCATION** was given by Imam Shaw, Islamic Center of Jurupa Valley.

6. **PLEDGE OF ALLEGIANCE** was led by Mayor Brian Berkson.

7. **APPROVAL OF AGENDA**

   A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Lorena Barajas, to approve the Agenda.

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

8. **PRESENTATIONS**

   **A. ACTIVITIES REPORT FROM REACH OUT**

   Diana Fox, Executive Director, Reach Out, gave an update on the activities of the Healthy Jurupa Valley Initiative. Ms. Fox reported that Healthy Jurupa Valley is now a seven-year old partnership that is a joint initiative that has become the gold standard of how to have a successful healthy city initiative. Ms. Fox noted the recognition that Healthy Jurupa Valley has received making it among the most highly effective healthy initiatives in the state. She encouraged interested individuals to attend and/or participate in some of their upcoming activities.

9. **PUBLIC APPEARANCE/COMMENTS**

   Diana Leja, representing the Jurupa Valley Chamber of Commerce, announced that the State of the City event will be held Tuesday, September 24th at 5:30 p.m. at Patriot High School. She presented each Council Member with a gift bag which is a “sneak preview” of what will be given to those in attendance. She thanked the Council for their support, noting that there will be a special announcement made at the event.

   Eddy Torres, representing Assemblymember Sabrina Cervantes’s office, announced several upcoming events, including a Pathways to Higher Education workshop in partnership with Jurupa Unified School District, Congressman Mark Takano, and Senator Richard D. Roth. The workshops will be held October 9, 16, and 23 at the Jurupa Unified
School District Parent Center. On September 25, 2019, Assemblymember Cervantes will host a Health and Information workshop at Mission Middle School. On September 25, 2019 at 9:30 a.m., a hearing on Upward Mobility in the Inland Empire will be held at Corona City Hall Council Chamber. This hearing will highlight regional initiatives in the Inland Empire by presenting best practices, innovative solutions, and reinvigorating regional visions.

Eileen Flores, representing Southern California Edison (SCE), gave an update on SCE’s 2019 Wildfire Mitigation Plan (WMP). She noted that the Mitigation Plan has been approved by the California Public Utilities Commission. Components of the WMP include replacement of power lines with insulation material; installation of fast acting fuses which help interrupt electric currents; and adding more remote controlled circuits serving high fire risk areas. The WMP also includes enhancement of operational practices and the practice of preemptively turning off power during high fire risk weather conditions. Additional information is available at https://www.sce.com/safety/wildfire

Betty Anderson stated that on September 12, 2019, she, along with Norco Council Member Kevin Bash attended the California Public Utilities Commission (CPUC) meeting in Los Angeles where she urged the CPUC to re-route or underground the high voltage transmission lines related to the Riverside Transmission Reliability project. She read aloud what she stated at that meeting. She recommended that citizens research the candidates for Riverside City Council and find out their stance on this issue.

10. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

Mayor Pro Tem Anthony Kelly reported that the Riverside Transit Agency’s 2019 ‘Bus Roadeo’ will be held October 5 at the Agency’s Hemet facility. This is a free family-oriented event where RTA bus drivers test their agility skills while competing on a controlled obstacle course. He announced that the Hideaway Café in downtown Riverside will host a Karaoke event on October 13th to benefit the Deanna Foundation which provides financial relief for caregiving families affected by dementia.

Council Member Micheal Goodland announced that the annual State of the City event will be held at Patriot High School on September 24th at 5:30 p.m.

Council Member Lorena Barajas announced that Onebody, a Christian nonprofit group will host a free shoe giveaway event this Saturday at Jurupa Valley High School beginning at 7:30 a.m. Along with the shoe giveaway, there will also be a free food pantry that is expected to help over 600 needy families. The event will also feature a City booth and members of the Sheriff’s Department will be in attendance with activities for children.

Council Member Chris Barajas announced that the 19th Annual Jurupa Valley Food Fest will be held Saturday, September 28th at the Jurupa Valley Spectrum. Tickets are available by contacting him at City Hall.
11. CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS

A. MAYOR BRIAN BERKSON

1. Mayor Berkson gave an update on the Riverside County Transportation Commission – Western Riverside County Programs and Projects Committee meeting of August 26, 2019.

2. Mayor Berkson gave an update on the Riverside County Transportation Commission meeting of September 11, 2019.

3. Mayor Berkson gave an update on the Metrolink / Southern California Regional Rail Authority meeting of September 13, 2019.


B. MAYOR PRO TEM ANTHONY KELLY, JR.

1. Mayor Pro Tem Kelly gave an update on the Riverside Transit Agency - Board of Directors Special meeting of September 4, 2019.


C. COUNCIL MEMBER LORENA BARAJAS

1. Council Member Barajas gave an update on the Western Riverside County - Regional Conservation Authority meeting of September 9, 2019.

D. COUNCIL MEMBER MICHEAL GOODLAND


2. Council Member Goodland gave an update on the Western Riverside Council of Governments board meeting of September 9, 2019.

12. CITY MANAGER’S UPDATE

Alan Kreimeier, Interim City Manager, asked Terri Rollings, Assistant to the City Manager, to introduce two new City employees.
Terri Rollings, Assistant to the City Manager/PIO, introduced Dylan Skrah, an intern with Western Riverside Council of Governments and Justin Switzer, Administrative Assistant.

13. APPROVAL OF MINUTES

A. AUGUST 15, 2019 REGULAR MEETING

B. AUGUST 29, 2019 SPECIAL MEETING

A motion was made by Council Member Lorena Barajas, seconded by Council Member Micheal Goodland, to approve the Minutes of the August 15, 2019 Regular meeting and the August 29, 2019 Special meeting.

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

14. 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 $2,515,468.99

Requested Action: That the City Council ratify the check registers dated August 9, 15, 22, 29, and September 6 as well as the payroll registers dated August 5, 14, 28 and September 5, 2019.

C. ORDINANCE NO. 2019-11

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-11, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ESTABLISHING REGULATIONS APPLICABLE TO THE LOCATION AND INSTALLATION OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY, AMENDING THE JURUPA VALLEY MUNICIPAL CODE, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(b)(3) OF THE CEQA GUIDELINES
D. APPROVAL OF RESOLUTION CONVEYING EASEMENTS FOR FLOOD CONTROL FACILITIES (PM 36828 – NORTH SIDE OF SAN SEVAINE CHANNEL BETWEEN SAN SEVAINE WAY AND BAIN STREET)

Requested Action: That the City Council adopt Resolution No. 2019-75, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONVEYING CERTAIN FLOOD CONTROL EASEMENTS ON PARCEL MAP 36828 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

E. APPROVAL OF AGREEMENT BETWEEN THE CITY OF JURUPA VALLEY AND THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR DESIGN AND CONSTRUCTION OF THE JURUPA-PYRITE MDP LINE A-2, STAGE 1

1. Requested Action: That the City Council approve the agreement with Riverside County Flood Control and Water Conservation District (District) memorializing the mutual understanding with respect to design, construction, inspection, ownership, and operation and maintenance of Jurupa-Pyrite MDP Line A-2, Stage 1; and

2. That the City Council authorize the Mayor to sign the agreement in four (4) counterparts as requested by the District.

F. AGREEMENT WITH SANTA FE BUILDING MAINTENANCE FOR JANITORIAL SERVICES

1. Requested Action: That the City Council approve the Agreement by and between the City of Jurupa Valley and Guadalupe Medina, dba Santa Fe Building Maintenance; and

2. Authorize the City Manager to execute the Agreement in substantially the form and format attached to the staff report as approved by the City Attorney.

G. AWARD OF CONSTRUCTION AGREEMENT TO CT&T CONCRETE PAVING, INC. FOR THE 2018-2019 ADA IMPROVEMENTS PROJECT, CIP PROJECT NO. 18-B.1

1. Requested Action: That the City Council reject the first and second lowest bidders as being non-responsive or responsible;

2. Approve and award a construction agreement to the third lowest bidder, CT&T Concrete Paving, Inc., in the amount of $133,990 for the 2018-2019 ADA Improvements Project, for the work included in its proposal, and
authorize the City Manager to execute the Agreement in substantially the
form attached and in such final form as approved by the City Attorney; and

3. Authorize the City Manager to execute contract change orders not to exceed
10% of the total agreement, pursuant to requirements set forth in the
agreement; and

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

H. APPROVAL OF FUNDS TO TENT CITY HALL FOR FUMIGATION OF
TERMITES AND APPROVAL OF AGREEMENT – REMOVED FROM
THE CONSENT CALENDAR FOR FURTHER DISCUSSION

Requested Action: That the City Council approve funding for the tenting of City
Hall for fumigation of termites from Orkin Pest Control; and authorize the City
Manager to sign the agreement.

I. APPROVAL OF PARCEL MAP 36997 LOCATED ON THE EAST SIDE OF
FLEETWOOD DRIVE SOUTH OF VIA RICARDO (ROSS FAMILY
TRUST)

1. Requested Action: That the City Council approve Parcel Map 36997.

2. Authorize the Mayor and City Clerk to sign Parcel Map 36997.

J. ADOPTION OF RESOLUTIONS REGARDING THE ANNEXATION OF
ZONE O (TR32723) TO CITY OF JURUPA VALLEY LANDSCAPE AND
LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (“CITY
OF JURUPA VALLEY L&LMD 89-1-C”), SOUTH OF AVLIS LANE AND
VIAGGIO CIRCLE

1. That the City Council adopt Resolution No. 2019-76, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
JURUPA VALLEY, CALIFORNIA, INITIATING PROCEEDINGS
FOR THE ANNEXATION OF TERRITORY TO CITY OF JURUPA
VALLEY LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICT NO. 89-1-CONSOLIDATED AS ZONE O AND THE
LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH
TERRITORY FOR FISCAL YEAR 2020-2021 PURSUANT TO THE
PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA
STREETS AND HIGHWAYS CODE AND ARTICLE XIII D OF THE
CALIFORNIA CONSTITUTION

2. That the City Council adopt Resolution No. 2019-77, entitled:

3. That the City Council adopt Resolution No. 2019-78, entitled:


K. ADOPTION OF RESOLUTIONS REGARDING THE ANNEXATION OF ZONE 2-E (RUBIDOUX COMMERCIAL) TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&L MD 89-1-C”) VOLUME 2, NORTH OF 20TH STREET AT CATERPILLAR COURT

1. Requested Action: That the City Council adopt Resolution No. 2019-79, entitled:


2. That the City Council adopt Resolution No. 2019-80, entitled:

3. That the City Council adopt Resolution No. 2019-81, entitled:


L. AGREEMENT FOR TRAFFIC STRIPING MAINTENANCE SERVICES WITH CHRISP COMPANY

1. Requested Action: That the City Council approve and authorize the Mayor to enter into a Professional Maintenance Agreement for Traffic Striping Maintenance Services between the City of Jurupa Valley and Chrisp Company for a two-year term, with three one-year extension periods at the option of the City; and


A motion was made by Council Member Michael Goodland, seconded by Mayor Pro Tem Anthony Kelly, to approve the Consent Calendar, with the exception of Item No. 14.H, which was removed for further discussion.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None
15. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

14.H APPROVAL OF FUNDS TO TENT CITY HALL FOR FUMIGATION OF TERMITES AND APPROVAL OF AGREEMENT – REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION

Council Member Micheal Goodland asked that Item 14.H be removed from the Consent Calendar for further discussion.

Terri Rollings, Assistant to the City Manager/PIO, provided additional information and responded to Council’s questions.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to approve funding for the tenting of City Hall for fumigation of termites from Orkin Pest Control; and authorize the City Manager to sign the agreement.

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

The following items were taken out of order:

10. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

A. AT THE REQUEST OF MAYOR BERKSON, MOTION TO NOTICE A PUBLIC HEARING ON OCTOBER 17, 2019 TO CONSIDER THE VACATION OF A PORTION OF KACHINA DRIVE CUL-DE-SAC LOCATED NORTHWESTERLY OF VIRTUE VISTA DRIVE AND TO DIRECT STAFF TO PUBLISH AND POST THE NECESSARY NOTICES

Mayor Berkson reported that he requested that this item be brought back before the Council as the applicant has offered to remedy some of the Council’s prior concerns. He noted that the applicant has promised to provide an in-lieu fee to offset some of the traffic control measures, and provide emergency access through the new development. He recommended that the Council consider bringing this item back for further discussion.

Further discussion followed.

Council Member Chris Barajas asked what the costs would be to bring this item back as a new public hearing item.
George Wentz, Deputy City Manager, responded that the costs to bring this item back are negligible as it would only involve a new staff report and updated information.

A motion was made by Council Member Micheal Goodland, seconded by Council Member Lorena Barajas, to schedule a public hearing on October 17, 2019 to consider the vacation of a portion of Kachina Drive cul-de-sac located northwesterly of Virtue Vista Drive and to direct staff to publish and post the necessary notices.

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

B. AT THE REQUEST OF COUNCIL MEMBER GOODLAND, MOTION TO NOTICE A PUBLIC HEARING ON OCTOBER 17, 2019 TO CONSIDER MASTER APPLICATION 19096 AND ZONING CODE AMENDMENT 19002 TO CHANGE SECTION 9.240.510 OF THE JURUPA VALLEY MUNICIPAL CODE ADDING PROVISIONS AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS IN THE MANUFACTURING-MEDIUM (MM) ZONE AND TO DIRECT STAFF TO PUBLISH THE NECESSARY NOTICES

Council Member Micheal Goodland reported why he would recommend that this item be brought back to the Council. He noted that he was absent when this item came to a vote and the application was denied. He asked for clarification on the zoning and the process for a text amendment.

City Attorney Peter Thorson clarified how the text amendment would change the development standards and the zones for which these types of uses would be permitted.

Further discussion followed.

Council Member Chris Barajas suggested that in order to avoid future proliferation of storage containers, he would support stronger language to allow a principal use while at the same time prohibit storage containers where they would be undesirable.

Further discussion followed.

Council Member Chris Barajas asked if there was any way to just look at this particular location.

Thomas Merrell responded that the Code states that it is a prohibition. In order to proceed with approval on a given piece of property, the Council must grant the authority by the Jurupa Municipal Code, otherwise it is prohibited.
Discussion followed regarding whether to put this lot into a specific plan that is outside of the regular zoning.

Mayor Brian Berkson suggested bringing this item back to Council with the elimination of the zoning requirement and only allow this type of application through a specific plan which could be decided on a case-by-case basis.

Thomas Merrell, Planning Director, clarified that staff could require the adoption of a zoning overlay which would be a rezoning action which would allow a use where the overlay is permitted.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to schedule a public hearing on October 17, 2019 to consider Master Application 19096 and zoning code amendment 19002 to change Section 9.240.510 of the Jurupa Valley Municipal Code adding provisions and development standards for metal shipping containers in the Manufacturing-Medium (MM) zone and to direct staff to publish and post the necessary notices.

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

16. PUBLIC HEARINGS

A. PUBLIC HEARING REGARDING SUBMISSION OF THE 2018-2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR EXPENDITURES OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

Sean McGovern, Management Analyst, presented the staff report.

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

Further discussion followed.

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

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to receive and file the 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER); and adopt Resolution No. 2019-82, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADOPTING AND APPROVING THE CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT
A. CAPER) AND AUTHORIZING SUBMISSION OF THE REPORT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

B. PUBLIC HEARING TO CONSIDER CALLING A SPECIAL ELECTION; DECLARING THE RESULTS OF THE ELECTION; AND APPROVING FORMATION AND LEVY OF SPECIAL TAXES FOR CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-002 (EMERALD RIDGE) GENERALLY LOCATED NORTH AND WEST OF AVALON STREET AND EAST OF CANAL STREET

Timothy Jonasson, Senior Manager, Development Services & Economic Development, presented the staff report.

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

Further discussion followed.

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

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to adopt Resolution Nos. 2019-83 and 2019-84, entitled:

A RESOLUTION OF FORMATION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, TO ESTABLISH CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-002 (EMERALD RIDGE), TO ESTABLISH AN APPROPRIATIONS LIMIT THEREFOR, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, AND TO SUBMIT THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS THEREOF; AND

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

Mayor Berkson asked the City Clerk to tabulate the ballots. The City Clerk responded that one owner cast one ballot. All votes cast were in favor of the special taxes.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Michele Goodland, to adopt Resolution No. 2019-85, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ELECTION IN CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-0002 (EMERALD RIDGE) AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN

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

A motion was made by Council Member Lorena Barajas, seconded by Council Member Micheal Goodland, to introduce Ordinance No. 2019-14, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-002 (EMERALD RIDGE) AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN

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

C. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE L) TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY; 42ND STREET AT FORT DRIVE AND TWINING STREET, AND RUBIDOUX BOULEVARD (FLABOB AIRPORT)

George Wentz, Deputy City Manager, presented the staff report. He reported that additional discussion with the owners is necessary for clarification to more fully understand the impact of the tax levy. He recommended that the public hearing be continued to October 3, 2019.
Mayor Berkson opened the public hearing and called for any public comments.

Further discussion followed.

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

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to continue this item to the October 3, 2019 meeting.

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

D. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE 2-D) TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY; EAST OF IBERIA STREET AND WEST OF ETIWANDA AVENUE (SPACE CENTER).

Timothy Jonasson, Senior Manager, Development Services & Economic Development, presented the staff report.

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

Further discussion followed regarding the ownership of streetlights that are within an approved district. Mayor Berkson asked that this information be verified at the next meeting.

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

Mayor Berkson asked the City Clerk to tabulate the ballots. The City Clerk responded that one owner cast one ballot. All votes cast were in favor of the assessment.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Micheal Goodland, to adopt Resolution No. 2019-87, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY (ZONE 2-D); LOCATED EAST OF IBERIA STREET AND WEST OF ETIWANDA AVENUE, TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, CONFIRMING A DIAGRAM AND ASSESSMENT, ORDERING THE IMPROVEMENTS AND THE LEVY AND
COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY FOR FISCAL YEAR 2020-21 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

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

17. COUNCIL BUSINESS

A. APPROVAL OF AGREEMENTS WITH REACH OUT AND THE JURUPA VALLEY CHAMBER OF COMMERCE FOR FY 2019/20 FUNDING

Connie Cardenas, Interim Administrative Services Director, presented the staff report.

Council Member Lorena Barajas requested that each quarterly report be emailed to the City Council.

Betty Anderson asked for clarification as to the budget approval process and the total funding that is being awarded to the Chamber of Commerce.

A motion was made by Council Member Lorena Barajas, seconded by Council Member Micheal Goodland, to approve the Reach Out and Jurupa Valley Chamber of Commerce Agreements for FY 2019/20 funding, and authorize the Mayor to execute the Agreements.

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

B. ADOPTION OF COMMUNITY SERVICE GRANTS FUNDING POLICY

City Attorney Peter Thorson presented the staff report.

Further discussion followed.

Betty Anderson stated that the new policy restricts City donations to non-profits when a current Council Member is a Board member. She asked that the policy also reference when a City staff member works with a non-profit, not knowing how much influence they would have on the non-profit.

Further discussion followed.
Council Member Chris Barajas suggested that the Donation Policy include a cap or a dollar limit threshold.

Following further discussion, Mayor Brian Berkson suggested that Staff bring back recommendations that would apply to City donations. He would like to see specific policy guidance with respect to a financial cap and general rules on how it would be applied.

Mayor Pro Tem Anthony Kelly stated that setting a financial cap would be difficult as there are different types of services or specific projects that warrant additional funding. He would prefer that the City donation policy not include a cap because there should be flexibility when there is a worthy organization or a community program that exceeds the donation limits.

City Attorney Peter Thorson clarified that the Council has already worked into the system a cap which is a budget decision each year. If the Council were to set a cap on the total number of donations and an individual application, the Council could always modify that if there are specific organizations that need to exceed the cap. The policy could be modified to include this language.

Further discussion followed.

Alan Kreimeier, Interim City Manager clarified how the donations have been allotted in the past, noting that some were made through discretionary funding while others were allotted by Council action. The intent of the new policy is to create more clarity. He offered to research what other cities have done to provide some alternatives.

Further discussion followed regarding non-profits and business entities that provide a service to the City.

A motion was made by Council Member Chris Barajas, seconded by Council Member Lorena Barajas, to adopt Resolution No. 2019-88, entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING THE COMMUNITY SERVICE GRANTS POLICY**

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

C. INTRODUCTION OF ORDINANCE AMENDING SECTION 7.15.230 OF CHAPTER 7.15 OF TITLE 7 OF THE JURUPA VALLEY MUNICIPAL CODE TO CLARIFY PROCEDURES FOR APPEALS OF PLANNING DIRECTOR AND PLANNING COMMISSION DECISIONS ON
APPLICATIONS FOR EXTENSIONS OF TIME FOR TENTATIVE MAPS AND TO MAKE CLERICAL REVISIONS CONSISTENT WITH THE SUBDIVISION MAP ACT, AND FINDING THAT THE MODIFICATIONS ARE EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES

City Attorney Peter Thorson presented the staff report.

A motion was made by Council Member Lorena Barajas, seconded by Mayor Brian Berkson, to introduce Ordinance No. 2019-15, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 7.15.230 (“EXPIRATION OF APPROVED TENTATIVE MAPS AND VESTING TENTATIVE MAPS - EXTENSION OF TIME”) OF CHAPTER 7.15 (“TENTATIVE MAPS”) OF TITLE 7 (“SUBDIVISIONS”) OF THE JURUPA VALLEY MUNICIPAL CODE CONCERNING APPEALS OF DECISIONS ON APPLICATIONS FOR EXTENSIONS OF TIME FOR TENTATIVE MAPS, MAKING CLERICAL REVISIONS CONSISTENT WITH THE SUBDIVISION MAP ACT, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

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. ADJOURNMENT

There being no further business before the City Council, Mayor Berkson adjourned the meeting at 9:44 p.m.

The next meeting of the Jurupa Valley City Council will be held October 3, 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: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
BY: CONNIE CARDENAS, INTERIM ADMINISTRATIVE SERVICES DIRECTOR

SUBJECT: AGENDA ITEM NO. 14.B
CHECK REGISTERS

RECOMMENDATION

That the City Council ratify the check registers dated September 12 and 19 as well as the payroll registers dated September 11 and 25, 2019.

The City Council of the City of Jurupa Valley authorizes expenditures through the annual budget process. The FY 2019-20 Budget was adopted on June 6, 2019. 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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Payroll registers:

09/11/19    $ 61,946.40
09/25/19    $ 45,487.84

TOTAL       $ 1,595,994.01

ALTERNATIVES

1. Not ratify the attached check registers.

Prepared by:  Submitted by:

Connie Cardenas         Alan Kreimeier
Interim Administrative Services
Director

Attachments:

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Sub total for CHASE BANK: 1,068,900.34
32 checks in this report.

Grand Total All Checks: 1,068,900.34
# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 09/11/19: $61,946.40**

## TRANSACTION SUMMARY

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<th>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</th>
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<td>2.80</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Liabilities</td>
<td>1,091.21</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EFT FOR 09/11/19</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL EFT</td>
</tr>
</tbody>
</table>

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<table>
<thead>
<tr>
<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/11/19</td>
<td>Refer to your records for account information</td>
<td></td>
<td>Payroll</td>
<td>Employee Deductions</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401A Contributions</td>
<td>1,962.85</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401a EE Pretax</td>
<td>3,356.97</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>457b EE Catch Up</td>
<td>230.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>457b EE Pretax</td>
<td>2,302.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EE Post-Tax Other In</td>
<td>292.81</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EE Pretax FSA</td>
<td>180.77</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EE Pretax Other Ins</td>
<td>138.21</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Med FSA EE Pretax</td>
<td>19.23</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TO-PIA DEN EE PRE</td>
<td>737.07</td>
</tr>
</tbody>
</table>

0079 A790-3990 City Of Jurupa Valley
Run Date 09/09/19 03:12 PM

Period Start - End Date 08/26/19 - 09/07/19
Check Date 09/11/19

Cash Requirements Page 1 of 2
CASHREQ
# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 09/11/19: $61,946.40**

## REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (cont.) - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<table>
<thead>
<tr>
<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/11/19</td>
<td>Payroll</td>
<td>Payroll</td>
<td>Payroll</td>
<td>Employee Deductions (cont.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TO-PIA MED EE PRE</td>
<td>8,605.26</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Deductions</td>
<td>17,808.97</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Other Items</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401a ER</td>
<td>3,757.68</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401a ER Catch Up</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL OTHER ITEMS</td>
<td>3,757.68</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</td>
<td>21,664.65</td>
</tr>
</tbody>
</table>

## PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF - This information serves as a record of payment.

<table>
<thead>
<tr>
<th>DUE DATE</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/18/19</td>
<td>Taxpay®</td>
<td>FED IT PMT Group</td>
<td>10,981.55</td>
</tr>
<tr>
<td>09/18/19</td>
<td>Taxpay®</td>
<td>CA IT PMT Group</td>
<td>4,165.19</td>
</tr>
</tbody>
</table>

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0079 A790-3990 City Of Jurupa Valley
Run Date 09/09/19 03:12 PM
Period Start - End Date 08/25/19 - 09/07/19
Check Date 09/11/19

Cash Requirements Page 2 of 2
CASHREQ
# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 09/25/19: $45,487.84**

## TRANSACTION SUMMARY

<table>
<thead>
<tr>
<th>Transaction Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total EFT Transfer (EFT)</td>
<td>45,487.84</td>
</tr>
<tr>
<td>Cash Required for Negotiable Checks &amp;/or EFT</td>
<td>45,487.84</td>
</tr>
<tr>
<td>Total Manual Checks/Updates</td>
<td>1,762.36</td>
</tr>
<tr>
<td>Cash Required Before Remaining D/W/L</td>
<td>47,250.22</td>
</tr>
<tr>
<td>Total Remaining Deductions/Withholdings/Liabilities</td>
<td>12,026.92</td>
</tr>
<tr>
<td>Cash Required for Check Date 09/25/19</td>
<td>59,279.14</td>
</tr>
</tbody>
</table>

## TRANSACTION DETAIL

**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

<table>
<thead>
<tr>
<th>Trans. Date</th>
<th>Bank Name</th>
<th>Account Number</th>
<th>Product</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/24/19</td>
<td>JPMorgan Chase Bank</td>
<td>xxxxx8176</td>
<td>Direct Deposit</td>
<td>Net Pay Allocations</td>
<td>35,384.36</td>
</tr>
<tr>
<td>09/25/19</td>
<td>JPMorgan Chase Bank</td>
<td>xxxxx8176</td>
<td>Taxpay®</td>
<td>Employee Withholdings</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Medicare</td>
<td>788.79</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Fed Income Tax</td>
<td>5,894.13</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CA Income Tax</td>
<td>2,026.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CA Disability</td>
<td>543.97</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Total Withholdings</strong></td>
<td>9,253.09</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Employer Liabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Medicare</td>
<td>788.78</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CA Unemployment</td>
<td>59.68</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>CA Emp Train</strong></td>
<td>1.93</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Total Liabilities</strong></td>
<td>850.39</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>EFT for 09/24/19</strong></td>
<td>35,384.36</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>EFT for 09/25/19</strong></td>
<td>10,103.48</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Total EFT</strong></td>
<td>45,487.84</td>
</tr>
</tbody>
</table>

**MANUAL CHECKS/UPDATES** - These amounts are for previously calculated checks that were issued by you. You may have already deducted these funds from your account.

<table>
<thead>
<tr>
<th>Trans. Date</th>
<th>Bank Name</th>
<th>Account Number</th>
<th>Product</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/25/19</td>
<td>Refer to your records for account information</td>
<td></td>
<td>Payroll</td>
<td>Check Amounts</td>
<td>1,762.38</td>
</tr>
</tbody>
</table>

**Total Manual Checks/Updates** | **1,762.38**

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Cash Requirements Page 1 of 2

City Of Jurupa Valley
Run Date 09/23/19 12:12 PM
Period Start - End Date 09/08/19 - 09/21/19
Check Date 09/25/19
# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 09/25/19: $45,487.84**

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES -** Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<table>
<thead>
<tr>
<th>TRANS, DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/25/19</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Employee Deductions</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401A Contributions</td>
<td>1,962.85</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401a EE Pretax</td>
<td>3,412.53</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>457b EE Catch Up</td>
<td>230.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>457b EE Pretax</td>
<td>2,392.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EE Pretax FSA</td>
<td>180.77</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Med FSA EE Pretax</td>
<td>19.23</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Deductions</td>
<td>8,198.38</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Other Items</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401a ER</td>
<td>3,830.54</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>401a ER Catch Up</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL OTHER ITEMS</td>
<td>3,830.54</td>
</tr>
</tbody>
</table>

**TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** 12,028.82

**PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF -** This information serves as a record of payment.

<table>
<thead>
<tr>
<th>DUE DATE</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10/02/19</td>
<td>Taxpay®</td>
<td>FED IT PMT Group</td>
<td>7,471.70</td>
</tr>
<tr>
<td>10/02/19</td>
<td>Taxpay®</td>
<td>CA IT PMT Group</td>
<td>2,570.17</td>
</tr>
</tbody>
</table>

---

City Of Jurupa Valley
Run Date 09/23/19 12:12 PM
Period Start - End Date 09/08/19 - 09/21/19
Cash Requirements 09/25/19
ORDINANCE NO 2019-14

AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN

RECITALS:

WHEREAS, the City Council of the City of Jurupa Valley (the “City Council”), has previously adopted Resolution No. 2019-70 entitled “A Resolution of Intention of the City Council of the City of Jurupa Valley, California, to Establish City of Jurupa Valley Community Facilities District No. 2019-002 (Emerald Ridge) and to Authorize the Levy of a Special Tax within City of Jurupa Valley Community Facilities District No. 2019-002 (Emerald Ridge)” (the “Resolution of Intention”), stating its intention to conduct proceedings to form City of Jurupa Valley Community Facilities District No. 2019-002 (Emerald Ridge) (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”) to finance certain services (the “Services”) including incidental expenses, to serve the CFD; and

WHEREAS, the Resolution of Intention set September 19, 2019, at 7:00 p.m., or as soon thereafter as practical, as the date of a public hearing on all matters pertaining to the formation of the CFD, the extent of the CFD, the furnishing of Services to serve the CFD, and the proposed rate and method of apportionment of the special tax within the CFD (the “Rate and Method”); and

WHEREAS, a notice of public hearing was published and mailed to all landowners proposed to be included in the CFD in accordance with the Act; and

WHEREAS, at the public hearing, evidence was presented to the City Council on such matters before it, including a special report (the “Report”) describing the services necessary to adequately meet the needs of the CFD and the estimated costs of financing such Services as required by Section 53321.5 of the Act; and

WHEREAS, at the public hearing, all persons desiring to be heard on all matters pertaining to the formation of the CFD, the extent of the CFD, the furnishing of Services to serve the CFD, and the Rate and Method were heard and a full and fair hearing was held; and

WHEREAS, subsequent to the public hearing, the City Council adopted a resolution entitled “Resolution of Formation of the City Council of the City of Jurupa Valley to Establish City of Jurupa Valley Community Facilities District No. 2019-002 (Emerald Ridge), to Establish an Appropriations Limit therefor, to Authorize the Levy of a Special Tax therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors thereof” (the “Resolution of Formation”) which established the CFD and authorized the levy of a special tax within the CFD; and
WHEREAS, subsequent to the public hearing, the City Council also adopted a resolution entitled “Resolution of the City Council of the City of Jurupa Valley Calling a Special Election and Submitting to the Qualified Electors of City of Jurupa Valley Community Facilities District No. 2019-002 (Emerald Ridge) Propositions Regarding the Establishment of an Appropriations Limit and the Annual Levy of a Special Tax Within the Community Facilities District” (the “Resolution Calling Election”) which called a special election of the qualified electors within the CFD; and

WHEREAS, pursuant to the terms of the Resolution Calling Election, an election was held in which qualified electors of the CFD approved the establishment of an appropriations limit for the CFD and the levy of a special tax (the “Special Tax”) within the CFD; and

WHEREAS, on September 19, 2019, the City Council adopted a resolution entitled “Resolution of the City Council of the City of Jurupa Valley Declaring the Results of a Special Election in the City of Jurupa Valley Community Facilities District No. 2019-002 (Emerald Ridge) and Directing the Recording of a Notice of Special Tax Lien” (the “Resolution Declaring Results of Election”) which certified the results of the September 19, 2019 election conducted by the City Clerk, which results showed that more than two-thirds of the votes cast in the CFD were in favor of the proposition to levy the Special Tax and the proposition to establish an appropriations limit for the CFD;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

1. Recitals. The above recitals are all true and correct.

2. Authorization of the Levy of a Special Tax. By the passage of this Ordinance, the City Council authorizes the levy of the Special Tax in the CFD in accordance with the Rate and Method set forth in the Exhibit “B” to the Resolution of Formation, which is on file in the office of the City Clerk and incorporated by reference herein.

3. Annual Rate Determination. The City Council is hereby further authorized to determine on or before August 10 each year, or such other date as is established by law or by the County Auditor-Controller of the County of Riverside, the specific Special Tax to be levied on each parcel of land in the CFD, except that special taxes to be levied shall not exceed the maximum rates set forth in the Rate and Method, but the special tax may be levied at a lower rate.

4. Exempt Property. Except as provided in Section 53340.1 of the Act and except for properties that a local agency is a landowner of within the meaning of subdivision (f) of Section 53317 of the Act, pursuant to Section 53340 of the Act, properties of entities of the state, federal and local governments shall be exempt from the levy of the Special Tax.
Reference is hereby made to the Rate and Method for a description of other properties or entities that are expressly exempted from the levy of the Special Tax.

5. **Use of Collections.** All of the collections of the Special Tax shall be used only as provided by the Act and in the Resolution of Formation. The Special Tax shall be levied only so long as needed for the purposes as described in the Resolution of Formation.

6. **Collection.** The Special tax shall be collected in the same manner as ordinary ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien in any case of delinquency as applicable for ad valorem property taxes; provided, however, that the Special Tax may be collected by direct billing by the City of the property owners in the CFD or in such other manner as may be provided by the City Council. In addition, the provisions of Section 53356.1 of the Act shall apply to any delinquent Special Tax payments.

7. **Authorization.** The specific authorization for adoption of the Ordinance is Section 53340 of the Act.

8. **Severability.** If for any reason any portion of the Ordinance is found to be invalid, or if the Special Tax is found inapplicable for any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this Ordinance, and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

9. **Certification.** The City Clerk shall certify the passage of this Ordinance and cause it to be published or posted in accordance with law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this 3rd day of October, 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. 2019-14 was regularly introduced at a regular meeting of the City Council held on the 19th day of September, 2019 and thereafter at a regular meeting held on the 3rd day of October, 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 3rd day of October, 2019.

________________________________
Victoria Wasko, CMC
City Clerk
ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, AMENDING SECTION 7.15.230 (“EXPIRATION OF APPROVED TENTATIVE MAPS AND VESTING TENTATIVE MAPS - EXTENSION OF TIME”) OF CHAPTER 7.15 (“TENTATIVE MAPS”) OF TITLE 7 (“SUBDIVISIONS”) OF THE JURUPA VALLEY MUNICIPAL CODE CONCERNING APPEALS OF DECISIONS ON APPLICATIONS FOR EXTENSIONS OF TIME FOR TENTATIVE MAPS, MAKING CLERICAL REVISIONS CONSISTENT WITH THE SUBDIVISION MAP ACT, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

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) City staff initiated an amendment to Section 7.15.230 (“Expiration of Approved Tentative Maps and Vesting Tentative Maps—Extension of Time”) of Chapter 7.15 (“Tentative Maps”) of Title 7 (“Subdivisions”) of the Jurupa Valley Municipal Code, concerning appeals of decisions on tentative maps and clerical revisions consistent with the Subdivision Map Act (Cal. Gov. Code, § 66410 et seq.) (collectively, the “Code Amendment”).

(b) On September 19, 2019, the City Council of the City of Jurupa Valley held a duly noticed public meeting on the proposed Code Amendment, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the City Council on these matters. Following the receipt of public comments, the City Council duly considered the written and oral testimony received.

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

Section 2. CEQA Finding. The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Code Amendment, amending appeal procedures for decisions on applications for extensions of time for tentative maps and making clerical revisions consistent with the Subdivision Map Act, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as appeal applications are submitted to the City. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA exemption, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is exempt from the requirements of the California
Environmental Quality Act ("CEQA") and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

Section 3. Amendment to Section 7.15.230., Expiration of Approved Tentative Maps and Vesting Tentative Maps—Extension of Time. Section 7.15.230., Expiration of Approved Tentative Maps and Vesting Tentative Maps—Extension of Time, of Chapter 7.15, Tentative Maps, of Title 7, Subdivisions, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 7.15.230. - Expiration of approved tentative maps and vesting tentative maps—Extension of time.

A. Tentative tract maps. An approved or conditionally approved tentative tract map shall expire thirty-six (36) months after such approval unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the land divider may apply in writing for an extension of time. Each application shall be made to the Planning Director thirty (30) days prior to the expiration date of the tentative map and shall be accompanied by the fee set forth in Chapter 3.65 or resolution of the City Council Ordinance No. 671. The Planning Director shall forward to the Advisory Agency a recommendation for approval or denial of the application. The Advisory Agency may extend the date on which the map expires for one (1) year and, on further application before expiration thereof, may further extend it for a second year and on further application before expiration thereof, may further extend it for a third year, and on further application before expiration thereof, may further extend it for a fourth year, and on further application before expiration thereof, may further extend it for a fifth year, and on further application before expiration thereof, may further extend it for a sixth year. The decision of the Advisory Agency shall be forwarded to the Clerk of the Board of Supervisors. The decision of the Advisory Agency shall be final unless the decision is appealed pursuant to the provisions of Section 7.15.150 to the Board. Any appeal must be filed with the Clerk of the Board of Supervisors accompanied by the fee set forth in Ordinance No. 671 within ten (10) days of the date the notice of decision appears on the Board's agenda.

B. Tentative parcel maps. An approved or conditionally approved tentative parcel map shall expire thirty-six (36) months after such approval unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the land divider may apply in writing for an extension of time. Each application shall be made to the Planning Director thirty (30) days prior to the expiration date of the tentative map and shall be accompanied by the fee set forth in Chapter 3.65 or resolution of the City Council Ordinance No. 671.

(1) For schedule “F”, “G”, “H” and “I” maps, the Planning Director is the Advisory Agency and may extend the date on which the map expires for one (1) year and, on further application thereof, may further extend it for a second year, and on further application thereof may extend it for a third year, and on further application before expiration thereof, may further extend it for a fourth year,
and on further application before expiration thereof, may further extend it for a fifth year, and on further application before expiration thereof, may further extend it for a sixth year. The Planning Director shall report its action directly to the land divider and the Board of Supervisors. The decision of the Planning Director shall be final unless the decision is appealed pursuant to the provisions of Section 7.15.150. For purposes of this subsection B.(1), references in Sections 7.15.150, 9.05.100, and 9.05.110 to “Planning Commission” shall mean the “Planning Director,” the “City Council” shall mean the “Planning Commission, and the “City Clerk” shall mean the “Planning Secretary.” If the Planning Director denies the request for an extension, the applicant may appeal that decision to the Advisory Agency which has jurisdiction on the land division within ten (10) days following the date the notice of decision appears on the Board's agenda by filing an appeal with the Planning Department accompanied by the fee set forth in Ordinance No. 671.

(2) For schedule “E” maps, the Planning Director shall forward to the Advisory Agency a recommendation of approval or denial of the application. The Advisory Agency may extend the date on which the map expires for one (1) year and, on further application thereof, may further extend it for a second year, and on further application thereof may further extend it for a third year, and on further application before expiration thereof, may further extend it for a fourth year, and on further application before expiration thereof, may further extend it for a fifth year, and on further application before expiration thereof, may further extend it for a sixth year. The decision of the Advisory Agency shall be forwarded to the Clerk of the Board of Supervisors. The decision of the Advisory Agency shall be final unless the decision is appealed pursuant to the provisions of Section 7.15.150 to the Board. Any appeal must be filed with the Clerk of the Board of Supervisors accompanied by the fee set forth in Ordinance No. 671 within ten (10) days of the date the notice of decision appears on the Board’s agenda.

C. An extension of time shall not be granted unless the land division conforms to the Comprehensive General Plan, is consistent with existing zoning, and does not adversely affect the general health, safety, and welfare of the public.

D. Vesting tentative maps. A vesting tentative map shall be subject to the same expiration and extension of time provisions as a tentative map; provided, however, that on recordation of a final map, the rights conferred on a vesting tentative map shall last for one (1) year. Whenever several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year initial time period shall begin for each phase when the final map for that phase is recorded. The one-year initial time period shall be automatically extended by any time used for processing a complete application for a grading permit if the time used to process the application exceeds thirty (30) days from the date that a complete application is filed. Prior to the expiration of the initial time period, the subdivider may apply in writing to the Advisory Agency for a one-year extension, accompanied by the fee set forth in Chapter 3.65 or resolution of the City
Council Ordinance No. 671. If the extension is denied, an appeal may be filed with the City Council Board of Supervisors pursuant to the provisions of Section 7.15.150 within fifteen (15) days of the date the notice of decision appears on the Board's agenda. When the subdivider submits a complete application for a building permit during the period of time specified in this section, the vested rights shall continue until the building permit, or any extension thereto, expires.

E. If the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) one hundred twenty-five thousand dollars ($125,000) or more to construct, improve or finance the construction or improvement of public improvements outside the property boundaries of the tentative map and division, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by subsection 7.15.220.A.(1) shall extend the expiration of the approved or conditionally approved land division map by thirty-six (36) months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the land division more than ten (10) years from its approval or conditional approval. However, pursuant to the provisions of Government Code Section 66452.6, a tentative map on property subject to a development agreement authorized by Government Code Section 65864 et seq. may be extended for the period of time provided for in the development agreement, but not beyond the duration of the development agreement. The number of phased final maps which may be filed shall be determined by the Advisory Agency at either the time of the approval or conditional approval of the tentative map and division or pursuant to subsection 7.15.220.A.(1).

Commencing January 1, 2012, the amount of the two hundred thirty-six thousand seven hundred ninety dollars ($236,790) one hundred twenty-five thousand dollars ($125,000) shall be annually increased by operation of law the Registrar of Contractors according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1 by the Registrar of Contractors shall be effective on the first day of the month occurring more than thirty (30) calendar days after the Registrar of Contractors made that adjustment. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

F. Extensions of time for maps affected by moratoriums and lawsuits. The period of time specified in subsections A. and B., including any extension thereof granted pursuant to subsections A. and B., shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence; provided, however, that the length of the moratorium shall not exceed five (5) years. Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than one hundred twenty (120) days, the map shall be valid for one hundred twenty (120)
days following the termination of said moratorium. A development moratorium shall include a water or sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provisions of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, other than the county which thereafter prevents, prohibits, or delays the approval of a final or a parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city could not be satisfied because of either of the circumstances set forth in Government Code Section 66452.6(f)(1)-(2).

G. Extensions of time for maps affected by lawsuits. The period of time specified in subsections A. and B., including any extension thereof granted pursuant to subsections A. and B., shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the Advisory Agency pursuant to this subsection G. After service of the initial petition or complaint in the lawsuit upon the city, the subdivider may apply to the Planning Department for a stay pursuant to this subsection G.

(1) Applications for a stay shall be made to the Planning Director on the forms provided by the Planning Department and shall be accompanied by the filing fee set forth in Chapter 3.65 or resolution of the City Council Ordinance No. 674 and shall include such information and documents as may be required by the Planning Director. The Planning Director shall forward to the Advisory Agency a recommendation for approval or denial of the request for a stay. The Advisory Agency shall act on the requested stay within forty (40) days after the application is received by the Planning Director, and shall either stay the time period for up to five years or deny the requested stay. The decision of the Advisory Agency shall be forwarded to the Clerk of the Board of Supervisors. The decision of the Advisory Agency shall be final unless the decision is appealed to the City Council Board pursuant to the provisions of Section 7.15.150. Any appeal must be filed with the Clerk of the Board of Supervisors accompanied by the fee set forth in Ordinance No. 671 within ten (10) days of the date the notice of decision appears on the Board’s agenda.”

Section 4. 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 5. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.
Section 6. **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 7. **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 3rd day of October, 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. 2019-15 was regularly introduced at a regular meeting of the City Council held on the 19th day of September, 2019 and thereafter at a regular meeting held on the 3rd day of October, 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 3rd day of October, 2019.

______________________________
Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
      STEVE LORISO, P.E. CITY ENGINEER/DIRECTOR OF PUBLIC WORKS

SUBJECT: AGENDA ITEM NO. 14.E

AGREEMENT WITH PICTOMETRY INTERNATIONAL CORP. FOR AERIAL IMAGERY SERVICES

RECOMMENDATION

1) That the City Council approve the Agreement by and between the City of Jurupa Valley and Pictometry International Corp.; and

2) Authorize the City Manager to execute the Agreement in substantially the form attached and in such final form as approved by the City Attorney.

BACKGROUND

On September 7, 2017, the City of Jurupa Valley adopted its General Plan. It requires that a Master Plan of Streets and Trails (MPST) be created to more precisely define street type, right-of-way widths, designs, locations, character and facilities for all of the City’s streets. In addition to the requirements of the General Plan, there are a number of other areas the MPST will address such as the Congestion Management Plan, proportionality in entitlement dedications and capital improvement from development impact fees.

In order to begin the process of the MPST and “right-size” the conventional roadway cross sections updated aerial imagery of the entire City must be obtained.

ANALYSIS

City staff reached out to Eagleview, the parent company of Pictometry and the aerial imagery provider for the City’s former Geographic Information System (GIS) service provider, for a quote to provide new aerial imagery. The quote not only includes updated aerial imagery to be flown, but also provides access to all available historical imagery flown in the City. Both the new and historical imagery will be available to access via an online portal that can be linked to the City’s GIS system and shared with the public. The
imagery is both top down orthogonal as well as oblique imagery. An added benefit is access to the Rapid Access Disaster Response Program. Eagleview can provide imagery for up to 200 square miles upon the occurrence of a natural disaster.

This imagery is needed as part of the MPST in order to have clear and distinct imagery when trying to “right-size” street cross sections. The conventional roadway cross sections will be applied via GIS including right of way width, raised landscaped medians, trails, bikeways, bike lanes and parkways for expressway and arterials, all related to the aerial image base map. While these cross sections would be ideal, they will be adjusted on a street by street basis to accommodate differing existing right-of-way widths, building locations and utility facilities that would make it economically infeasible to construct the street section as proposed in the General Plan. Without updated and clear imagery this task would not be possible.

FINANCIAL IMPACT

A fee of $34,575 was negotiated for the imagery services and determined to be fair and reasonable.

The FY 2019-2020 CIP has sufficient budget for award of this contract through the Master Plan of Streets and Trail, CIP Project No. 19110. The source of funds is Development Impact Fees (DIF).

No General Fund monies are required to fulfill the obligation of this agreement.

ALTERNATIVES

1. Do not approve agreement as recommended.
2. Provide alternate direction to staff.

************************** SIGNATURES ON FOLLOWING PAGE **************************
Prepared by:  

Chase Keys, P.E.  
CIP Manager

Reviewed by:  

Steve Loriso, P.E.  
City Engineer/Director of Public Works

Reviewed by:  

Connie Cardenas  
Interim Director of Administrative Services

Submitted by:  

George A. Wentz  
Deputy City Manager

Approved as to form:  

Peter Thorson  
City Attorney

Submitted by:  

Alan Kreimeier  
Interim City Manager

Attachments:

A. Agreement by and between the City of Jurupa Valley and Pictometry International Corp.
ATTACHMENT A

“Agreement by and between the City of Jurupa Valley and Pictometry International Corp.”
Template Revised: March 20, 2014

AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND PICTOMETRY INTERNATIONAL CORP.

THIS AGREEMENT ("Agreement") is made and effective as of October 3, 2019, between the City of Jurupa Valley, a municipal corporation ("City") and Pictometry International Corp., a Delaware Corporation ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **Term**

   The initial term of this Agreement is two (2) years, commencing on October 3, 2019, unless sooner terminated pursuant to the provisions of this Agreement.

2. **Services**

   Consultant shall perform the services and tasks, and provide the products, described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full (collectively, "Services" or "sometime herein"). Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A.

   Use of the deliverables set forth in the Scope of Services ("Exhibit A") are subject to the "Pictometry Delivered Content Terms and Conditions of Use", "General Terms and Conditions, Pictometry Web Visualization Offering Terms and Conditions", and the Pictometry Software License Agreement, set forth in Exhibit B, respectively (collectively, "Pictometry Licenses"). However, nothing in any of the Pictometry License documents contained in Exhibit B, shall supersede, preempt, or amend any express provision of this Agreement. In the event of any conflict or inconsistency between this Agreement and the Pictometry Licenses, the order of precedence for resolving such conflict shall be, from highest (i.e., supersedes all others) to lowest (i.e., subordinate to all others): This Agreement; then the Scope of Services (Exhibit A); then the Pictometry Licenses (Exhibit B) in the order that the documents comprising the Pictometry Licenses are attached. Only non-conflicting provisions of the Scope of Services and/or Pictometry Licenses shall be applicable to this Agreement. No documents, policies, or terms and conditions referenced, but not expressly set forth in any of the Pictometry License documents, whether available online or otherwise, shall be deemed to be part of this Agreement. Any limitations of liability contained in any of the Pictometry License documents shall not apply to indemnity and insurance obligations contained in Sections 9 and 10 of this Agreement.

   Ownership and Use of Pictometry Products. City acknowledges and agrees that except as expressly set forth herein, any and all Products described in the Scope of Services, Exhibit A, owned or licensed for use by the City by Pictometry, are licensed and not sold to the City. City agrees to use the Pictometry Products in conformance with Section 2 "Grant of Rights; Restrictions on Use; Ownership" set forth in the "Pictometry Delivered Content Terms and Conditions."
3. **Performance**

Consultant shall at all time faithfully, competently and to the best of its, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. **Payment**

The City agrees to cause Consultant to be paid, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit A. This amount shall not exceed thirty four thousand five hundred and seventy five dollars ($34,575.00) for the total term of the Agreement unless additional payment is approved as provided in this Agreement.

A. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Council.

B. Consultant shall submit invoices for actual products or services delivered. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees it shall give written notice to Consultant: within 30 days of receipt of an invoice of any disputed fees set forth on the invoice.

5. **Suspension or Termination of Agreement Without Cause**

The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the Consultant at least thirty (30) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

A. In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed and documented costs incurred up to the time of termination. At no time shall the City pay for loss of anticipated profits. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City pursuant to Section 4 for any documented, but unpaid, Services received up to the date of the notice of termination.

6. **Default Of Consultant**

A. The Consultant's failure to comply with any of the provisions of this Agreement shall constitute a default. In the event that Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the
performance of work hereunder arises out of causes beyond the Consultant’s control, and without fault or negligence of the Consultant, it shall not be considered a default.

B. If the City Manager or designee determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he or she shall serve the Consultant with written notice of the default. The Consultant shall have (30) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

C. Force Majeure. Except as expressly provided in this Agreement, neither the City nor Consultant shall be deemed to be in default hereunder if either party is prevented from performing any of the obligations, other than payment of rentals, fees and charges hereunder, by reason of strikes, boycotts, labor disputes, embargoes, shortages of energy or materials, acts of the public enemy, weather conditions and the results of acts of nature, riots, rebellion, sabotage, or any other circumstances for which it is not responsible or which are not within its control.

7. **Prevailing Wages**

8. **Records Required.**

Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of City or its designees at reasonable times to such books and records, shall give City the right to examine and audit said books and records, shall permit City to make transcripts there from as necessary, and shall allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of two (2) years after receipt of final payment.

9. **Indemnification**

In connection with any and all claims, demands, direct damages, liabilities, losses, costs or expenses, including attorneys’ fees and costs of defense (collectively, “Damages” hereinafter), but subject to the limitations of Section 2 of this Agreement, and to the maximum extent permitted by law, Consultant shall defend, hold harmless and indemnify the City, its elected officials, officers, employees, designated volunteers and those City agents serving as independent contractors in the role City officials (collectively “Indemnitees”) with respect to any and all claims, demands, liabilities, losses, costs or expenses, including reimbursement of reasonable attorney fees and costs of defense (“Claims”), resulting from death or injury to any
person and/or injury to any property, which arises out of, pertains to, or relates to acts or
omissions of Consultant or any of its officers, employees, subcontractors, or agents in the
performance of this Agreement, except to the extent such loss or damage arises from the
negligence or willful misconduct of any of the Indemnitees, as determined by final arbitration or
court decision or by the agreement of the parties. Consultant shall defend Indemnitees in any
action or actions filed in connection with any such claims, and shall pay all costs and expenses,
including all attorneys’ fees and experts’ costs actually incurred in connection with such defense.
Consultant’s duty to defend pursuant to this Section 9 shall apply independent of any prior,
concurrent or subsequent misconduct, negligent acts, errors or omissions or Indemnitees.

Consultant shall further defend, indemnify and hold the Indemnitees harmless with respect to any
Claims alleging that City’s use of any of the Services including any Pictometry product,
infringes any intellectual property or proprietary right. In the event the City is enjoined from:
using or receiving any of the Services, Consultant shall (i) obtain at Consultant’s cost, a license
allowing the City to continue using all affected Services; or (ii) provide alternative Services
having substantially similar functionality, and satisfactory to City; or (iii) provide City with a
pro-rata refund of all amounts paid, proportionate to the remaining months of the current annual
term.

10. **Insurance Requirements**

A. Consultant shall procure and maintain for the duration of the Agreement
insurance against claims for injuries to persons or damages to property, which may arise from or
in connection with the performance of the work hereunder by the Consultant, its agents,
representatives, or employees.

1) **Minimum Scope of Insurance.** Coverage shall be at least as broad
as:

a) Insurance Services Office Commercial General Liability
form No. CG 00 01 11 85 or 88.

b) Insurance Services Office Business Auto Coverage form
CA 00 01 06 92 covering Automobile Liability, code 1 (any auto). If the Consultant owns no
automobiles, a non-owned auto endorsement to the General Liability policy described above is
acceptable.

c) Worker’s Compensation insurance as required by the State
of California and Employer’s Liability Insurance. If the Consultant has no employees while
performing under this Agreement, worker’s compensation insurance is not required, but
Consultant shall execute a declaration that it has no employees.

2) **Minimum Limits of Insurance.** Consultant shall maintain limits no
less than:

a) General Liability: One million dollars ($1,000,000) per
occurrence for bodily injury, personal injury and property damage. If Commercial General
Liability Insurance or other form with a general aggregate limit is used, either the general
aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

b) Automobile Liability: One million dollars ($1,000,000) per accident for bodily injury and property damage.

c) Worker’s Compensation as required by the State of California; Employer’s Liability: One million dollars ($1,000,000) per accident for bodily injury or disease.

3) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions shall not exceed $25,000 unless otherwise approved in writing by the City Manager in his sole discretion.

B. Other Insurance Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1) The City, its elected officials, officers, employees, designate volunteers and those City agents serving as independent contractors in the role City officials shall be named as “Additional Insureds” as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the Additional Insureds. The policies shall be endorsed to waive the right of subrogation. Consultant waives all rights of subrogation.

2) For any claims related to this project, the Consultant’s insurance coverage shall be primary insurance as respects the Additional Insureds. Any insurance or self-insured maintained by the Additional Insureds shall be excess of the Consultant’s insurance and shall not contribute with it.

3) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Additional Insureds.

4) The Consultant’s insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability.

5) Each insurance policy required by this clause shall be endorsed to state that the insurer shall endeavor to provide thirty (30) days’ prior written notice, by certified mail, return receipt requested, to the City prior to any action to suspend, void, cancel or otherwise reduce in coverage or in limits.

6) Within one (1) business day following receipt by Consultant of any notice correspondence or notice, written or oral, of an action or proposed action to suspend, void, cancel or otherwise reduce in coverage or in limits of the required insurance, Consultant shall notify City of such action or proposed action.
C. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the City. Self-insurance shall not be considered to comply with these insurance requirements.

D. Verification of Coverage. Consultant shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. The endorsements are to be on forms provided by the City. All endorsements are to be received and approved by the City before work commences. As an alternative to the City's forms, the Consultant's insurer may provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

E. Modifications. City Manager may, with the consent of the City Attorney, waive the provisions of this paragraph or provided for other forms of insurance as may be necessary to enable the City to receive adequate insurance protection as contemplated in this section.

11. Independent Contractor

A. Consultant is and shall at all times remain as to the City a wholly independent contractor. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, agents, or volunteers shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation or liability whatever against City, or bind City in any manner.

B. No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

12. Legal Responsibilities

The Consultant shall keep itself informed of all local, State and Federal statutes, laws and regulations which in any manner affect those employed by it or in any way affect the performance of the Services pursuant to this Agreement. The Consultant shall at all times observe and comply with all such statutes, laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this section.
13. **Confidentiality: Release Of Information**

   A. All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City’s prior written authorization, except as required by law.

   B. Consultant, its officers, employees, agents or subcontractors, shall not without written authorization from the City Manager or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered “voluntary” provided Consultant gives City notice of such court order or subpoena promptly upon receipt.

   C. The foregoing 13 A. & B shall not apply to the deliverables provided under this Agreement.

14. **Assignment and Subcontracting**

   The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. City consents to the use of the subcontractors described in Exhibit A to this Agreement, if any, provided the costs of such subcontractors shall be borne by the Consultant and shall be included in the costs described in Paragraph 4 of this Agreement. For the purposes of this Agreement, any merger, consolidation, spin-off, acquisition or change-in-control will not be deemed an assignment.

15. **General Provisions**

   A. **Notices**

   Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by Notice. Notice shall be effective upon delivery to the addresses specified below or on the third business day following deposit with the document delivery service or United States Mail as provided above.

   To City: City of Jurupa Valley  
              8930 Limonite Avenue  
              Jurupa Valley, CA 92509  
              Attention: City Manager

   To Consultant: Pictometry International Corp.  
                      25 Methodist Hill Drive  
                      Rochester, New York 14625  
                      Attention: Legal Dept.
B. **Licenses.** At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the Services described in this Agreement.

C. **Governing Law; Venue**

1) The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement.

2) Any litigation concerning this Agreement shall take place in the Superior Court of the County of Riverside, or federal district court with geographic jurisdiction over the City of Jurupa Valley. In the event such litigation is filed by one party against the other to enforce its rights under this Agreement, the prevailing party, as determined by the Court’s judgment, shall be entitled to reasonable attorney fees and litigation expenses for the relief granted.

D. **Prohibited Interest.** No officer, or employee of the City of Jurupa Valley who has participated in the development of this Agreement or its administration shall have any financial interest, direct or indirect, in this Agreement, the proceeds thereof, the Consultant, or Consultant’s subcontractors, during his/her tenure or for one year thereafter. The Consultant hereby warrants and represents to the City that no official, officer or employee of the City of Jurupa Valley has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, or in the business of the Consultant or Consultant’s subcontractors with respect to the Services or otherwise. Consultant further agrees to notify the City in the event any such interest is discovered whether or not such interest is prohibited by law or this Agreement.

E. **Entire Agreement.** This Agreement, together with Exhibits A and B which are incorporated by reference herein, contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party’s own independent investigation of any and all facts such party deems material.

F. **Authority To Execute This Agreement.** The person or persons executing this Agreement on behalf of Consultant warrants and represents that he or she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF JURUPA VALLEY

___________________________
Alan Kreimeler
Interim City Manager

ATTEST:

___________________________
Victoria Wasko, CMC
City Clerk

APPROVED AS TO FORM

___________________________
Peter M. Thorson
City Attorney

PICTOMETRY INTERNATIONAL CORP.

By: ______________________
   Name: ____________________
   Title: _____________________

By: ______________________
   Name: ____________________
   Title: _____________________

[SIGNATURES OF TWO CORPORATE OFFICERS OR CORPORATE AUTHORITY RESOLUTION REQUIRED]
## EXHIBIT A

### SCOPE OF SERVICES

<table>
<thead>
<tr>
<th>Bill To</th>
<th>Ship To</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Jurupa Valley</td>
<td>City of Jurupa Valley</td>
</tr>
<tr>
<td>Chase Keys, CIP Manager</td>
<td>Chase Keys, CIP Manager</td>
</tr>
<tr>
<td>8930 Limonite Ave.</td>
<td>8930 Limonite Ave.</td>
</tr>
<tr>
<td>Jurupa Valley, CA 92509</td>
<td>Jurupa Valley, CA 92509</td>
</tr>
<tr>
<td>951-3325-6464</td>
<td>951-3325-6464</td>
</tr>
<tr>
<td><a href="mailto:ckeys@jurupavalley.org">ckeys@jurupavalley.org</a></td>
<td><a href="mailto:ckeys@jurupavalley.org">ckeys@jurupavalley.org</a></td>
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<table>
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<tr>
<th>Customer ID</th>
<th>Sales Rep</th>
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<tbody>
<tr>
<td>A365834</td>
<td>bgarcia</td>
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<tr>
<th>Qty</th>
<th>Product Name</th>
<th>Product Description</th>
<th>List Price</th>
<th>Discount Price (%)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>IMAGERY - NEIGHBORHOOD - 4-way (N5) (3in) Per Sector</td>
<td>Product includes: 3-inch GSD oblique frame images (4-way), 3-inch GSD orthogonal frame images, 1-meter GSD ortho mosaic sector tiles and one area-wide 1-meter GSD mosaic (ECW format). Orthogonal GSD: 0.25 feet/pixel; Nominal Oblique GSD (all values +/- 10%): Front Line: 0.24 feet/pixel, Middle Line: 0.28 feet/pixel, Back Line: 0.34 feet/pixel. Applicable Terms and Conditions: Delivered Content Terms and Conditions of Use</td>
<td>$450.00</td>
<td>$26,100.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>CONNECT Gov 50 Package</td>
<td>CONNECT Gov 50 Package provides Customer with access to and use of Pictometry Connect - CA - 50, Pictometry Connect View - CA, and CONNECT ImageService CA as described elsewhere in this Agreement. Applicable Terms and Conditions: Online Services General Terms and Conditions; Software License Agreement</td>
<td>$3,500.00</td>
<td>$7,000.00</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Tiles - Standard (3in GSD; JPG format) Per Sector</td>
<td>Available with corresponding 3&quot; GSD imagery purchase. 3-inch GSD Mosaic Tiles in JPG Format. Tiles are provided &quot;as is.&quot; Refer to Product Parameters for additional details. Applicable Terms and Conditions: Delivered Content Terms and Conditions of Use</td>
<td>$20.00</td>
<td>$1,160.00</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Media Drive Capacity 931G - Drive Model 1T - EXTPower</td>
<td>External USB 2.0 / eSATA Externally Powered. Delivery media prices include copying a complete image library onto media. Sub-warehousing sold separately. Applicable Terms and Conditions: Order Form</td>
<td>$199.00</td>
<td>$199.00</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Mosaic - Area Wide (3in GSD; MrSID format; individual) Per Sector</td>
<td>Available with purchase of corresponding tile product. New processing or re-processing to MrSID of individual tiles of 3-inch GSD imagery. Tiles are provided &quot;as is.&quot; Refer to Product Parameters for additional details. Applicable Terms and Conditions: Delivered Content Terms and Conditions of Use</td>
<td>$2.00</td>
<td>$116.00</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Integrated Pictometry Application</td>
<td>Integrated Pictometry Applications are web based technologies that allow a developer to embed a web instance into a product/application that connects to a customers Licensed Pictometry-hosted imagery. Currently supports JavaScript / JFrame applications for both Visualization (External or Public Facing) use and/or Analytics (Internal with Measurement Tools)</td>
<td>$1,990.00</td>
<td>$0.00 (100%)</td>
<td>$0.00</td>
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-10-
<table>
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<th>Product Name</th>
<th>Product Description</th>
<th>List Price</th>
<th>Discount Price (%)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RapidAccess - Disaster Response Program</td>
<td>RapidAccess - Disaster Response Program is an emergency response program offering flights after an emergency or disaster. Refer to the attached detailed description of the Disaster Response Program. Applicable Terms and Conditions: Online Services General Terms and Conditions, Software License Agreement</td>
<td>$0.00</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>2</td>
<td>Pictometry Connect - CA - 50 (Custom Access)</td>
<td>Pictometry Connect - CA - 50 (Custom Access) provides up to 50 concurrent authorized users the ability to login and access the Pictometry-hosted custom imagery libraries specified elsewhere in this Agreement via a web-based, server-based or desktop integration. The default deployment is through web-based Pictometry Connect. Term commences on date of activation. The quantity represents the number of years in the Connect term. Applicable Terms and Conditions: Online Services General Terms and Conditions, Software License Agreement</td>
<td>$2,200.00</td>
<td>0.00 (100%)</td>
<td>$0.00</td>
</tr>
<tr>
<td>2</td>
<td>Pictometry Connect View - CA (Custom Access)</td>
<td>Pictometry Connect View - CA (Custom Access) provides visualization-only access to the Pictometry-hosted custom imagery libraries specified elsewhere in this Agreement via a web application or server-based integration. Requires a customer-provided web application or server-based application. With respect to imagery available through this product to third parties or the Public, Pictometry reserves the right to reduce the resolution of the imagery available. Term commences on date of activation. The quantity represents the number of years in the Connect term. Applicable Terms and Conditions: Web Visualization Offering Terms and Conditions</td>
<td>$750.00</td>
<td>0.00 (100%)</td>
<td>$0.00</td>
</tr>
<tr>
<td>2</td>
<td>CONNECT ImageService CA (Custom Access)</td>
<td>Connect Image Service - CA (Custom Access) provides access via a secure web mapping service to existing orthomosaics available within Customer’s Connect account. This service allows use by Customer each calendar month of a total number of image request transactions equal to the product resulting from multiplying (a) the number of concurrent users authorized to use the Connect Image Service pursuant to this Agreement, by (b) 1500 (such product being the “Monthly Image Request Limit”). To the extent use of the Connect Image Service pursuant to this Agreement results in a total number of image request transactions in excess of the Monthly Image Request Limit, Pictometry may review the usage with Customer, increase the price for Customer’s Connect Image Service with Customer’s consent or, in Pictometry’s discretion, suspend further access by Customer to the Connect Image Service. This offering is provided solely for internal use within Customer’s organization. Customer must maintain an active paid Pictometry Connect account in order to utilize the Connect Image Service. Applicable Terms and Conditions: Online Services General Terms and Conditions</td>
<td>$2,000.00</td>
<td>0.00 (100%)</td>
<td>$0.00</td>
</tr>
<tr>
<td>1</td>
<td>Pictometry for Esri Web AppBuilder</td>
<td>Pictometry for Esri Web AppBuilder is a server based widget for installation on Customer’s server that allows users with valid Pictometry Connect accounts to access oblique and orthogonal imagery within web applications authored using Web AppBuilder for ArcGIS (Developer Edition) available separately from Esri. Requires a Pictometry Connect account. Applicable Terms and Conditions: Software License Agreement</td>
<td>$1,990.00</td>
<td>0.00 (100%)</td>
<td>$0.00</td>
</tr>
<tr>
<td>Qty</td>
<td>Product Name</td>
<td>Product Description</td>
<td>List Price</td>
<td>Discount Price (%)</td>
<td>Amount</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1</td>
<td>Oblique Imagery Bundle with Two (2) Years of EFS Maintenance &amp; Support</td>
<td>Includes digital copy of the Licensed Documentation for the License Software, two (2) End User Training Sessions, one (1) Advanced User Technical Training, one (1) Administration / IT Training Session, ten (10) hours of telephone support, one copy of Pictometry Electronic Field Study (EFS) software, latest version, on the storage media specified herein, and access to download updated versions of the EFS Licensed Software for a period of two years from the initial date of shipment of the EFS software, along with a copy of the updated documentation. Applicable Terms and Conditions: Software License Agreement.</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Thank you for choosing Pictometry as your service provider.  

2) Total $34,575.00

\(^1\text{Amount per product} = ((1-\text{Discount \%}) \times \text{Qty} \times \text{List Price})\)

**FEES; PAYMENT TERMS**

All amounts due to Pictometry pursuant to this Agreement ("Fees") are expressed in United States dollars and do not include any duties, taxes (including, without limitation, any sales, use, ad valorem or withholding, value added or other taxes) or handling fees, all of which are in addition to the amounts shown above and, to the extent applicable to purchases by Customer, shall be paid by Customer to Pictometry without reducing any amount owed to Pictometry unless documents satisfactory to Pictometry evidencing exemption from such taxes is provided to Pictometry prior to billing. To the extent any amounts properly invoiced pursuant to this Agreement are not paid within thirty (30) days following the invoice due date, such unpaid amounts shall accrue, and Customer shall pay, interest at the rate of 1.5% per month (or at the maximum rate allowed by law, if less). In addition, Customer shall pay Pictometry all costs Pictometry incurs in collecting past due amounts due under this Agreement including, but not limited to, attorneys' fees and court costs.

- **Due at Initial Shipment of Imagery** $27,575.00
- **Due at Activation of Online Services** $7,000.00

**Total Payments** $34,575.00

**Product Parameters**

**IMAGERY**

<table>
<thead>
<tr>
<th>Product:</th>
<th>IMAGERY - NEIGHBORHOOD - 4-way (NS) (Gis) Per Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leaf:</td>
<td>Leaf Off: Less than 30% leaf cover</td>
</tr>
</tbody>
</table>

**Standard Ortho Mosaic Products**

Pictometry standard ortho mosaic products are produced through automated mosaicking processes that incorporate digital elevation data with individual Pictometry ortho frames to create large-area mosaics on an extremely cost-effective basis. Because these products are produced through automated processes, rather than more expensive manual review and hand-toned corrective processes, there may be inherent artifacts in some of the resulting mosaics. While Pictometry works to minimize such artifacts, the Pictometry standard ortho mosaic products are provided on an 'AS IS' basis with respect to visible cutlines along mosaic seams resulting from the following types of artifacts:

- Disconnects in non-elevated surfaces generally caused by inaccurate elevation data;
- Disconnects in elevated surfaces (e.g., roadways, bridges, etc.) generally caused by elevated surfaces not being represented in the elevation data;
- Building intersect and clipping generally caused by buildings not being represented in the elevation data;
- Seasonal variations caused by images taken at different times during a season, or during different seasons;
- Ground illumination variations caused by images taken under different illumination (e.g., sunny, high overcast, morning light, afternoon light, etc.) within one flight day or during different flight days;
- Single GSD color variations caused by illumination differences or multiple-aircraft/camera captures;
vii. Mixed GSD color variations caused by adjacent areas being flown at different ground sample distances (GSDs); and
viii. Water body color variations caused by multiple individual frames being used to create a mosaic across a body of water (e.g., lakes, ponds, rivers, etc.).

Other Pictometry products may be available that are less prone to such artifacts than the Pictometry standard ortho mosaic products.

**CONNECT**

**Product:**
- **Admin User Name:** Chase Keys
- **Admin User Email:** ckeys@jurupavalley.org
- **Geofence:** CA Riverside

**Product:**
- **Admin User Name:** Chase Keys
- **Admin User Email:** ckeys@jurupavalley.org
- **Geofence:** CA Riverside

**CONNECT-SERVER INTEGRATION**

**Product:**
- **Server Integration:** Integrated Pictometry Application
- **Server Integration:** IPA (Both Visualization & Analytics)

**Product:**
- **Server Integration:** Pictometry for Esri Web AppBuilder
- **Server Integration:** Web AppBuilder (Both Visualization and Analytics)

**RapidAccess—Disaster Response Program (“DRP”)**

Customer is eligible for DRP described below from the Effective Date through the second anniversary of the initial Project delivery. Following payment to Pictometry of amounts due with respect to each subsequent Project, Customer will be eligible for the then-current DRP for a period of two years from delivery of such subsequent Project. Customer must be in good-standing with Pictometry to maintain eligibility for DRP.

**A. Disaster Coverage Imagery at No Additional Charge**—Pictometry will, upon request of Customer and at no additional charge, provide standard quality imagery of up to 200 square miles of affected areas (as determined by Pictometry) upon the occurrence of any of the following events during any period Customer is eligible for DRP:

- **Hurricane:** areas affected by hurricanes of Category 2 and higher.
- **Tornado:** areas affected by tornados rated EF4 and higher.
- **Terrorist:** areas affected by damage from terrorist attack.
- **Earthquake:** areas affected by damage to critical infrastructure resulting from earthquakes measured at 6.0 or higher on the Richter scale.
- **Tsunami:** areas affected by damage to critical infrastructure resulting from tsunamis.

**B. Discounted Rate**—Coverage for areas affected by the events set forth above exceeding 200 square miles will be, subject to Pictometry resource availability, offered to Customer at the then current DRP rates. Also, coverage for areas affected by hurricanes below Category II, tornados below EF4 or earthquakes rated below 6.0 on the Richter scale will be, subject to Pictometry resource availability, offered to Customer at the then current DRP rates.

**C. Online Services — Use of Pictometry Connect Explorer™**—Pictometry’s DRP includes the use of Connect Explorer for a term of ninety days from the date of delivery of the DRP imagery. Customer shall have access to the DRP imagery for as long as they maintain an active Connect account.
EXHIBIT B

PICTOMETRY LICENSE AGREEMENTS

PICTOMETRY DELIVERED CONTENT
TERMS AND CONDITIONS OF USE

These Pictometry Delivered Content Terms and Conditions of Use (the "Delivered Content Terms and Conditions"), in combination with the corresponding Agreement into which these terms are incorporated, collectively set forth the terms and conditions that govern use of Delivered Content (as hereinafter defined) for use within computing environments operated by parties other than Pictometry. As used in the Delivered Content Terms and Conditions the terms "you" and "your" in uppercase or lowercase shall mean the Customer that entered into the Agreement into which the Delivered Content Terms and Conditions are incorporated.

1. DEFINITIONS

1.1 "Authorized Subdivision" means, if you are a county or a non-state consortium of counties, any political unit or subdivision located totally or substantially within your jurisdiction that you authorize to have access to Delivered Content pursuant to the Delivered Content Terms and Conditions.

1.2 "Authorized System" means a workstation or server that meets each of the following criteria (i) it is owned or leased by you or an Authorized Subdivision, (ii) it is located within and only accessible from facilities that are owned or leased by you or an Authorized Subdivision, and (iii) it is under the control of and may only be used by you or Authorized Subdivisions.

1.3 "Authorized User" means any employee of you or Authorized Subdivisions that is authorized by you to have access to the Delivered Content through an Authorized System.

1.4 "Delivered Content" means the images, metadata, data layers, models, reports and other geographic or structural visualizations or embodiments included in, provided with, or derived from the information delivered to you by or on behalf of Pictometry pursuant to the Agreement.

1.5 "Project Participant" means any employee or contractor of persons or entities performing services for compensation for you or an Authorized Subdivision that has been identified by written notice to Pictometry prior to being granted access to Delivered Content and, unless Pictometry expressly waives such requirement for any individual, has entered into a written agreement with Pictometry authorizing such access.

2. GRANT OF RIGHTS; RESTRICTIONS ON USE; OWNERSHIP

2.1 Subject to the terms and conditions of the Agreement, you are granted nonexclusive, nontransferable, limited rights to:

(a) install the Delivered Content on Authorized Systems;

(b) permit access and use of the Delivered Content through Authorized Systems by:

(i) Authorized Users for performance of public responsibilities of you or Authorized Subdivisions that are to be performed entirely within facilities of you or Authorized Subdivisions;

(ii) Project Participants under the supervision of Authorized Users for performance of tasks or preparation of materials using only hard copies (or jpeg copies) of Delivered Content solely for fulfilling public responsibilities of you or Authorized Subdivisions to be performed entirely within facilities of you or Authorized Subdivisions; and

(iii) individual members of the public, but only through Authorized Users and solely for the purpose of making hard copies or jpeg copies of images of individual properties or structures (but not bulk orders of multiple properties or structures) to the individual members of the public requesting them.

2.2 You may not reproduce, distribute or make derivative works based upon the Delivered Content in any medium, except as expressly permitted in the Delivered Content Terms and Conditions.

2.3 You may not offer any part of the Delivered Content to commercial resale or commercial redistribution in any medium.

2.4 You may not distribute or otherwise make available any Delivered Content to Google or its affiliates, either directly or indirectly.

2.5 You may not exploit the goodwill of Pictometry, including its trademarks, service marks, or logos, without the express written consent of Pictometry.

2.6 You may not remove, alter or obscure copyright notices or other notices contained in the Delivered Content.

2.7 All right, title, and interest (including all copyrights, trademarks and other intellectual property rights) in Delivered Content in all media belong to Pictometry or its third party suppliers. Neither you nor any users of the Delivered Content acquire any proprietary interest in the Delivered Content, or any copies thereof, except the limited use rights granted herein.

3. OBLIGATIONS OF CUSTOMER

3.1 Geographic Data. If available, you agree to provide to Pictometry geographic data in industry standard format (e.g., shape, DBF) including, but not limited to, digital elevation models, street centerline maps, tax parcel maps and centroids, which data, to the extent practicable, shall be incorporated into the Delivered Content. You agree that any of this data that is owned by you may be distributed and modified by Pictometry as part of its products and services, provided that at no time shall Pictometry claim ownership of that data.

3.2 Notification. You shall (a) notify Pictometry in writing of any claims or proceedings involving any of the Delivered Content within ten (10) days after you learn of the claim or proceeding, and (b) report promptly to Pictometry all claims or suspected defects in Delivered Content.

3.3 Authorized User Compliance. You shall at all times be responsible for compliance by each Authorized User with the Delivered Content Terms and Conditions.

3.4 Authorized Subdivision Compliance. You shall at all times be responsible for compliance by each Authorized Subdivision with the Delivered Content Terms and Conditions.

3.5 Project Participants. Each notice to Pictometry identifying a potential Project Participant shall include a detailed description of the scope and nature of the Project Participants' planned work and the intended use of the Delivered Content in such work. Pictometry retains the right to restrict or revoke access to Delivered Content by any Project Participant who does not comply with the terms of the Delivered Content Terms and Conditions.

4. LICENSE DURATION; EFFECT OF TERMINATION

4.1 Term. The license granted to you in the Delivered Content Terms and Conditions is perpetual, subject to Pictometry's right to terminate the license in the event you do not pay in full the Fees specified elsewhere in the Agreement, the Agreement is terminated for any reason other than a breach of the Agreement by Pictometry, or as otherwise provided in the Agreement.
4.2 Effect of Termination. Upon termination of the license granted to you in the Delivered Content Terms and Conditions, you shall immediately cease all use of the Delivered Content, promptly purge all copies of the Delivered Content from all workstations and servers on which any of it may be stored or available at the time, and return hard drive/media containing Delivered Content to Pictometry.

5. TRADEMARKS; CONFIDENTIALITY

5.1 Use of Pictometry's Marks. You agree not to attach any additional trademarks, trade names, logos or designations to any Delivered Content or to any copies of any Delivered Content without prior written approval from Pictometry. You may, however, include an appropriate government seal and your contact information so long as the seal and contact information in no way obscure or deface the Pictometry marks. You further agree that you will not use any Pictometry trademark, trade name, logo, or designation in connection with any product or service other than the Delivered Content. Your nonexclusive right to use Pictometry’s trademarks, trade name, logos, and designations are coterminous with the license granted to you in the Delivered Content Terms.

5.2 Confidentiality of Delivered Content. The Delivered Content consists of commercially valuable, proprietary products owned by Pictometry, the design and development of which reflects an investment of considerable time, effort, and money. The Delivered Content is treated by Pictometry as confidential and contains substantial trade secrets of Pictometry. You agree that you will not disclose, provide a copy of, or disseminate the Delivered Content (other than as expressly permitted in the Delivered Content Terms and Conditions) or any part thereof to any person in any manner or for any purpose inconsistent with the license granted to you in the Delivered Content Terms and Conditions. You agree to use your best efforts to assure that your personnel, and any others afforded access to the Delivered Content, protect the Delivered Content against unauthorized use, disclosure, copying, and dissemination, and that access to the Delivered Content and each part thereof will be strictly limited.

6. LIMITED WARRANTY; DISCLAIMER OF WARRANTIES

6.1 Limited Warranties; Exclusive Remedy. Pictometry warrants that the Delivered Content will contain true and usable copies of the designated imagery as of the date of capture. As the sole and exclusive remedy for any breach of the foregoing warranty, Pictometry shall use reasonable efforts to correct any deficiency that precludes use of the Delivered Content in the manner intended.

6.2 Disclaimer of Other Warranties. Except as provided in Section 6.1, above, THE DELIVERED CONTENT IS PROVIDED TO YOU "AS IS" AND "WITH ALL FAULTS." PICTOMETRY MAKES NO OTHER WARRANTIES OR REPRESENTATIONS OF ANY KIND, EXPRESS, IMPLIED, OR STATUTORY. ALL IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO WARRANTIES OF PERFORMANCE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND ACCURACY, ARE HEREBY DISCLAIMED AND EXCLUDED BY PICTOMETRY.

6.3 Limitation of Liability. With respect to any other claims that you may have or assert against Pictometry on any matter relating to the Delivered Content, the total liability of Pictometry shall, in the aggregate, be limited to the aggregate amount received by Pictometry in payment for Delivered Content during the immediately preceding twenty-four (24) month period.

7. MISCELLANEOUS PROVISIONS

7.1 Restricted Rights. Delivered Content acquired with United States Government funds or intended for use within or for any United States federal agency is provided with “Restricted Rights” as defined in DFARS 252.227-7013, Rights in Technical Data and Computer Software and FAR 52.227-14, Rights in Data-General, including Alternate III, as applicable.

7.2 Governing Law. This License Agreement shall be governed by and interpreted in accordance with the laws of the State of New York, excluding its conflicts of law principles.

[END OF DELIVERED CONTENT TERMS AND CONDITIONS]
PICTOMETRY ONLINE SERVICES
GENERAL TERMS AND CONDITIONS

These Pictometry Online Services General Terms and Conditions (the “General Terms and Conditions”), in combination with the corresponding Pictometry order form, if any, collectively constitute the license agreement (the “License Agreement”) that governs your use of the Pictometry online services (the “Online Services”), the images available in the Online Services, and all associated metadata and data layers included in, provided with, or derived from those images (the “Licensed Content”) provided by Pictometry International Corp. and its affiliated companies (collectively, “Pictometry”). The terms “you” and “your” in uppercase or lowercase shall mean the individual, entity (e.g., corporation, limited liability company, partnership, sole proprietor, etc.) or government agency entering into the License Agreement.

1. GRANT OF RIGHTS; RESTRICTIONS ON USE; OWNERSHIP

1.1 You are granted a nonexclusive, nontransferable, limited right to access and use the Online Services and the Licensed Content obtained or derived from the Online Services solely for your internal business purposes and not for resale or redistribution. The rights granted to you include, subject to the restrictions set forth below, to use the Online Services for your own personal, family, or household purposes; to create derivative works of the Licensed Content by combining it with other content licensed under a compatible license; to make copies of the Licensed Content solely for your personal, family, or household purposes; and to distribute copies of the Licensed Content solely to your employees or to such third parties as are necessary for your business or personal use, provided that you are authorized to share the Licensed Content with them and they agree to be bound by the terms of this License Agreement.

1.2 You may not make the Online Services available to any other party.

1.3 You may not copy the Licensed Content or portions thereof onto any computer or storage device or media for the purpose of creating or maintaining one or more databases of that content for use in substitution for subsequent access to the content through the Online Services.

1.4 You may not distribute or otherwise make available any Licensed Content to Google or its affiliates, either directly or indirectly.

1.5 If you are a customer of Pictometry, you may not exploit the goodwill of Pictometry, including its trademarks, service marks, or logos, without the express written consent of Pictometry.

1.6 You may not remove, alter, or obscure copyright notices or other notices contained in the Licensed Content.

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3.3 All measurements and reports generated by the Online Services or from the Licensed Content are based upon second order visualization and measurement data that do not provide authoritative or definitive measurement results suitable for professional engineering or surveying purposes.

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(c) The provisions of Sections 5.5(a) and (b) shall constitute your sole and exclusive remedy for the respective matters specified therein.

6. MISCELLANEOUS

6.1 The terms and conditions of this License Agreement may be changed from time to time immediately upon notice to you. If any changes are made to this License Agreement, such changes will: (a) only be applied prospectively; and (b) not be specifically directed against you or your Eligible Users but will apply to all similarly situated Pictometry customers using the Online Services. You may terminate this License Agreement upon written notice to Pictometry if any change to the terms and conditions of this License Agreement is unacceptable to you. For termination to be effective under this Section 6.1, written notice of termination must be provided to Pictometry within 90 days of the effective date of the change. Continued use of the Online Services following the effective date of any change constitutes acceptance of the change, but does not affect the foregoing termination right. Except as provided above, this License Agreement may not be supplemented, modified or otherwise revised unless signed by duly authorized representatives of both parties. Furthermore, this License Agreement may not be supplemented, modified or otherwise revised by email exchange, even if the email contains a printed name or signature line bearing signature-like font. The foregoing does not prohibit the execution of electronic contracts bearing electronic signatures of authorized representatives of both parties, provided such signatures include digital certifications or are otherwise authenticated.

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6.7 This License Agreement will be enforced to the fullest extent permitted by applicable law. If any provision of this License Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed and reformed to the extent reasonably required to render it valid, enforceable and consistent with its original intent and (b) such invalidity or unenforceability will not affect any other provision of this License Agreement.

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6.10 This License Agreement constitutes the entire agreement of the parties with respect to its subject matter and replaces and supersedes any prior written or verbal communications, representations, proposals or quotations relating to that subject matter.

[END OF ONLINE SERVICES GENERAL TERMS AND CONDITIONS]
PICTOMETRY WEB VISUALIZATION OFFERING

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(a) if there is a breach of the warranty in Section 4.1 above, then Pictometry, at its option and expense, shall either defend or settle any action and hold you harmless against proceedings or damages of any kind or description based on a third party’s claim of patent, trademark, service mark, copyright or trade secret infringement related to use of the WVO Services or the WVO Licensed Content, asserted against you by such third party provided: (i) all use of the WVO Services and the WVO Licensed Content was in accordance with this WVO License Agreement, (ii) the claim, cause of action or infringement was not caused by you modifying or combining the WVO Services or WVO Licensed Content with or into other products, applications, images or data not approved by Pictometry; (iii) you give Pictometry prompt notice of such claim; and (iv) you give Pictometry the right to control and direct the investigation, defense and settlement of such claim. You, at Pictometry’s expense, shall reasonably cooperate with Pictometry in connection with the foregoing.
(b) In addition to Section 5.5(a), if the WVO Services, the operation thereof or the WVO Licensed Content become, or in the opinion of Pictometry are likely to become, the subject of a claim of infringement, Pictometry, at its option and expense, either: (i) procure for you the right to continue using the WVO Services or the WVO Licensed Content, (ii) replace or modify the WVO Services or the WVO Licensed Content so that they become non-infringing; or (iii) terminate the WVO License Agreement notice to you and grant you a pro-rata refund or credit (whichever is applicable) for any pre-paid fees or fixed charges.
(c) The provisions of Sections 5.5(a) and (b) shall constitute your sole and exclusive remedy for the respective matters specified therein.

6. MISCELLANEOUS

6.1 The terms and conditions of this WVO License Agreement may be changed from time to time immediately upon notice to you. If any changes are made to this WVO License Agreement, such changes will: (a) only be applied prospectively; and (b) not be specifically directed against you but will apply to all similarly situated Pictometry customers using the WVO Services. You may terminate this WVO License Agreement upon written notice to Pictometry if any change to the terms and conditions of this WVO License Agreement is unacceptable to you. For termination to be effective under this Section 6.1, written notice of termination must be provided to Pictometry within 90 days of the effective date of the change. Continued use of the WVO Services following the effective date of any change constitutes acceptance of the change, but does not affect the foregoing termination right. Except as provided above, this WVO License Agreement may not be supplemented, modified or otherwise revised unless signed by duly authorized representatives of both parties. Furthermore, this WVO License Agreement may not be supplemented, modified or otherwise revised by email exchange, even if the email contains a printed name or signature line bearing signature-like font. The foregoing does not prohibit the execution of electronic contracts bearing electronic signatures of authorized representatives of both parties, provided such signatures include digital certifications or are otherwise authenticated.

6.2 In the event of a breach of this WVO License Agreement by you or someone using the WVO Services, Pictometry may temporarily suspend or discontinue access to the WVO Services without notice and Pictometry may pursue any other legal remedies available to it.

6.3 All notices and other communications hereunder shall be in writing. Notices shall be deemed to have been properly given on the date deposited in the mail, if mailed or on the date received, if delivered in any other manner. Legal notices to Pictometry should be sent to Pictometry, Attn: General Counsel, 25 Methodist Hill Drive, Rochester, New York 14623.

6.4 The failure of you, Pictometry, or any third party supplier of the WVO Services or any WVO Licensed Content to enforce any provision hereof shall not constitute or be construed as a waiver of such provision or of the right to enforce it at a later time.

6.5 You may not assign or otherwise transfer your rights or delegate your duties under this WVO License Agreement without the prior written consent of Pictometry. Any attempt by you to assign, transfer or delegate your rights or obligations under this WVO License Agreement without Pictometry’s consent shall be void, and shall also void the limited license granted to you by this WVO License Agreement. This WVO License Agreement and any amendment thereto shall be binding on, and will inure to the benefit of the parties and their respective successors and permitted assigns.

6.6 This WVO License Agreement shall be governed by and interpreted in accordance with the laws of the State of New York, excluding its conflicts of law principles. Unless you are a government entity, in the event that any legal proceedings are commenced with respect to any matter arising under this WVO License Agreement, the parties specifically consent and agree that the courts of the State of New York or, in the alternative, the Federal Courts located in the State of New York shall have exclusive jurisdiction over each of the parties and over the subject matter of any such proceedings, and that the venue of any such action shall be in Monroe County, New York or the U.S. District Court for the Western District of New York, as applicable.

6.7 This WVO License Agreement will be enforced to the fullest extent permitted by applicable law. If any provision of this WVO License Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed and reformed to the extent reasonably required to render it valid, enforceable and consistent with its original intent and (b) such invalidity or unenforceability will not affect any other provision of this WVO License Agreement.

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6.9 In the event of a breach of your obligations under this WVO License Agreement or your payment obligations with respect to access to the WVO Services or the WVO Licensed Content, you agree to pay all of Pictometry’s costs of enforcement and collection, including court costs and reasonable attorneys' fees.

6.10 This WVO License Agreement constitutes the entire agreement of the parties with respect to its subject matter and replaces and supersedes any prior written or verbal communications, representations, proposals or quotations relating to that subject matter.
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[END OF SOFTWARE LICENSE AGREEMENT]
STAFF REPORT

DATE: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
      STEVE LORISO P.E. PUBLIC WORKS DIRECTOR/ CITY ENGINEER

SUBJECT: AGENDA ITEM NO. 14.F

AUTHORIZATION TO PURCHASE A SKID STEER TRACTOR FOR
PUBLIC WORKS MAINTENANCE OPERATIONS

RECOMMENDATION

1. That the City Council approve the procurement of a 2020 Volvo MC70C Skid Steer Tractor for the Public Works Department.

BACKGROUND

Each year, the City enters into rental agreements with local vendors to supply tractor equipment necessary to perform large scale maintenance related operations throughout the City such as; weed abatement, mud and debris cleanup, erosion backfilling, and removing large obstructions from the public roadways and rights of way.

At times, rental equipment is not immediately available resulting in a delay of service. If the City were to own this type of equipment it would ensure prompt service to address large scale maintenance issues.

ANALYSIS

On June 6, 2019, the City Council approved the FY2019/2020 City budget that included an appropriation for public works equipment.

The City of Jurupa Valley is a member of the Sourcewell cooperative purchasing agreement which allows the City to purchase equipment at negotiated prices through approved vendors. One piece of needed equipment is a skid steer. The skid steer is a utilitarian piece of equipment that will allow staff to rapidly address calls for service for debris clean up and removing large obstructions in the public rights of way. Public works staff contacted United Equipment Rentals, Volvo Construction Equipment, and RDO Equipment Co. who each provided a quote to purchase a skid steer tractor.
United Equipment Rentals was the lowest bidder with a 2013, high hour, used Skid Steer. Volvo Construction Equipment was the second lowest bidder with a brand new 2020 Volvo MC70C Skid Steer. Staff recommends the purchase of the newer Volvo Skid Steer due to less wear and tear on the equipment. The price difference between the high hour used skid steer from United Equipment Rentals and the new skid steer from Volvo Construction Equipment was $2,670.85.

FINANCIAL IMPACT

The total cost for the Volvo 2020 MC70C skid steer including optional safety equipment and tax is $26,924.00. There is sufficient budget available for this equipment purchase from the FY19/20 account 100.1190.56590.

ALTERNATIVES

1. Do not authorize the procurement of the 2020 Volvo MC70C skid steer
2. Provide alternate direction to staff.

****************************************************************************************** SIGNATURES ON FOLLOWING PAGE ******************************************************************************************
Prepared by:

Michael Waltz
Public Works Operations Manager

Reviewed by:

Steve Loriso P.E.
Public Works Director/ City Engineer

Reviewed by:

Connie Cardenas
Interim Administrative Services Director

Reviewed by:

George A. Wentz
Deputy City Manager

Approved as to form:

Peter Thorson
City Attorney

Submitted by:

Alan Kreimeier
Interim City Manager

Attachments:

A. City of Jurupa Valley MC70C Sales Order
B. Volvo Construction equipment Quote
C. United Equipment Rentals Quote
D. RDO John Deere Tractor Quote
# Volvo Construction Equipment & Services

**VCES Corona**  
22099 Knabs Rd  
Corona, CA 92883  
Ph: (951) 277-7620  
Fx: (866) 215-1474

Sales Rep: Rob Yungen (Mobile: 909-322-6480)

---

## Invoice to: City of Jurupa Valley  
Contact: Mike Waltz  
Address: 8930 Limonite Ave  
Jurupa Valley Ca 92509  
Phone: 951-332-6464 Ext 231  
Fax/Email: mwaltz@jurupavalley.org

## Ship to: City of Jurupa Valley  
Contact: Mike Waltz  
Address: 8930 Limonite Ave  
Jurupa Valley Ca 92509  
Phone: 951-332-6464 Ext 231  
Fax/Email: mwaltz@jurupavalley.org

---

**FOB Point of Origin - Ship Via:**  
**Customer Delivery Address:**  
X PREPAID COLLECT

**TERMS:**  
Net due on receipt X Net due 30 days Installment plan Financing (see below)

---

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<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Serial No.</th>
<th>Hrs</th>
<th>Description</th>
<th>Total Price</th>
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<td>MC76C</td>
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<td>Skid Steer Loader</td>
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Warranty: Standard 12 Months Unlimited Hrs Expires:

Standard warranty covers the full machine, bumper to bumper

Preventative Maintenance Contract: [ ] ACCEPTED [ ] DECLINED

Equipment Total: $24,987.00  
Trade-In Credit: $ -  
Other Credit: $ -  
Net Price: $24,987.00  
Freight: $ -  
Doc Fees: $ -  
Subtotal: $24,987.00  
Sales Tax % 7.75%  
Sales Tax $1,337.27  
Total Price: $26,334.27

---

**Trade-In Details:***

---

**Notes:**

*When operated in California, any off-road diesel vehicles may be subject to the California Air Resources Board In-Use Off-Road Diesel Vehicle Regulation. If therefore could be subject to reduced or accelerated turnover requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board website at: http://www.arb.ca.gov/prg/diesel/orvedel.htm.*

---

**Customer**  
PO No.  
Customer Signature:  
Title:  
Date:

**VCES**  
Signature: Rob Yungen  
Title: Sales Representative  
Date: 09/20/19

---

**THIS ORDER NOT ACCEPTED OR BINDING UNTIL APPROVED BY AN OFFICER OF VOLVO CONSTRUCTION EQUIPMENT & SERVICES**
# Quote Valid for 90 days

**Contract:** 032119-VCE  
**Date:** 9/16/2019

<table>
<thead>
<tr>
<th>Buying Agency:</th>
<th>City of Jurupa Valley</th>
<th>Contractor:</th>
<th>Volvo Construction Equipment and Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person:</td>
<td>Mike Waltz</td>
<td>Prepared By:</td>
<td>Rob Yungen</td>
</tr>
<tr>
<td>Phone:</td>
<td>951-332-6464 Ext 231</td>
<td>Phone:</td>
<td>909-322-6480</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:mwa1tz@jurupavalley.org">mwa1tz@jurupavalley.org</a></td>
<td>Email I:</td>
<td><a href="mailto:Robert.yungen@vcesvolvo.com">Robert.yungen@vcesvolvo.com</a></td>
</tr>
</tbody>
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**Sourcewell Product Code:** G  
**General Description of Product:** Skid Steer Loader

## A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

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<td>Volvo MC70C</td>
<td>$26,924</td>
<td>$26,924</td>
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Subtotal A: $26,924

## B. Sourced and/or UnSourced Contracted Items

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<th>Description</th>
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<td>1</td>
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<td>$0</td>
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</table>

Subtotal B: $0

## C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

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<tr>
<th>Description</th>
<th>Unit Pr</th>
<th>Total</th>
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<tbody>
<tr>
<td>Freight</td>
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<tr>
<td>PDI</td>
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**Special Discount** - $1,927  
**California State Sales Tax** - $1,937  
**Subtotal C:** $10

## Delivery Date: 90-120 Days

D. Total Purchase Price (A+B+C): $26,934
JURUPA VALLEY
8930 LIMONITE AVE
JURUPA VALLEY CA 92509-5019

Office: 877-874-4468 Cell: 951-332-6464

GSCC-NJPA SOURCETWELL QUOTE
ACCT FOR CCC USE ONLY!!!!
INVOICES WILL BE PAID ON ACCT
TEMPLE TERRACE FL 33637

Qty  Equipment #  Price  Amount
1  10184843  CC: 903-0671  22418.00  22418.00

SKID STEER LOAD 1700-1899#
Make: BOBCAT  Model: S550
Serial #: A3NL1490

WHEN OPERATED IN CALIFORNIA, ANY OFF-ROAD DIESEL VEHICLE MAY BE
SUBJECT TO THE CALIFORNIA AIR RESOURCES BOARD IN-USE OFF-ROAD DIESEL
VEHICLE REGULATION. IT THEREFORE COULD BE SUBJECT TO RETROFIT OR
ACCELERATED TURNOVER REQUIREMENTS TO REDUCE EMISSIONS OF AIR
POLUTANTS. FOR MORE INFORMATION, PLEASE VISIT THE CALIFORNIA AIR
RESOURCES BOARD WEBSITE AT
HTTP://WWW.ARB.CA.GOV/NSPSG/ORDIESEL/ORDIESEL.HTM

DELIVERY CHARGE

Sub-total: 22518.00
Tax: 1745.15
Total: 24263.15

WE ARE AVAILABLE 24/7 TO SUPPLY YOU WITH A CONFIRMATION #
IN ORDER TO CLOSE THIS CONTRACT

Note: This proposal may be withdrawn if not accepted within 30 days.

THIS IS NOT AN EQUIPMENT SALE AGREEMENT/INVOICE, THE SALE OF EQUIPMENT AND ANY OTHER ITEMS LISTED ABOVE IS SUBJECT TO AVAILABILITY AND ACCEPTANCE OF THE TERMS AND CONDITIONS OF UNITED'S EQUIPMENT SALE AGREEMENT/INVOICE, WHICH MUST BE SIGNED PRIOR TO OR UPON DELIVERY OF THE EQUIPMENT AND OTHER ITEMS.
**Investment Proposal (Quote)**

RDO Equipment Co.  
20 Iowa Avenue  
Riverside CA, 92507  
Phone: (951) 778-3700 - Fax: (951) 778-3746

<table>
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<tr>
<th>Equipment Information</th>
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<tr>
<td>Serial Number</td>
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<tr>
<td>Hours (approx.)</td>
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<tr>
<td>Additional Items</td>
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<tr>
<td>Cash Price</td>
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<tr>
<td>Freight In</td>
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<td>Freight Out</td>
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<td>Prep / Reconditioning PDI, FUEL, EINS #</td>
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<td>Customer Discount SOURCEWELL CONTRACT #032515JDC IS 33% OFF BASE LIST PRICE MEMBER ID #115109</td>
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<td>PM Elite Final Tier 4 - 0 - 3000 Hours</td>
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<tr>
<td>Warranty - John Deere Power Train &amp; Hyd - 60 Months, 5000 Hours, Deductible: 0, Exp Date: 8/30/2024</td>
<td>$1,500.00</td>
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<td>Equipment Subtotal:</td>
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**Purchase Order Totals**

- **Balance:** $48,843.67
- **Total Taxable Amount:** $39,004.52
- **Tax Rate 3% (CARV 7.76%)** $3,022.85
- **Sales Tax Total:** $3,022.85
- **CA Tire Fee:** $7.00
- **Sub Total:** $49,873.52
- **Cash with Order:** $0.00
- **Balance Due:** $49,873.52

**Equipment Options**

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<td>1201 ENGINE TURBO 4TNV88CHT</td>
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<td>1501 ENGLISH OP MAN &amp; DECALS</td>
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<td></td>
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<td>6001 MECHANICAL SUSPENSION SEAT</td>
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<td>8042 REAR VIEW CAMERA</td>
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<td>8395 KEYLESS START SEALED SWITCH</td>
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<td></td>
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<td>9032 66&quot; CONST BKT WEDGE</td>
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D1233595
STAFF REPORT

DATE: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER

BY: TERRI ROLLINGS, ASSISTANT TO CM/PIO

SUBJECT: AGENDA ITEM NO. 14.G

ADOPTION OF A RESOLUTION PROCLAIMING OCTOBER 2, 2019 AS “CLEAN AIR DAY” IN THE CITY OF JURUPA VALLEY (REQUESTED BY COUNCIL MEMBER MICHEAL GOODLAND)

RECOMMENDATION

1) That the City Council adopt Resolution No. 2019-89, entitled:

A RESOLUTION OF THE CITY OF JURUPA VALLEY, CALIFORNIA, IN SUPPORT FOR AND DECLARATION OF CALIFORNIA CLEAN AIR DAY

BACKGROUND

Air quality is a major concern to the City. California has some of the most polluted regions in the United States, and Riverside County faces disproportionate, negative health impacts due to the extent of emissions from vehicles, industry, and household sources. The California Environmental Protection Agency places Riverside County within the top 25% most disadvantaged communities as denoted by SB 535.

The Western Riverside Council of Governments (WRCOG), is encouraging all cities in its jurisdiction to formally adopt a resolution to support Clean Air Day. Should the City Council adopt this resolution, WRCOG will host a tree-planting ceremony in support of California Clean Air Day at a location of the jurisdiction’s choosing at no cost to the city. WRCOG will also provide a commemorative plaque.

ANALYSIS

Education about air quality can raise community awareness, encourage better habits, and improve community health. Additionally, there will be an extremely marginal increase to air quality due to the provided trees producing oxygen and sequestering CO₂.
FINANCIAL IMPACT

There is no financial impact. The tree planting ceremony will be hosted by WRCOG at no cost to the City.

ALTERNATIVES

1. Elect not to adopt the resolution.

Prepared by:

Terri Rollings
Assistant to the City Manager/PIO

Submitted by:

Alan Kreimeier
Interim City Manager

Reviewed by:

Peter M. Thorson
City Attorney

Attachments:

1. Resolution No. 2019-89
RESOLUTION NO. 2019-89

A RESOLUTION OF THE CITY OF THE CITY OF JURUPA VALLEY, CALIFORNIA, IN SUPPORT FOR AND DECLARATION OF CALIFORNIA CLEAN AIR DAY

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

WHEREAS, air pollution contributes to higher rates of cancer and heart and lung diseases, which adversely affect health; and

WHEREAS, California has some of the most polluted regions in the United States; and

WHEREAS, cities within the Western Riverside County face disproportionate, negative health impacts due to low air quality, falling within the California Environmental Protection Agency’s top 25% most disadvantaged communities, as denoted by SB 535; and

WHEREAS, it is vital that we protect the health and well-being of our residents, visitors, and workforce; and

WHEREAS, emissions from vehicles, industry, and even household sources significantly affect the natural environment, air quality and well-being of residents, employees, and visitors of the City of Jurupa Valley; and

WHEREAS, individual actions such as not idling vehicles, walking or biking to work and school, carpooling, and conserving energy can directly improve air quality in our region; and

WHEREAS, education about air quality can raise community awareness, encourage our community to develop better habits, and improve our community health; and

WHEREAS, Californians will be joining together across the state to clear the air on October 2, 2019; and

WHEREAS, the City of Jurupa Valley is committed to the health of our residents, workforce, visitors, and community at large.

NOW, THEREFORE BE IT RESOLVED, by the City of Jurupa Valley, that October 2, 2019, be declared “Clean Air Day” within its jurisdiction.

BE IT FURTHER RESOLVED that we encourage all residents, businesses, employees, and community members to participate in Clean Air Day and help clear the air for all Californians.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 3rd day of October, 2019.
I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-89 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 3rd day of October, 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 3rd day of October, 2019

Victoria Wasko, City Clerk
City of Jurupa Valley
STAFF REPORT

DATE: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER

BY: TERRI ROLLINGS, ASST. TO CM/PIO

SUBJECT: AGENDA ITEM NO. 14.H

RESOLUTION SUPPORTING INCREASED FUNDING FOR AFTERSCHOOL PROGRAMS IN THE 2020 STATE BUDGET (REQUESTED BY MAYOR PRO TEM ANTHONY KELLY)

RECOMMENDATION

1) That the City Council adopt Resolution No. 2019-90, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA TO SUPPORT AN ADDITIONAL FUNDING INCREASE OF $98.8 MILLION IN ASES FUNDING IN THE 2020 STATE BUDGET FOR AFTERSCHOOL PROGRAMS

BACKGROUND

In 2002, voters approved Proposition 49 which provides a continuous appropriation of funding annually to provide students in low-income communities access to safe, enriching afterschool programs. In 2006, the implementation of a ballot measure began with the After School Education and Safety Program (ASES). The Jurupa Unified School District contracts with the Think Together Organization to provide these services to children in the City of Jurupa Valley. Afterschool programs keep students engaged, provide academic support, keep children safe and provide access to meals and social engagement. By supporting the necessary funding to continue to keep these programs in our schools children at the highest risk will receive critical support and enrichment opportunities.

ANALYSIS

Research shows that afterschool programs through the ASES budget help children to excel in learning, learn responsibility, and avoid risky behaviors. Students get better grades and gain the skills necessary to prepare them for the jobs of tomorrow. Currently,
California's afterschool programs serve more than 400,000 students at 4,200 schools each day. The programs operate in the highest poverty communities ensuring that underserved students receive the exposure, skills and experience essential for positive growth and development.

By supporting the increase in State funding for the ASES programs, it will provide the means to keep these schools operating and avoid a potential closure of over one-quarter of them closing their doors by 2020.

OTHER INFORMATION

None.

FINANCIAL IMPACT

There is no fiscal impact.

ALTERNATIVES

1. Elect not to support this resolution.

2. Provide alternative direction to staff.

Prepared by: 

Terri Rollings  
Assistant to the City Manager/PIO

Submitted by: 

Alan Kreimeier  
Interim City Manager

Reviewed by: 

Peter M. Thorson  
City Attorney

Attachments:

1. Resolution No. 2019-90
RESOLUTION NO. 2019-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, SUPPORTING INCREASED FUNDING FOR AFTERSCHOOL PROGRAMS IN THE 2020 STATE BUDGET

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

WHEREAS, in 2002, voters approved Proposition 49 which provides a continuous appropriation of over $550 million annually to provide students in low-income communities access to safe, enriching after-school programs that offer academic assistance, enrichment activities, and recreational activities; the implementation of the ballot measure began in 2006 with the After School Education and Safety Program (Program); and

WHEREAS, on average, schools participating in the Program have more than 75% of their student population eligible for free and reduced price meals; and

WHEREAS, the Program provides funding for over 4,200 elementary and middle schools throughout the State and serves more than 400,000 students daily; and

WHEREAS, research shows that participation in the Program improves school attendance, reduces dropout rates, helps English learners transition to proficiency, develops Science, Technology, Engineering, the Arts and Mathematics learning; and

WHEREAS, such programs enrich workforce skills, build social-emotional skills, improve health and nutrition, prevent and reduce youth substance use and abuse, and reduce crime involving youth; and

WHEREAS, working parents rely on safe and effective after-school programs to enable them to work additional hours to support their families, while children depend on these programs to obtain valuable skills during a high crime period of the day; and

WHEREAS, the State's per capita investment in the Program has declined since 2006, despite substantial increases to the costs of operating these programs; and

WHEREAS, as costs have significantly outpaced dedicated funding, ASES programs have been forced to reduce the essential academic supports and enrichment opportunities they provide to pupils; and

WHEREAS, nearly one-quarter of ASES programs were likely to close their doors by 2020 unless they received additional funding; and

WHEREAS, the 2019-20 state budget included a $50 million funding increase out of the $112.8 million requested to keep pace with rising costs, leaving a $62.8 million gap; and
WHEREAS, the state minimum wage rises again in January 2020, causing the shortfall to expand an additional $36 million, with the combined necessary funding increase growing to $98.8 million, the appropriation of which would ensure that children statewide have an opportunity to enroll in the Program and would also increase educational outcomes for students; therefore be it

Resolved, that the Jurupa Valley City Council strongly supports an increased appropriation of $98.8 million for the After School Education and Safety (ASES) Program in the 2020-21 state budget; and be it

Resolved, that the Mayor shall communicate the City’s position to the appropriate committees and members of the State Legislature, and to the Governor.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 3rd day of October, 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. 2019-90 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 3rd day of October, 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 3rd day of October, 2019

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

DATE: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
BY: STEVE R. LORISO, P.E., PUBLIC WORKS DIRECTOR/CITY ENGINEER

SUBJECT: AGENDA ITEM NO. 16.A

PUBLIC HEARING TO CONSIDER PROHIBITING TRUCKS OVER 16,000 POUNDS ON ETIWANDA AVENUE FROM SR 60 FREEWAY TO HOPKINS STREET AND COUNTRY VILLAGE ROAD FROM SR 60 FREEWAY TO PHILADELPHIA AVENUE

RECOMMENDATION

1. The City Council should consider whether to prohibit trucks and vehicles over 16,000 pounds on Etiwanda Avenue from SR 60 Freeway to Hopkins Street and Country Village Road from SR 60 Freeway to Philadelphia Avenue, subject to exemptions required by the California Vehicle Code, such as pick-ups and deliveries.

2. If the Council decides to prohibit trucks and vehicles over 16,000 pounds on these streets, then the Council should:

   A. Adopt Resolution No. 2019-91, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ADOPTION OF AN ORDINANCE AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE (STATE CLEARINGHOUSE NO. 2018021020)

   B. Conduct a first reading and introduce Ordinance No. 2019-16, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE, PERMISSIBLE VEHICLE WEIGHT ON STREETS, ROADS, HIGHWAYS, AND BRIDGES; TRUCK ROUTES, TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS, TO ESTABLISH MAXIMUM VEHICLE AND TRUCK WEIGHT RESTRICTIONS OF 16,000 POUNDS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE

3. If the Council decides not to prohibit trucks and vehicles over 16,000 pounds on Etiwanda Avenue from SR 60 Freeway to Hopkins Street and Country Village Road from SR 60 Freeway to Philadelphia Avenue, the Council should adopt a motion terminating proceedings for the weight restrictions on these streets.

PROPOSED ORDINANCE

The proposed ordinance would amend Section 12.35.020 of the Jurupa Valley Municipal Code to prohibit trucks and vehicles over 16,000 pounds from using Etiwanda Avenue from SR 60 Freeway to Hopkins Street and Country Village Road from SR 60 Freeway to Philadelphia Avenue, except for certain uses such as pick-ups and deliveries to properties near these streets.

Jurupa Valley Municipal Code Section 12.35.020.G. requires that the proposed truck weight restrictions added by the proposed ordinance shall not prohibit any commercial vehicles from using a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained. Additionally emergency, utility and governmental vehicles are allowed.

Signs must be posted in accordance with uniform standards and specifications of the State Department of Transportation warning of the proposed truck weight restrictions. A State Encroachment Permit from Caltrans will be required to allow the City to place signs on the SR 60 Freeway and off-ramps advising trucks of the new restrictions. Caltrans approval is not required for the weight restrictions on City streets.

ENVIRONMENTAL IMPACT REPORT

The City retained Iteris to conduct traffic engineering studies to determine the feasibility and impacts of truck restrictions on these streets. These studies concluded that if trucks were restricted on Etiwanda Avenue, the trucks would use other streets and freeways in the area. These studies also pointed out the need to restrict truck weights on Country Village Road from SR 60 Freeway to Philadelphia Avenue.
Based on these engineering conclusions, the City was required to prepare an Environmental Impact Report pursuant to the requirements of the California Environmental Quality Act (CEQA). The purpose of the subject EIR is to analyze the environmental impacts of the proposed Ordinance so as to provide information for the City Council to decide whether or not trucks should be restricted by weight from using local roadway segments. An independent EIR has been completed by Placeworks and this document meets the requirements of CEQA.

As required under CEQA, the EIR does the following:

- Provides information about environmental consequences
- Discloses project related impacts to the public
- Identifies ways to avoid or reduce environmental impacts
- Analyzes alternatives
- Fosters inter-agency review and coordination
- Enhances public participation during the planning process

In addition to the studying the traffic impacts of the diversion of truck traffic from Etiwanda Avenue and Country Village Drive to other roads, the EIR also studied the impact of the diversion on noise and air quality resulting from the proposed Ordinance.

A summary of the analysis and findings of the EIR are attached to the proposed Resolution certifying the EIR, which is attached to this Staff Report.

The Draft EIR was circulated to the public as required by CEQA. The comments received and the City’s response to those comments have been included in the Final EIR.

**TRAFFIC IMPACTS AND MITIGATION**

The EIR study concludes there are significant and unavoidable traffic impacts upon the Milliken/Mission intersection in the City of Ontario and on surrounding Caltrans freeway interchanges resulting from the diversion of trucks off of Etiwanda Avenue and Country Village Drive should the proposed ordinance be adopted.

For the 2020 and 2035 traffic scenarios, the EIR identifies daily changes in truck volumes (Section 5.5 of the EIR, Traffic and Transportation, including Figures 5.5-2 and in 5.5-3, are attached to this Staff Report). The EIR also describes general improvements required to mitigate the impacts of the diversion of truck traffic if trucks are restricted on Etiwanda Avenue and Country Village Road. These improvements are summarized on Table 5.5-10 of the EIR.

The EIR identifies “project-related fair share percentages.” The fair share percentages show the percentage of traffic on the impacted streets generated by the proposed Ordinance establishing weight restrictions on Etiwanda Avenue and Country Village Drive.
Under CEQA, if the proposed Ordinance is adopted, the City would need to pay the project-related fair share cost for the offsite improvements necessary to mitigate the impacts of the diversion of trucks from Etiwanda Avenue and Country Village Road at the time City of Ontario or Caltrans initiated construction of the improvement.

The total project related fair share costs is $1,083,610. The project-related fair-share cost estimate for local intersection improvements in the City of Ontario for the Milliken/Mission Intersection Upgrades is $748,000. The project-related fair share cost of five Caltrans freeway upgrades would total $335,610. The total cost estimate to upgrade the intersection in the City of Ontario and the Caltrans freeway facilities, with the project related mitigation measures included in the $92,900,000 total. While the City will coordinate with other agencies and seek funding for improvements to mitigate project impacts, there is no guarantee that the City of Ontario and Caltrans will construct the upgraded facilities and the mitigation measures. Therefore, the impacts to the intersection and freeway facilities would remain significant and unavoidable.

The following is a table based on Table 5.5-10 from page 5.5-35 of the EIR that shows (1) the intersection and Caltrans freeway facilities impacted by the proposed Ordinance, (2) the estimated total improvement costs, (3) the project fair-share percentage, and (4) the actual cost to Jurupa Valley of its project fair-share contribution:

<table>
<thead>
<tr>
<th>Improvements Required to Mitigate Deficient Intersections and Freeway System</th>
<th>Location of Improvement</th>
<th>Estimated Total Improvement Cost</th>
<th>Project Fair-Share Percentage</th>
<th>Actual Cost to Jurupa Valley of its Project Fair-Share Cost of Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milliken/Mission Intersection Upgrades</td>
<td>$13,600,000</td>
<td>5.5%</td>
<td>$748,000</td>
<td></td>
</tr>
<tr>
<td>Route 60 Ramps at Mission Boulevard</td>
<td>$35,600,000</td>
<td>0.33%</td>
<td>$117,480</td>
<td></td>
</tr>
<tr>
<td>Route 60 Ramps at Etiwanda Avenue</td>
<td>$30,000,000</td>
<td>0.50%</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Route 60 Ramps at Country Village Road</td>
<td>$5,000,000</td>
<td>0.44%</td>
<td>$22,000</td>
<td></td>
</tr>
<tr>
<td>Route 60 at Milliken Avenue</td>
<td>$4,700,000</td>
<td>0.59%</td>
<td>$27,730</td>
<td></td>
</tr>
<tr>
<td>Route 15 at Jurupa Street</td>
<td>$4,000,000</td>
<td>0.46%</td>
<td>$18,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$92,900,000</td>
<td></td>
<td>$1,083,610</td>
<td></td>
</tr>
</tbody>
</table>
Thus, the City is required to mitigate the impacts to the intersection and Caltrans freeway facilities resulting from the proposed ordinance prohibiting trucks on Etiwanda Avenue and Country Village Road but (1) only to the extent of a total of $1,083,610 as its project fair-share costs and (2) to pay project fair-share costs for an improvement only at such time as the jurisdiction proceeds with the full construction of that improvement.

STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15093 of the State CEQA Guidelines provides:

“(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

“(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.”

Under this regulation, if the significant impacts of a project are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a “statement of overriding considerations” setting forth the specific reasons why the agency found that the project's “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 at p. 576.)

Should the City Council determine to adopt the Proposed Ordinance restricting the weight of trucks on Etiwanda Avenue and Country Village Road, the Council will need to consider and adopt a Statement of Overriding Considerations to address significant and unavoidable impacts from the proposed Ordinance. The facts and analysis supporting a proposed Statement of Overriding Consideration are described on pages 19 to 24 of the CEQA Findings of Fact and Statement of Overriding Considerations attached to the proposed Resolution certifying the EIR. The following is a summary of the findings supporting the proposed Statement of Overriding Considerations:
“The City has balanced the benefits of the Proposed Project [the proposed Ordinance prohibiting trucks exceeding 16,000 pounds on Etiwanda Avenue and Country Village Road] against the following unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts: (1) Transportation and Traffic. The City also has examined alternatives to the Proposed Project, none of which meet the project objectives and is environmentally preferable to the Proposed Project.”

“The City of Jurupa Valley concludes that the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance effectively achieves the goals and policies of the City of Jurupa Valley General Plan to designate truck routes and manage commercial truck impacts to disadvantaged and other residential neighborhoods. The Proposed Project would also decrease exposure to toxic air contaminants and noise at sensitive receptors and residential neighborhoods and would be consistent with the Sustainable Communities Strategy. Furthermore, this project is unique because consideration of the truck restriction along Etiwanda Avenue is a requirement of the 2012 settlement reached in the Center for Community Action and Environmental Justice lawsuit challenging the County of Riverside’s approval of the Mira Loma Commerce Center. The City of Jurupa Valley has balanced the project’s benefits against the project’s significant unavoidable impacts. The City finds that the project’s benefits outweigh the project’s significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project’s benefits. The City finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project’s significant unavoidable impacts.”

HISTORY OF STUDY OF TRUCK WEIGHT RESTRICTIONS ON ETIWANDA AVENUE AND COUNTRY VILLAGE DRIVE

The following is the history of studies conducted by the City for an ordinance prohibiting trucks weighing more than 16,000 pounds on Etiwanda Avenue from the SR 60 Freeway to Hopkins Street and on Country Village Drive from the SR 60 Freeway to Philadelphia Street:

1. June 2011 County of Riverside approves Mira Loma Commerce Center just prior to City incorporation (this involved approval of 1.1 million square feet on 65 acres, and 24 industrial warehouses);
2. July 2011 Center for Community Action and Environmental Justice (CCAEJ) files CEQA lawsuit;
3. February 2013 one of the settlement terms contained the Consent Judgment between CCAEJ, State Attorney General, City of Jurupa Valley and the developer of the Mira Loma Commerce Center requires the City to conduct a study of possible truck restrictions;
4. February 2014 City initiated truck study work with traffic engineering consultant Iteris;
5. December 2014 the Iteris studies conclude that impacts extend beyond Etiwanda Avenue and more studies are needed;

6. May 2016 analysis includes Country Village Road;

7. August 2017 air, noise, and traffic studies received by the City Council and staff directed to conduct EIR;

8. December 2017 consultant Placeworks begins EIR study work;

9. February 2018 Notice of Preparation issued for EIR;

10. March 13, 2018, the City of Jurupa Valley also held an agency scoping meeting for stakeholders to provide comments on the scope of the proposed project.

11. April 19, 2019 to June 3, 2019 EIR completed and circulated for public comment; and

12. September 20, 2019, the Final EIR containing the public comments and responses to them was circulated to the public agencies and commenters, consisting of three agencies, one organization, and four residents that provided comment during the forty-five day public review period.

13. September 23, 2019, Notice of the City Council Public Hearing was published in the Riverside Press Enterprise in English and Spanish.

14. September 23, 2019, Notice of the City Council Public Hearing in English and Spanish was mailed to residents in Mira Loma Village and Country Village and to those persons who have requested notice.

**CCAEJ CONSENT JUDGMENT REQUIREMENT FOR STUDY OF TRUCK WEIGHT RESTRICTIONS**

The City’s obligations to study an ordinance prohibiting trucks over 16,000 pounds from using Etiwanda Avenue is described in Section 3 of Exhibit A to the Consent Judgment approved by CCAEJ, California Attorney General, City of Jurupa Valley and the developers of the Mira Loma Commerce Center in the case of Center For Community Action and Environmental Justice, etc., vs. County of Riverside, City of Jurupa Valley, et al. (Riverside Superior Court Case No. RIC1112063):

“3. **Restricted Truck Route:** Within fifteen (15) months of the entry of the Consent Judgment, the City agrees to use its best efforts to conduct proceedings for the adoption of an ordinance restricting trucks with gross vehicle weight rating ("GVWR") over 16,000 lbs. from accessing the portion of Etiwanda Avenue adjacent to Mira Loma Village (between the 60 Freeway and Hopkins Street). The restricted truck route ordinance proceedings shall comply
with the California Environmental Quality Act (CEQA), and may include a study to determine if there are potential alternate routes for trucks with GVWR over 16,000 lbs. on roadways other than Etiwanda Avenue described above. In the event that the City does not adopt a restricted truck route ordinance within two years of the entry of the Consent Judgment, then the RPIs agree that a new condition of approval will apply to the Project. That new condition shall require that the developers/owners of the Project request of all initial tenants, in writing, that any trucks accessing the Project site with GVWR over 16,000 lbs. owned or operated by tenants of the Project buildings avoid traveling on the portion of Etiwanda Avenue adjacent to Mira Loma Village (between the 60 Freeway and Hopkins Street).

“The Parties understand and agree that, in the context of the City's processing an ordinance designating a restricted truck route, the City cannot guarantee the ultimate outcome of any public hearings before the City's Planning Commissions or City Council, nor prevent any opposition thereto by members of the public affected by or interested in the proposed truck route. The Parties recognize that the adoption of a restricted truck route ordinance is a discretionary act and that nothing in this Consent Judgment limits, in any manner, the City's exercise of its police power under the California Constitution. Subject to the foregoing, the City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of an restricted truck route.

“As part of its settlement of the Litigation, RPIs have specifically requested the City to include this term as a mitigation measure for the Project as set forth in Attachment 1 to this Exhibit and the City agrees to honor RPIs' request. RPIs agree to contribute a total of $20,000 to the City for the cost of the study and environmental review associated with the restricted truck route payable to the City within the time period set forth in the Consent Judgment. The City shall not be obligated to expend any funding beyond this sum for the study. If additional funding for the study associated with the restricted truck route proceedings is needed, the City may apply to the Center for Community Action and Environmental Justice (CCAEJ) for additional funding from the Mira Loma Mitigation Trust Account ("Trust Account") described in Paragraph 12 of this Exhibit."

Under Paragraph 3 of the Consent Judgment, the City is only required to spend the $20,000 paid by the developers of Mira Loma Commerce Center (referred to in the Consent Judgment as the "RPIs" or real parties in interest) for the traffic and environmental studies for a truck weight restriction ordinance and is not obligated to spend more than this sum. The City has spent $71,805 on the engineering studies, less the $20,000 payment from the Mira Loma Commerce Center developer as further described in the “Financial Impact” section of this Staff Report.

Under Paragraph 3 of the Consent Judgment, the parties to the Consent Judgment recognized that the adoption of a restricted truck route ordinance is a discretionary act
and that nothing in the Consent Judgment limits, in any manner, the City's exercise of its police power under the California Constitution.

Additionally, Paragraph 3 of the Consent Judgment provides that in the event that the City does not adopt a restricted truck route ordinance within two years of the entry of the Consent Judgment, then the developer of Mira Loma Commerce Center that a new condition of approval will apply to the Project requiring developers to request all tenants have trucks accessing the site to avoid traveling on the portion of Etiwanda Avenue adjacent to Mira Loma Village.

**PLANNING COMMISSION AND TRAFFIC SAFETY COMMITTEE REVIEW**

The Planning Commission and the City Traffic Committee have not reviewed the subject EIR document. There is no legal requirement that the Ordinance be considered by the bodies prior to consideration by the Jurupa Valley City Council. The Ordinance is limited to weight restrictions and does not include any of the actions specified under Government Code Sections 65401 and 65402.

**OTHER INFORMATION**

The City Attorney has approved the Resolution and Ordinance as to form. Should this project be approved by the City Council, paperwork will be filed with Caltrans requesting an encroachment permit to post signage. Once implemented, the truck weight restriction signage is expected to be in place indefinitely.

**FINANCIAL IMPACT**

The City received $20,000 from the developer of the Mira Loma Commerce Center pursuant to the Consent Judgment for the studies for the truck weight restrictions.

The City paid the cost of the Iteris traffic engineering studies in the amount of $71,805, less the $20,000 developer contribution pursuant to the Consent Judgment.

The City will pay the contractual cost of the preparation of the EIR in the amount of $207,636 using a grant from the developer of the Space Center project of $240,000.

If the Council elects to adopt the proposed Ordinance, the City is required to mitigate the impacts to the Milliken/Mission intersection and Caltrans freeway facilities resulting from the proposed ordinance prohibiting trucks on Etiwanda Avenue and Country Village Road but (1) only to the extent of a total of $1,083,610 as its project fair-share costs and (2) to pay its project fair-share costs for an improvement only at such time as the jurisdiction proceeds with the full construction of that improvement.

Once completed, staff estimates an annual cost of $150,000 to conduct enforcement activities related to the ordinance and for the posting of signs restricting trucks from using a portion of Etiwanda Avenue and Country Village Road.
Attachments:

1. Proposed Ordinance 2019-16, establishing weight restrictions for trucks over 16,000 pounds on Etiwanda Avenue and Country Village Drive;

2. Proposed Resolution 2019-91, certifying the EIR, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program;

   Exhibit A. CEQA Findings of Fact and Statement of Overriding Considerations

   Exhibit B. The Mitigation Monitoring and Reporting Program

3. Section 5.5, Transportation and Traffic, excerpt sections of the EIR addressing traffic impacts and mitigation.
4. Final EIR (September 2019), including comments received, and response to comments

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE, PERMISSIBLE VEHICLE WEIGHT ON STREETS, ROADS, HIGHWAYS, AND BRIDGES; TRUCK ROUTES, TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS, TO ESTABLISH MAXIMUM VEHICLE AND TRUCK WEIGHT RESTRICTIONS OF 16,000 POUNDS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE

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

Section 1. Section 12.35.020, Permissible Vehicle Weight on Streets, Roads Highways and Bridges; Truck Routes, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 12.35.020. - Permissible vehicle weight on streets, roads, highways, and bridges; truck routes.

A. Findings. The City Council finds that as the City of Jurupa Valley continues to grow and become more urbanized many streets and bridges within and near residential areas are not suitable for use by certain vehicles.

B. Purpose. The purpose of this section is to enable the city to regulate vehicle traffic on streets and bridges in or near residential areas pursuant to provisions in the California Vehicle Code so as to improve quality of life and traffic safety within the City.

C. Authority. This section is adopted pursuant to California Vehicle Code Sections 21101, 35701 through 35705, and 42030.1. Taken together, these Vehicle Code Sections authorize a city to prohibit any commercial vehicle exceeding a certain manufacturer's gross vehicle weight rating, from using certain streets within the City. These Vehicle Code sections also authorize a city to reduce the permissible weight of vehicles and loads upon unimproved streets or bridges. Vehicle Code Section 42030.1 provides a table of monetary fines for violations.

D. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Bridge means any structure carrying a highway or road over or across a depression or obstacle.

(2) Commercial vehicle means any vehicle of a type that is required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.
(3) *Residence district* means that portion of a highway or street and the property contiguous thereto, other than a business district:

(a) Upon one (1) side of which highway, within a distance of a quarter (¼) of a mile, the contiguous property fronting thereon is occupied by thirteen (13) or more separate dwelling houses or business structures; or

(b) Upon both sides of which highway or street collectively, within a distance of a quarter (¼) of a mile, the contiguous property fronting thereon is occupied by sixteen (16) or more separate dwelling houses or business structures.

A residence district may be longer than one-quarter (¼) of a mile if the above ratio of separate dwelling houses or business structures to the length of the highway exists.

(4) *Residential area* means a neighborhood where the prevailing land use is primarily residential, including, but not limited to, an area zoned for single-family and multifamily residences and a residence district.

(5) *Restricted* means limited to use by vehicles that do not exceed maximum permissible weight prohibitions.

(6) *Street* means any way or place of whatever nature, including streets, roads and highways that has been dedicated and accepted by the city, or by the County of Riverside prior to the city's incorporation, as a public use road, and is now maintained by the city.

(7) *Unimproved* means not built to a standard or quality sufficient for acceptance into the city-maintained road system and not maintained by the city.

(8) *Unrestricted* means not confined to use solely by vehicles weighing under a maximum weight.

E. *Weight prohibitions and reductions.*

(1) Pursuant to California Vehicle Code Sections 21101(c) and 35701, the City Council prohibits any commercial vehicle exceeding a manufacturer's gross vehicle weight rating of fourteen thousand (14,000) pounds (seven (7) tons) from using any identified street within a residential area for any duration of the day or from using any identified street if the use of such streets may adversely affect traffic circulation or safety within a residential area, except as provided in subsection G. of this section. This subsection continues in effect the current vehicle weight restrictions established by the County of Riverside prior to the incorporation of the city until such time as the Council modifies the weight restriction following engineering review.

(2) Pursuant to California Vehicle Code Section 21101(c), the City Council prohibits any commercial vehicle exceeding a manufacturer's gross vehicle weight rating of sixteen thousand (16,000) pounds (eight (8) tons) is prohibited from using the following streets or portions of streets within the City, except as provided in subsection G. of this section:
(a) Etiwanda Avenue from the SR 60 Freeway to Hopkins Street; 

(b) Country Village Road from the SR 60 Freeway to Philadelphia Avenue.

(3) Whenever any ordinance of this city establishes weight restrictions on a street or portion thereof, the Public Works Director is directed and authorized to place and install signs notifying the public of the weight restrictions as he or she may determine will best serve to give notice of a weight restriction to the motoring public in the manner required by California Vehicle Code Section 21103.

F. Truck route designations.

(1) The City Council shall designate "truck routes" on certain streets for use by a commercial vehicle exceeding a maximum gross vehicle weight rating or gross combination weight rating of ten thousand (10,000) pounds (five (5) tons) or more.

(2) Whenever any ordinance of this city designates and describes any street or portion thereof as a truck route, the Public Works Director is directed and authorized to designate such street by appropriate signs as truck routes which shall be posted at all entrances or part thereof affected in the manner required by Vehicle Code Section 21103.

(3) When any such truck routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross vehicle weight rating or gross combination weight rating of ten thousand (10,000) pounds (five (5) tons) or more shall drive on such routes and none other except as provided in subsection G. of this section.

G. Vehicles exempt from the restrictions of this section. The restrictions imposed by this section shall not apply to or regulate the following:

(1) Any commercial vehicle coming from an unrestricted street or bridge having on to a restricted street or bridge by direct route to and from such restricted street or bridge when necessary for the purpose of:

(a) Making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street or bridge;

(b) For the purpose of delivering materials or services to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street or bridge for which a building permit has previously been obtained and is in effect; or

(c) For the purpose of delivering workers, equipment, tools and services to a job site to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street or bridge for which a building permit has previously been obtained and is in effect.
(2) Any vehicle owned by a public utility or a licensed contractor performing work for the public utility while necessarily in use in the construction, installation, or repair of any public utility facilities.

(3) School buses, passenger buses under the jurisdiction of the California Public Utilities Commission and public transit buses;

(4) Vehicles that have been issued and display a permit pursuant to Chapter 12.10 or 13.10 of this Code.

(5) Vehicles that are allowed to be parked on private property owned by the owner of the vehicles pursuant to Title 9 of this Code, when using the most direct route to and from an unrestricted street or bridge to access the vehicle owner's property on a restricted street, subject to such further administrative regulations for identification of such vehicles as may be enacted by the City Manager for the implementation of this subsection.

(6) Emergency response vehicles.

(7) Any commercial vehicle using any highway, road or bridge by direct route to or from a state highway for the purpose of delivering or loading for transportation goods, wares, or merchandise.

(8) Vehicles used for the collection or transportation of solid waste, trash, recyclables or green waste by a franchisee of the city or by a business otherwise authorized or permitted by the city for such activity.

H. **Violations and penalties**. Any person violating any provision of this section shall be deemed guilty of an infraction, punishable by a fine or penalty as set by resolution, including Vehicle Code Section 42030.1, to the extent applicable. The city may also enforce the provisions of this section through the enforcement provisions of Title 1.

**Section 2. California Environmental Quality Act Findings.** On October 3, 2019, prior to the introduction of this Ordinance, the City Council adopted Resolution No. 2019-91, entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ADOPTION OF AN ORDINANCE AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE (STATE CLEARINGHOUSE NO. 2018021020)."
Section 3. **General Plan Finding.** The provisions of this Ordinance are consistent with the City’s General Plan and each element thereof.

Section 4. **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 5. **Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

Section 6. **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 7. **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 17th day of October, 2019.**

Brian Berkson
Mayor

ATTEST:

Victoria Wasco, 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. 2019-16 was regularly introduced at a regular meeting of the City Council held on the 3rd day of October, 2019 and thereafter at a regular meeting held on the 17th day of October, 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 17th day of October, 2019.

Victoria Wasko, CMC
City Clerk
RESOLUTION NO. 2019-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ADOPTION OF AN ORDINANCE AMENDING SECTION 12.35.020 OF THE JURUPA VALLEY MUNICIPAL CODE TO ESTABLISH VEHICLE AND TRUCK WEIGHT RESTRICTIONS ON ETIWANDA AVENUE FROM THE SR 60 FREEWAY TO HOPKINS STREET, AND ON COUNTRY VILLAGE ROAD FROM THE SR 60 FREEWAY TO PHILADELPHIA AVENUE (STATE CLEARINGHOUSE NO. 2018021020)

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

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

A. The Mira Loma Commerce Center was approved in 2011 by the Riverside County Board of Supervisors. A lawsuit was filed by the Center for Community Action and Environmental Justice (CCAEJ) entitled Center For Community Action and Environmental Justice, etc., vs. County of Riverside, et al. (Riverside Superior Court Case No. RIC1112063) which challenged the County’s approval of the project. A settlement agreement was reached in the case; the City is a party to the settlement and resulting Consent Judgment.

B. Based on the Consent Judgment, the City was obligated to study an ordinance prohibiting trucks over 16,000 pounds from using Etiwanda Avenue. In compliance with the Consent Judgment, on February 20, 2014, the City initiated traffic studies on Etiwanda Avenue from the State Route 60 to Hopkins Street. The results of the traffic study were presented at the City Council meeting of December 4, 2014. Pursuant to requirements outlined by the California Department of Transportation (Caltrans), it was noted that a diversion of trucks to other roadways would need further study to identify potential impacts of noise and air quality.

C. On February 5, 2015, additional traffic, air, and noise analyses were initiated. The findings, presented on May 5, 2016, revealed that truck restrictions along Etiwanda Avenue would result in the diversion of trucks that would impact residents along Country Village Road north of SR-60. The truck restriction route was expanded to include Country Village Road between SR-60 and Philadelphia Avenue.

D. The proposed project is the adoption of a City ordinance prohibiting medium-heavy- and heavy-heavy-duty trucks with a gross vehicle weight rating over 16,000 lbs. from...
accessing Etiwanda Avenue between SR-60 and Hopkins Street and Country Village Road between SR-60 and Philadelphia Avenue in the City of Jurupa Valley (the Project).

E. The proposed Project was processed, including but not limited to all public notices, in the time and manner prescribed by State and local law, including the California Environmental Quality Act, Public Resources Code § 21000, et seq. (CEQA) and the CEQA Guidelines, 14. Cal. Code Regs. § 15000 et seq.

F. Pursuant to CEQA, the City is the lead agency for the proposed Project because it is the public agency with the authority and principal responsibility for reviewing, considering, and potentially approving the proposed Project.

G. The City determined that an environmental impact report (EIR) would be required for the proposed Project and issued a Notice of Preparation (NOP) and Initial Study on February 9, 2018. The NOP was sent to the State Clearinghouse (SCH # 2018021020), responsible agencies, trustee agencies, and interested parties and posted on the City's website on February 9, 2018. The thirty (30)-day public review period extended from February 9, 2018, to March 10, 2018 and its purpose was to receive comments and input from interested public agencies and private parties on issues to be addressed in the EIR for the proposed Project.

H. In accordance with CEQA Guidelines Section 15082(c)(1), a scoping meeting was held during the NOP review period, on March 1, 2018, to solicit additional suggestions on the scope of the Draft EIR. Attendees were provided an opportunity to identify verbally or in writing the issues they felt should be addressed in the Draft EIR.

I. Due to the nature of the proposed project, the City also held an agency scoping meeting on March 13, 2018, for stakeholders to provide comments on the scope of the Draft EIR.

J. The scope of the Draft EIR was determined based on the initial study, comments received in response to the NOP, comments received at the scoping meeting conducted on March 1, 2018, and comments received at the agency scoping meeting conducted on March 13, 2018.

K. Thereafter, the City contracted for the independent preparation of a Draft EIR for the proposed Project, including preparation and review, as applicable, of all necessary technical studies and reports in support of the Draft EIR. In accordance with CEQA and the CEQA Guidelines, the City analyzed the proposed Project’s potential impacts on the environment, potential mitigation, and potential alternatives to the proposed Project.

L. Upon completion of the Draft EIR in April 2019, the City initiated a public comment period by preparing and sending a Notice of Availability (NOA) for the Draft EIR to all interested persons, agencies, and organizations; the NOA also was published in the Press Enterprise. The City also filed a Notice of Completion (NOC) with the State Office of Planning and Research on Friday, April 19, 2019. The Draft EIR was made available for a forty-five (45)-day public review period beginning April 19, 2019 and ending on June 3, 2019.

M. Copies of the Draft EIR were sent to various public agencies, as well as to organizations and individuals requesting copies. In addition, copies of the documents have been available for public review and inspection at the Jurupa Valley City Hall and two Jurupa Valley
Public Library facilities (Glen Avon Library, and Louis Rubidoux Library). The DEIR was also made available for download via the City’s website: http://www.jurupavalley.org.

N. In response to the Draft EIR, written comments were received from various agencies, individuals, and organizations. In compliance with CEQA Guidelines Section 15088, the City prepared written responses to all comments. None of the comments presented any new significant environmental impacts or otherwise constituted significant new information requiring recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

O. The Final EIR consists of the Draft EIR and all of its appendices, the comments and responses to comments on the Draft EIR, and clarifications/revisions to the Draft EIR. The Final EIR was made available to the public and to all commenting agencies at least 10 days prior to certification of the Final EIR, in compliance with Public Resources Code Section 21092.5(a).

P. On October 3, 2019, the City Council, at a duly noticed public hearing, considered the proposed Project and the Final EIR, at which time the City staff presented its report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project and the Final EIR.

Q. Section 15091 of the CEQA Guidelines requires that the City, before approving a project for which an EIR is required, make one or more of the following written finding(s) for each significant effect identified in the EIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

R. These required written findings are set forth in Exhibit A, attached hereto and incorporated herein by reference as if set forth in full, and are hereby adopted.

1. Environmental impacts determined during the scoping process to be less than significant and not potentially impacted by the proposed Project are described in Section IV(A) of Exhibit A.

2. Environmental impacts determined in the EIR to be less than significant and not requiring mitigation are described in Section IV(B) of Exhibit A.
3. Environmental impacts that remain significant and unavoidable despite the imposition of all feasible mitigation are described in Section V of Exhibit A. Section V of Exhibit A also discloses that there are no environmental impacts that are identified in the EIR as potentially significant but which can be reduced to less than significant levels with mitigation.

4. Alternatives to the proposed Project that might eliminate or reduce significant environmental impacts are described in Section VI of Exhibit A.

S. CEQA Guidelines Section 15093 requires that if a project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts. The Statement of Overriding Considerations is attached hereto as part of Exhibit A, is incorporated herein by reference as if set forth in full, and is hereby adopted.

T. CEQA Section 21081.6 requires the City to prepare and adopt a Mitigation Monitoring and Reporting Program for any project for which mitigation measures have been imposed to ensure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program is attached to this Resolution as Exhibit B, is herein incorporated by reference as if set forth in full, and is hereby adopted.

U. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered the information and data in the administrative record, including the Final EIR, the written and oral comments on the Draft EIR and Final EIR, responses to comments, staff reports and presentations, and all oral and written testimony presented during the public hearings on the proposed Project.

V. Custodian of Records. The City Clerk of the City of Jurupa Valley is the custodian of records, and the documents and other materials that constitute the record of proceedings upon which this decision is based are located at the Office of the City Clerk, City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, California, 92509.

Section 2. Substantive Findings. The City Council of the City of Jurupa Valley, California does hereby:

A. Declare that the above Procedural Findings are true and correct, and hereby incorporates them herein by this reference.

B. Find that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Final EIR and the proposed Project.

C. Find and declare that the City Council has independently considered the administrative record before it, which is hereby incorporated by reference and which includes the Final EIR, the written and oral comments on the Draft EIR, staff reports and responses to comments incorporated into the Final EIR, and all testimony related to environmental issues regarding the proposed Project.
D. Find and determine that the Final EIR fully analyzes and discloses the potential impacts of the proposed Project, and that those impacts have been mitigated or avoided to the extent feasible for the reasons set forth in the Findings attached as Exhibit A and incorporated herein by reference, with the exception of those impacts found to be significant and unmitigable as discussed therein.

E. Find and declare that the Final EIR reflects the independent judgment of the City Council. The City Council further finds that the additional information provided in the staff reports, in comments on the Draft EIR, the responses to comments on the Draft EIR, and the evidence presented in written and oral testimony does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the proposed Project or a feasible mitigation measure or alternative that the City has declined to implement.

F. Certify the Final EIR as being in compliance with CEQA. The City Council further adopts the Findings pursuant to CEQA and the Statement of Overriding Considerations as set forth in Exhibit A and adopts the Mitigation Monitoring and Reporting Program attached as Exhibit B. The City Council further determines that all of the findings made in this Resolution (including Exhibit A) are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearings before the City Council, and in the record of the proceedings. The City Council further finds that each of the overriding benefits stated in Exhibit A, by itself, would individually justify proceeding with the proposed Project despite any significant unavoidable impacts identified in the Final EIR or alleged in the record of proceedings.

G. The City Council hereby imposes as a condition on the Project each mitigation measure specified in Exhibit B, and directs City staff to implement and to monitor the mitigation measures as described in Exhibit B.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley this 3rd day of October, 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. 2019-91 was duly and regularly adopted by the City Council of the City of Jurupa Valley at a meeting thereof held on the 3rd day of October, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 3rd day of October, 2019

__________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
EXHIBIT A

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
I. INTRODUCTION

The California Environmental Quality Act ("CEQA") requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report ("EIR") prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. The State CEQA Guidelines Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it
has either required in the project or made a condition of approval to avoid or substantially lessens significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565 (Goleta II.).)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (California Native Plant Soc. v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001 ["an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'"]). An alternative may also be rejected because it "would not 'entirely fulfill' [a] project objective." (Citizens for Open Government v. City of Lodi (2012) 205 Cal.App.4th 296, 314-315.) “[F]easibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social and technological factors." (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b.) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal.3d at p. 576.)

When adopting Statements of Overriding Considerations, State CEQA Guidelines Section 15093 further provides:

EXHIBIT A
Etivanda Avenue/Country Village Road Truck Restriction Ordinance
CEQA Findings of Fact -2-
(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The following Findings of Facts ("Findings") are based on the Draft Environmental Impact Report ("DEIR") and the Final Environmental Impact Report ("FEIR") for the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance, SCH No. 2018021020 (collectively, the "EIR"), as well as all other information in the record of proceedings on this matter before the City of Jurupa Valley ("City") in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for adoption and implementation of the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance ("Proposed Project"). This action includes the certification of the following:

- Etiwanda Avenue/Country Village Road Truck Restriction Ordinance Environmental Impact Report, SCH No. 2018021020

A. DOCUMENT FORMAT

These Findings have been organized into the following sections:

1) Section 1 provides an introduction.

2) Section 2 provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.

3) Section 3 provides a summary of previous environmental reviews related to the project area that took place prior to the environmental review done specifically for the project, and a summary of public participation in the environmental review for the project.

4) Section 4 sets forth findings regarding the environmental impacts that were determined to be—as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period—either not relevant to the project or clearly not at levels that
were deemed significant for consideration given the nature and location of the Proposed Project.

5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the DEIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of project design features and/or mitigation measures, which are set forth in the Mitigation Monitoring and Reporting Program ("MMRP") for the Proposed Project. Where potentially significant impacts can be reduced to less than significant levels through adherence to project design features and/or mitigation measures, these findings specify how those impacts were reduced to an acceptable level. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the DEIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.

6) Section 6 sets forth findings regarding alternatives to the Proposed Project.

B. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Proposed Project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the Proposed Project
- The DEIR for the Proposed Project
- The FEIR for the Proposed Project
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- All written and verbal public testimony presented during a noticed public hearing for the Proposed Project
- The Mitigation Monitoring and Reporting Program
- The reports and technical memoranda included or referenced in the Response to Comment's
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and FEIR
- The Resolutions adopted by the City of Jurupa Valley in connection with the Proposed Project, and all documents incorporated by reference therein
- Matters of common knowledge to the City of Jurupa Valley, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings

EXHIBIT A
Etiwanda Avenue/Country Village Road Truck Restriction Ordinance
CEQA Findings of Fact -4-
II. PROJECT SUMMARY

A. PROJECT LOCATION

The City of Jurupa Valley covers approximately 43.5 square miles within the County of Riverside. The City is bordered by the City of Fontana and County of San Bernardino to the north, City of Norco to the south, City of Eastvale to the west, and City of Riverside and County of San Bernardino to the east.

Specifically, the proposed project involves the following roadway segments:

- Etiwanda Avenue between SR-60 and Hopkins Street.
- Country Village Road between SR-60 and Philadelphia Avenue.

B. PROJECT DESCRIPTION

Proposed Project

The Proposed Project is the adoption of a City ordinance prohibiting medium-heavy- and heavy-heavy-duty trucks with a gross vehicle weight rating over 16,000 lbs. from accessing Etiwanda Avenue between SR-60 and Hopkins Street and Country Village Road between SR-60 and Philadelphia Avenue in the City of Jurupa Valley.

Project Background

The Mira Loma Commerce Center was approved in 2011 by the Riverside County Board of Supervisors. A lawsuit was filed by the Center for Community Action and Environmental Justice (CCAEJ) entitled Center For Community Action and Environmental Justice, etc., vs. County of Riverside, City of Jurupa Valley, et al. (Riverside Superior Court Case No. RIC1112063) which challenged the County’s approval of the project. A settlement agreement was reached in the case; the City is a party to the settlement and resulting Consent Judgment.

Based on the Consent Judgment, the City was obligated to study an ordinance prohibiting trucks over 16,000 pounds from using Etiwanda Avenue. In compliance with the Consent Judgment, on February 20, 2014, the City initiated traffic studies on Etiwanda Avenue from the State Route 60 to Hopkins Street. The results of the traffic study were presented at the City Council meeting of December 4, 2014. Pursuant to requirements outlined by the California Department of Transportation (Caltrans), it was noted that a diversion of trucks to other roadways would need further study to identify potential impacts of noise and air quality.

On February 5, 2015, additional traffic, air, and noise analyses were initiated. The findings, presented on May 5, 2016, revealed that truck restrictions along Etiwanda Avenue would result in the diversion of trucks that would impact residents along Country Village Road north of SR-60.

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The truck restriction route was expanded to include Country Village Road between SR-60 and Philadelphia Avenue.

C. DISCRETIONARY APPROVALS

Project development requires the following discretionary approvals from the City:

- Adoption of a Resolution to:
  - Certify the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance Environmental Impact Report, SCH No. 2018021020
  - Adopt the Findings of Fact and Statement of Overriding Considerations
  - Adopt the Mitigation Monitoring and Reporting Program

- Adoption of an Ordinance amending Section 12.35.020 of the Jurupa Valley Municipal Code to prohibit trucks and vehicles over 16,000 pounds from using Etiwanda Ave. from SR 60 Freeway to Hopkins Street and Country Village Road from SR 60 Freeway to Philadelphia Ave

D. STATEMENT OF PROJECT OBJECTIVES

The statement of objectives sought by the project and set forth in the EIR is as follows:

1) Comply with the Consent Judgment in the case Center For Community Action and Environmental Justice, etc., vs. County of Riverside, et al. (Riverside Superior Court Case No. RIC1112063).

2) Consider adoption of a City ordinance prohibiting trucks over 16,000 pounds from accessing the two roadway segments in the proposed project.

3) Remain consistent with goals in the City’s General Plan to designate truck routes and manage commercial truck impacts to disadvantaged and other residential neighborhoods.

4) Reduce exposure to toxic air contaminants, including diesel particulate matter and other pollutants, at sensitive receptors and residential neighborhoods while maintaining the efficiency of the local and regional transportation system.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS

In conformance with CEQA, and the State CEQA Guidelines, the City conducted an extensive environmental review of the Proposed Project.

- The City of Jurupa Valley determined that an EIR would be required for the Proposed Project and issued a Notice of Preparation (NOP) and Initial Study on February 9, 2018. The NOP was sent to the State Clearinghouse, responsible agencies, trustee agencies, and interested parties and posted on the City’s website on February 9, 2018. The thirty (30)-day public review period extended from February 9, 2018, to March 10, 2018.
A scoping meeting was held during the NOP review period to solicit additional suggestions on the scope of the DEIR. Attendees were provided an opportunity to identify verbally or in writing the issues they felt should be addressed in the DEIR. The scoping meeting was held on March 1, 2018, at the Jurupa Valley City Hall, 8930 Limonite Avenue, Jurupa Valley, CA 92509. The notice of the public scoping meeting was included in the NOP.

Due to the nature of the proposed project, the City of Jurupa Valley also held an agency scoping meeting on March 13, 2018, for stakeholders to provide comments on the scope of the DEIR.

The scope of the DEIR was determined based on the initial study, comments received in response to the NOP, and comments received at the scoping meeting conducted on March 1, 2018, and the agency scoping meeting conducted on March 13, 2018. Section 2.3 of the DEIR describes the issues identified for analysis in the DEIR.

Thereafter, the City of Jurupa Valley contracted for the independent preparation of a DEIR for the proposed project, including preparation and review, as applicable, of all necessary technical studies and reports in support of the DEIR. In accordance with CEQA and the CEQA Guidelines, the City analyzed the proposed project’s potential impacts on the environment, potential mitigation, and potential alternatives to the proposed project.

The City of Jurupa Valley prepared a DEIR, which was made available for a forty-five (45)-day public review period beginning April 19, 2019 and ending on June 3, 2019.

- The complete DEIR consists of the analysis of the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance and all referenced appendices. The Notice of Availability (“NOA”) for the DEIR was sent to all interested persons, agencies, and organizations and the NOA was published in the Press Enterprise. The Notice of Completion (“NOC”) was sent to the State Clearinghouse in Sacramento for distribution to public agencies on April 19, 2019. Copies of the DEIR were made available for public review at the Jurupa Valley City Hall and two Jurupa Valley Public Library facilities (Glen Avon Library, and LuIs Rubidoux Library). The DEIR was also made available for download via the City’s website: http://www.jurpavalley.org

- The FEIR includes comments on the DEIR, responses to those comments, and clarifications/revisions to the DEIR. In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines), the City has met its obligation to provide written Responses to Comments to public agencies at least 10 days prior to certifying the FEIR.

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IV. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT

A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT DURING THE SCOPIING PROCESS

Based on the initial study, the public scoping process (including review of NOP responses and input at the public scoping meetings), in addition to analysis prepared for the DEIR, the City determined, based upon the threshold criteria for significance, that the Proposed Project would have no impact or a less than significant impact on the following potential environmental issues (see DEIR, Chapter 3, Impacts Found Not to be Significant). It was determined, therefore, that these potential environmental issues would not be included in any detailed discussion in the DEIR. Based upon the environmental analysis presented in the DEIR, and the comments received by the public on the DEIR, no substantial evidence was submitted to or identified by the City which indicated that the Proposed Project would have an impact on the following environmental areas:

(a) Aesthetics: The Proposed Project is the adoption of an ordinance and no physical changes to the roadways would occur. The only new structures may include signage identifying the truck restriction. As such, there are no impacts relating to scenic vistas, scenic resources within a State Scenic Highway, visual character, or light and glare.

(b) Agriculture and Forestry Resources: The Proposed Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the Proposed Project area includes forest resources, and the site is not zoned for forest land, timberland, or timberland production.

(c) Biological Resources: No physical changes to any affected roadways are proposed by the Project and the only new structures may include signage identifying the truck restriction. As such, the Proposed Project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, have a substantial adverse effect on any riparian habitat or other sensitive natural community, have a substantial adverse effect on federally protected wetlands, interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or conflict with any local policies or ordinances protecting biological resources.

(d) Cultural Resources: The Proposed Project is the adoption of an ordinance and no physical changes to the roadways are proposed by the Project. As such, the Project would not cause a substantial adverse change in the significance of a historical resource, cause a substantial adverse change in the significance of an archaeological resource or tribal cultural resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains.

(e) Geology and Soils: No physical changes to any affected roadways are proposed by the Proposed Project. As such, the Proposed Project would not expose people or structures to potential substantial adverse effects involving the rupture of a known earthquake fault, strong seismic ground shaking, landslides, seismic-related ground failure, substantial soil erosion or the loss of topsoil, or unstable geologic units or soils. Furthermore, the Proposed Project does not involve the use septic tanks or alternative wastewater disposal systems.

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(f) **Hazards and Hazardous Materials:** The Proposed Project does not involve the construction of stationary sources of hazardous materials (e.g. manufacturing and processing facilities) and hazardous materials would be transported by truck to existing facilities. With adherence to mandatory requirements for the transport of hazardous materials, the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Furthermore, the Proposed Project site is not located within one-quarter of a mile of an existing or proposed school and is not located on a site listed as a hazardous material site. Some affected roadways may be located within the Ontario International Airport Compatibility Plan; however, this would not create a significant hazard to the public or the environment. The Proposed Project would also not impair the implementation of or physically interfere with an adopted emergency response/evacuation plan or expose people or structures to potential wildland fire hazards.

(g) **Hydrology and Water Quality:** The Proposed Project is the adoption of an ordinance and there is no additional water demand, or release of runoff associated with the Proposed Project. As such, the Proposed Project would not violate any water quality standards, deplete groundwater, or substantially alter the drainage pattern on site. The Proposed Project site is not located within a 100-year flood hazard zone and is not close or low enough to sea level to be exposed to potential inundation by seiche or tsunami. The are no nearby dams or levees that could expose people or structures to flood hazards as a result of dam or levee failure.

(h) **Land Use and Planning:** The Proposed Project would not divide an established community and would not conflict with an adopted habitat conservation plan or natural community conservation plan.

(i) **Mineral Resources:** Because all the affected roadways are paved, the Proposed Project would not impact mineral resources. Furthermore, the Proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

(j) **Noise:** Transportation-related vibration associated with the proposed truck route ordinance and the increase of truck traffic along some roadways would not result in excessive groundborne vibrations. Furthermore, there are no physical changes associated with the Proposed Project and no construction activity will occur. Therefore, the Proposed Project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the Proposed Project. Some affected roadways may be located within the Ontario International Airport Compatibility Plan. The Proposed Project, however, would not introduce new land use development or residents or employees to the project area. It would, therefore, not expose people to potential airport noise.

(k) **Population and Housing:** The Proposed Project would not directly result in population growth because it does not propose any residential dwelling units. The affected roadways are improved roadways and do not contain housing or provide habitable structures. As such, the Proposed Project would not displace any housing or residents or induce population growth in the area.

(l) **Public Services:** The Proposed Project would not result in the construction of new roadways into undeveloped areas which could induce population growth requiring new public services or the expansion of public facilities. Therefore, the Proposed Project would not result in
substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.

(m) Recreation: The Proposed Project would not alter land uses or generate new residents or employees who would increase the demand on parks or other recreational facilities. It would not, therefore, accelerate the deterioration of existing facilities or result in increased demand requiring the construction or expansion of recreational facilities which could cause a physical impact on the environment.

(n) Transportation and Traffic: The Proposed Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

(o) Tribal Cultural Resources: The roadways affected by the Proposed Project are improved roadways and include pavement (and in many cases include curbs, gutters, sidewalks, and parkway landscaping). None of the affected roadways are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Because no physical disturbance to any affected roadway will occur, the Proposed Project will not impact a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

(p) Utilities and Service Systems: The Proposed Project would not generate additional wastewater, water, stormwater, or solid waste. Therefore, the Proposed Project would not exceed wastewater treatment requirements, require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, or require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. Furthermore, the Proposed Project would not impact water supplies available to serve the project area and is not required to be served by a landfill with sufficient permitted capacity or comply with federal, state, and local statutes and regulations related to solid waste.

All other topical areas of evaluation included in the Environmental Checklist were determined to require further assessment in the DEIR.

B. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE DEIR

This section identifies impacts of the Proposed Project determined to be less than significant without implementation of project-specific mitigation measures. This determination, however, does assume compliance with existing regulations as detailed in each respective topical section of Chapter 5 in the DEIR.

(a) Air Quality: The Proposed Project is consistent with the applicable Southern Coast Air Quality Management District’s Air Quality (SCAQMD) Management Plan. Construction activities associated with the Proposed Project would not generate short-term emissions in exceedance of SCAQMD’s threshold criteria. The long-term operation of the Proposed Project would not generate emissions in exceedance of SCAQMD’s threshold criteria. Furthermore, the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

(b) Greenhouse Gas Emissions: The Proposed Project would not generate a net increase in GHG emissions, either directly or indirectly, that would have a significant impact on the

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environment. The Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

(c) Land Use Planning: The Proposed Project would not divide an established community and would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including the City of Jurupa Valley General Plan and the Southern California Association of Governments 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy) adopted for the purpose of avoiding or mitigating an environmental effect.

(d) Noise: Long-term operational-related noise impacts due to implementation of the Proposed Project would not exceed local noise standards or result in substantial increases in noise above levels without the Proposed Project.

(e) Transportation and Traffic: The Proposed Project would not increase hazards due to a design feature because there would be no modifications to the configuration of any existing roads. Furthermore, the Proposed Project would comply with adopted policies, plans, and programs for alternative transportation. Also, as a result of adopting the proposed trucking restrictions, no significant impacts would occur to study area intersections under 2020 conditions, the year the ordinance would be anticipated to take effect.

(f) Energy: The Proposed Project would be consistent with the Federal and State energy-related regulations and would not result in wasteful or unnecessary fuel demands. Furthermore, the City of Jurupa Valley and its surrounding areas are generally urbanized with available gasoline fuel facilities and infrastructure. Consequently, the Proposed Project would not result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following potentially significant environmental impacts were analyzed in the DEIR, and the effects of the Proposed Project were considered. Three potential findings can be made for potentially significant impacts, as described in the following paragraphs.

Based on the environmental analysis of the project and the identification of relevant General Plan policies; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures, some potentially significant impacts can be determined by the City to be reduced to a level of less than significant. In this situation the City can find—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15061(a)(1)—that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” This is referred to herein as “Finding 1.”

Where the City has determined—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15061(a)(2)—that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the City’s finding is referred to herein as “Finding 2.”

Where, as a result of the environmental analysis of the project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant

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impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” This is referred to herein as “Finding 3.”

A. IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

There are no potentially significant impacts that are mitigated to less than significant. Potentially significant environmental impacts found to be reduced to less than significant upon implementation of General Plan policies; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures would be considered a Finding 1. The City hereby makes no Finding 1.

B. SIGNIFICANT UNAVERADABLE ADVERSE IMPACTS

The following summary describes impacts of the Proposed Project that result in significant and unavoidable impacts.

1. Transportation and Traffic

**Impact 5.5-1: Project truck traffic restrictions would impact levels of service in the local circulation system.**

The intersection analysis results under 2035 Without Project and 2035 With Project conditions show that most intersections operate at LOS D or better under 2035 conditions. The following intersections are forecast to be deficient:

- 5, Etiwanda Avenue/SR-60 EB On-Ramp (Without Project, AM Peak Hour)
- 12, Etiwanda Avenue/Mission Boulevard (Without and With Project, AM and PM peak hour)
- 13, Etiwanda Avenue/Philadelphia Street (Without and With Project, PM peak hour)
- 15, Milliken Avenue/Mission Boulevard (Without and With Project, PM peak hour)
- 17, Country Village/Philadelphia Street (Without and With Project, PM peak hour)
- 18, Country Village at SR-60 Westbound Ramps (Without and With Project, AM and PM peak hour)

Trucking restrictions would route trucks away from all deficient intersections, resulting in a decrease in delay, except for intersection 15, Milliken Avenue/Mission Boulevard. This intersection is located on the boundary between Eastvale and Ontario. At this intersection, the Proposed Project would increase truck traffic, resulting in an increase in delay of 1 second per vehicle in the AM peak hour and 7.3 seconds per vehicle in the PM peak hour, worsening its

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operations. Based on the threshold for significant impacts of the Proposed Project, the Proposed
Project would cause a significant impact at intersection 15, Milliken Avenue/Mission Boulevard
under 2035 conditions in the PM peak hour.

The intersection of Milliken Avenue and Mission Boulevard was reconstructed as part of the South
Milliken Avenue Grade Separation. Opening in 2017, the intersection is elevated above Mission
Boulevard and predominately serves north-south Milliken Avenue traffic and right-turns and left-
turns between Milliken Avenue and Mission Boulevard. Under 2035 conditions, the southbound
through movement is the critical intersection movement. The southbound through movement is
carried by three through lanes. An additional southbound through lane (from 3 lanes to 4 lanes)
would be required to mitigate the projected Milliken Avenue/Mission Boulevard intersection
deficiency. There are no current plans for future improvements to the South Milliken Avenue
Grade Separation. Widening is not included in the City of Ontario General Plan Mobility Element.

Mitigation Measures

T-1: In the event the City of Ontario proposes to widen the South Milliken Avenue Grade
Separation to 4 lanes to accommodate southbound through movement, the City of
Jurupa Valley shall, to the extent financially feasible, contribute its project fair share
contribution to this improvement at the time of its construction. The project fair share
calculation is 5.5 percent of the $13,600,000 cost of the improvement as provided in
Table 5.5-10 of the DEIR.
<table>
<thead>
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<th>Location</th>
<th>Estimated Total Improvement Cost</th>
<th>Project Fair-Share Percentage</th>
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<tr>
<td>Milliken/Mission intersection Upgrades</td>
<td>$13,600,000</td>
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<tr>
<td>Route 60 Ramps at Mission Boulevard</td>
<td>$35,600,000</td>
<td>0.33%</td>
</tr>
<tr>
<td>Route 60 Ramps at Etiwanda Avenue</td>
<td>$30,000,000</td>
<td>0.50%</td>
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<tr>
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<td>0.44%</td>
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<td>Route 60 at Milliken Avenue</td>
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</tr>
<tr>
<td>Route 15 at Jurupa Street</td>
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</tr>
</tbody>
</table>

Source: Cost estimates: Jurupa Valley Public Works Department 2019.
Fair share percentages: Iteris, Inc.

There are no current plans by the City of Ontario to provide an additional southbound through lane, and such a project would require widening the recently constructed bridge. Moreover, the City of Jurupa Valley does not have jurisdiction over this intersection/grade separation; therefore, potential improvements are beyond the authority of the City. The Proposed Project's contribution to truck trips at this facility would result in a significant and unavoidable impact.

Finding

Finding 2 – The City hereby makes Finding 2 having determined that—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

Impact 5.5-2: The Proposed Project would impact levels of service in the freeway system.

Under 2020 conditions, 5 of the 16 freeway ramps have demand that exceeds capacity in the peak hour. The Proposed Project would also add trips to the freeway ramps that are anticipated to operate at unacceptable conditions. This would be considered a significant impact without mitigation at 5 ramps under 2020 conditions.

Under 2035 conditions, 7 of the 16 ramps have demand that exceeds capacity in the AM peak hour, and all but one location in the PM peak hour have demand that exceeds capacity in the PM peak hour under without project and with project conditions. The Proposed Project would also add trips to these freeway ramps. Therefore, a significant impact would occur at 12 ramps under 2035 conditions.

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In summary, the following off-ramps would operate at a deficient level of service without mitigation:

- I-15 Southbound Off-Ramp at Jurupa Street (2020)
- I-15 Southbound On-Ramp at Jurupa Street (2020, 2035)
- I-15 Northbound Off-Ramp at Jurupa Street (2035)
- I-15 Northbound On-Ramp at Jurupa Street (2035)
- Milliken Avenue at SR-60 Eastbound Off-Ramp (2035)
- Milliken Avenue at SR-60 Westbound Off-Ramp (2035)
- Milliken Avenue at SR-60 Westbound On-Ramp (2020, 2035)
- Etiwanda Avenue at SR-60 Eastbound On-Ramp (2020, 2035)
- Etiwanda Avenue at SR-60 Westbound Off-Ramp (2035)
- Mission Avenue at SR-60 Eastbound Off-Ramp (2035)
- Mission Avenue at SR-60 Westbound On-Ramp (2020, 2035)
- Country Village a: SR-60 Westbound Off-Ramp (2035)
- Country Village a: SR-60 Eastbound Off-Ramp (2035)

The following improvements would be needed to mitigate impacts to the freeway system:

- Route 60 Ramps at Mission Boulevard: Intersection upgrades and improve westbound on-ramps
- Route 60 Ramps at Etiwanda Avenue: Intersection upgrades and improve eastbound on-ramps
- Route 60 Ramps at Country Village Road: Improve ramps and add turn lanes
- Route 60 at Milliken Avenue: Improve Ramps and add channelization
- Route 15 at Jurupa Street: Improve Ramps and Widen Intersection

**Mitigation Measures Update Mitigation**

**T-2:** The City shall coordinate with RCTC, Caltrans, and the City of Ontario to update area-wide roadway plans and programs and to seek funding for improvements as needed to achieve Caltrans, RCTC, and local jurisdiction standards. To the extent that it is financially feasible and at the time of construction, the City shall contribute its project fair share contribution to the improvements as provided in Table 5.5-10 of the DEIR.
Changes and expansions to the SR-60 and I-15 freeway facilities, such as on-and off-ramps, are not within the jurisdiction of the City of Jurupa Valley. The improvement to Caltrans’s freeway ramps would require approval from Caltrans as the owner/operator. Improvements to freeway facilities are planned funded, and constructed by the State. Caltrans currently does not have a funding mechanism for development projects to contribute fair share fees to implement improvements on Caltrans facilities.

The Transportation Mitigation Uniform Fee currently does not have programmed improvements at any of the impacted locations. There are no programmed improvements to mitigate traffic impacts at the freeway ramps locations impacted by the Proposed Project. While the City will coordinate with other agencies to seek funding for improvements to mitigate the impacted interchanges, there is no guarantee that the mitigation measures will be implemented. Therefore, this impact would remain significant and unavoidable.

**Finding 2** – The City hereby makes Finding 2 having determined that—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

**Impact 5.5-3:** The truck restrictions implemented with the project would result in designated highways exceeding county congestion management agency service standards.

The Proposed Project would result in additional traffic volume that would significantly cumulatively contribute to impacts at freeway on-and off-ramps. According to the Riverside County Congestion Management Program (CMP), when a deficiency is identified, a deficiency plan must be prepared by the local agency (in this case, Caltrans). Other agencies identified as contributors to the deficiency, which in this case is the City of Jurupa Valley, are also required to coordinate with the development of the plan. The plan must contain mitigation measures, including consideration of transportation demand management strategies and transit alternatives, and a schedule for mitigating deficiency. Without specific policies requiring the City to contribute to the deficiency plan, this would be considered a significant impact without mitigation.

**Mitigation Measures**

See mitigation T-2 above.

Impact 5.5-3 would remain significant and unavoidable.

**Finding**

**Finding 2** – The City hereby makes Finding 2 having determined that—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

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VI. FINDINGS REGARDING ALTERNATIVES

CEQA requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project, and evaluate the comparative merits of the alternatives” (CEQA Guidelines § 15126.6[a]).

The Proposed Project would result in significant and unavoidable environmental effects in the area of transportation and traffic.

A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of the alternative considered during the scoping and planning process and the reasons why it was not selected for detailed analysis in the DEIR.

Alternative Development Areas. CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines § 15126[5][B][1]). Unlike land use development projects, the proposed Etiwanda Avenue/Country Village Road Truck Restriction Ordinance would implement a change in transportation operation and would not result in physical impacts to a particular site. Moreover, this Proposed Project is unique because consideration of the truck restriction along Etiwanda Avenue is a requirement of the Consent Judgment in the CCAEJ lawsuit challenging the County of Riverside’s approval of the Mira Loma Commerce Center (see Section 3.3.1 Description of the Project). The requirement is tied specifically to the impact of truck traffic along this route to the adjacent Mira Loma Village community. Evaluation of a truck restriction ordinance that did not include the specified segment of Etiwanda Avenue (SR-60 to Hopkins Street) would therefore not comply with the settlement agreement.

Based on the initial traffic study prepared pursuant to the settlement agreement, however, it was determined that truck restriction exclusively on Etiwanda Avenue would divert a substantial number of trucks to Country Village Road to the east. Residential uses along this roadway would then be disproportionately impacted by the additional truck traffic. The relative impacts of the Etiwanda Avenue Only Truck Restriction is evaluated in the alternatives below.

Conclusion. Based on this review, there are no feasible alternative project sites within the City that would accommodate the Proposed Project and reduce or eliminate significant environmental impacts. Therefore, this alternative was considered but rejected from further consideration.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

Based on the CEQA criteria, the following two alternatives were determined to represent a reasonable range of alternatives which have the potential to feasibly attain most of the basic

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objectives of the project but which may avoid or substantially lessen any the environmental effects of the project.

**No Project Alternative**

As required by CEQA, the No Project alternative was evaluated. This alternative allows decision makers to compare the impacts of approving the Proposed Project with the impacts of not approving the Proposed Project. This alternative considers what would reasonably be expected to occur in the foreseeable future if the Proposed Project were not approved.

**Finding:** The City Council rejects the No Project Alternative on the basis of policy and environmental factors as explained herein.

Under the No Project alternative, air quality, land use, and noise impacts would be increased compared to the Proposed Project. Future health risk and noise conditions would be significantly worse than the Proposed Project. Since the No Project alternative would not be consistent with General Plan policies to implement truck routes to minimize impacts to residential uses, this land-use impact would also be considered significant. Impacts to the roadway network would be different than the Proposed Project but considered similar as far as significance. Greenhouse gas impacts would also be similar. Overall, the proposed project is environmentally superior to the No Project alternative. Furthermore, the No Project alternative would only achieve two of the four project objectives. This alternative would not be consistent with the goals in the City’s General Plan to designate truck routes and manage commercial truck impacts to disadvantaged and other residential neighborhoods. Also, relative to the proposed project, the No Project alternative would increase exposure to toxic air contaminants at sensitive receptors and residential neighborhoods.

**Truck Restriction Ordinance: Etiwanda Avenue Only**

Consideration of a truck restriction ordinance along Etiwanda Avenue between SR-50 and Hopkins Street is the court settlement requirement. Although preliminary studies indicated that restricting trips only on Etiwanda Avenue would result in diversion of substantial truck traffic to Country Village Road (and resulting impacts to residences along that arterial), detailed studies were not conducted. This alternative is provided to provide decision makers with a more comprehensive analysis and comparison to the Proposed Project.

**Finding:** The City Council rejects the Truck Restriction Ordinance: Etiwanda Avenue Only Alternative on the basis of policy and environmental factors as explained herein.

Air quality, land use, and noise impacts would be increased under this alternative relative to the Proposed Project. Future health risk and noise conditions would be substantially worse for residents along Country Village Road. Health risk impacts would be significant, and noise levels may increase as much as 3 dBA, and therefore would also be significant. This alternative would partially comply with the General Plan policy to implement truck routes to minimize impacts to residential uses, but since it would result in significant impacts to Country Village Road residences, the land use impact would also be considered significant. Impacts to the roadway network would be different than the Proposed Project but considered similar as far as significance. Greenhouse gas impacts would also be similar. Overall, the Proposed Project is environmentally superior to the
Etiwanda Avenue Only Truck Reduction alternative. Furthermore, the Truck Restriction Ordinance: Etiwanda Avenue Only alternative would only achieve two of the four project objectives. This alternative would not be completely consistent with the goals in the City's General Plan to designate truck routes and manage commercial truck impacts to disadvantaged and other residential neighborhoods. It would reroute truck trips from Etiwanda Avenue and reduce traffic, health risk, and noise impacts to Mira Loma Village. However, this would be at the expense of increasing these impacts at residences along Country Village Road. As such, compared to the Proposed Project, the Etiwanda Avenue Only restriction would substantially increase exposure to toxic air contaminants at sensitive receptors and residential neighborhoods.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and the Guidelines Section 15093, the City has balanced the benefits of the Proposed Project against the following unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts: (1) Transportation and Traffic. The City also has examined alternatives to the Proposed Project, none of which meet the project objectives and is environmentally preferable to the Proposed Project.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

A. BACKGROUND

CEQA requires decision makers to balance the benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are

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infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093 [b]). The agency's statement is referred to as a Statement of Overriding Considerations.

The following sections provide a description of each of the Proposed Project's significant and unavoidable adverse impacts and the justification for adopting a Statement of Overriding Considerations.

B. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The following adverse impacts of the Proposed Project are considered significant, unavoidable, and adverse based on the DEIR, FEIR, Mitigation Monitoring and Reporting Program, and the findings discussed in Section II, Findings and Facts Regarding Impacts, of this document.

1. Transportation and Traffic:
   - Project truck traffic restrictions would impact levels of service in the local circulation system (2035).
   - The Proposed Project would impact levels of service in the freeway system.
   - The truck restrictions implemented with the project would result in designated highways exceeding county congestion management agency service standards.

C. CONSIDERATION IN SUPPORT OF THE STATEMENT OF OVERRING CONSIDERATIONS

After balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, the City of Jurupa Valley has determined that the unavoidable adverse environmental impacts identified above may be considered "acceptable" due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the Proposed Project.

1. Implements Objectives Established for the Project

The Proposed Project implements a vision shaped by the four following objectives:

- Comply with the Consent Judgement in the case: Center for Community Action and Environmental Justice (CCAEJ) v. County of Riverside, et. al.

- Consider adoption of a City ordinance prohibiting trucks over 16,000 pounds from accessing the two roadway segments in the proposed project.

- Remain consistent with goals in the City's General Plan to designate truck routes and manage commercial truck impacts to disadvantaged and other residential neighborhoods.

- Reduce exposure to toxic air contaminants, including diesel particulate matter and other pollutants, at sensitive receptors and residential neighborhoods while maintaining the efficiency of the local and regional transportation system.

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2. **Implements Specific Goals and Policies of the City of Jurupa Valley General Plan**

The City's General Plan sets forth the goals, policies, and directions the City will take in managing its future. It is the blueprint for development and a guide to achieving the long-term, citywide vision. The City's General Plan sets the following goals in its Land Use Element:

- **LUE 3.13 Commercial Trucks.** Manage commercial truck traffic, access, loading, and parking to minimize potential impacts on adjacent residential and commercial properties.

- **LUE 6.3 Regional Planning.** Participate in regional efforts to address issues of mobility, transportation, traffic congestion, economic development, air and water quality, and watershed and habitat management with cities, local and regional agencies, stakeholders, Indian nations, and surrounding jurisdictions.

A primary objective of the truck restriction ordinance is to achieve these General Plan policies. The respective sections in the DEIR detail the beneficial project impacts on sensitive Jurupa Valley residential and commercial areas related to reduced health risk, improved air quality, and a reduction in noise levels. The City has coordinated with surrounding cities, the County of Riverside, and Caltrans to evaluate the truck restriction ordinance. A public scoping meeting and agency stakeholder scoping meeting were held to ensure that area-wide concerns were addressed.

The General Plan’s Mobility Element sets the following goals:

- **ME.2.1 Roadway System.** Maintain at least a LOS D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.

- **ME 6.1.2 Establish Truck Routes.** Study commercial truck movements and operations in the City and establish weight-restricted truck routes away from noise-sensitive areas, where feasible.

- **ME 6.1.3 Implement Truck Routes.** Limit truck traffic in residential and commercial areas to designated truck routes; limit construction and commercial truck through-traffic to designated routes; and include truck routes on City’s Master Plan of Streets and Trails.

- **ME 8.44 Air Quality.** Incorporate specific requirements of the General Plan Air Quality Element into transportation plans and development proposals where applicable.

The trucking restriction would cause a redistribution in vehicular traffic along segments and intersections. The traffic study shows that under long-range conditions, 7 intersections would experience worse operations, and operations at 12 intersections would improve. Therefore, the project would result in an overall improvement in intersection operations. Furthermore, The Proposed Project incorporates mitigation measures which address the protection of residents, especially sensitive receptors, from toxic air pollution and the reduction of emissions from mobile sources. The consideration of the Etiwanda and Country Village Road truck restriction ordinance

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is consistent with policy ME 6.1.2 and 6.1.3 to limit truck traffic in residential areas and away from noise-sensitive areas.

The General Plan's Noise Element sets the following goals:

- **NE 2.1.1 Truck Routes.** Prepare and adopt truck routes to direct commercial trucks away from sensitive noise receptors.

- **NE 2.1.2 City Actions.** The City will consider implementing one or more of the following measures where existing or cumulative increases in noise levels from new development significantly affect noise-sensitive land uses or residential neighborhoods:
  
  1. Rerouting traffic onto streets that can maintain desired levels of service, consistent with the Mobility Element, and that do not adjoin noise-sensitive land uses.
  
  2. Rerouting commercial trucks onto streets that do not adjoin noise-sensitive land uses.

The primary objective of the proposed project is to consider the adoption of a City ordinance restricting truck access on two roadway segments near residential areas, including Mira Loma Village, a neighborhood on Etiwanda Avenue. The ordinance would divert truck routes from this area, which would reduce noise level at adjacent residential areas and help protect residents of the neighborhood and other sensitive noise receptors.

The General Plan's Environmental Justice Element sets the following goals:

- **EJ 1.1 Public Participation.** Ensure that affected residents have the opportunity to participate in decisions that affect their health.

- **EJ 1.2 Facilitate Community Involvement.** Facilitate the involvement of residents, businesses, and organizations in all aspects of the planning process.

- **EJ 1.11 Environmental Screening.** Identify those areas of the City most vulnerable to environmental hazards through CalEnviroScreen, the Environmental Justice Screening Model (EJSM), or other model.

- **EJ 2.1.1 Truck Routes.** Designate truck routes to avoid residential areas including low-income and minority neighborhoods.

As part of the proposed project and per CEQA Guidelines § 15083, the City of Jurupa Valley held a public scoping meeting for the general public and special interest groups to voice concerns regarding the Proposed Project. Also consistent with CEQA, the project held a 30-day comment period from the release of the Notice of Preparation for the public to comment on the scope of the Proposed Project. Additional agency outreach was conducted to better understand the concerns of other affected jurisdictions. Outreach was conducted with the cities of Fontana, Ontario, and Eastvale; Caltrans; the County of Riverside; and the Western Riverside Council of Governments. Meaningful public input and stakeholder engagement were taken into account when assessing project scope, alternatives, and mitigation measures. Furthermore, communities in the proposed project area and adjacent cities that are impacted by the project are or are adjacent to
disadvantaged communities identified by CalEnviroScreen 3.0. The proposed project would help to mitigate air quality and traffic and transportation issues by identifying mitigation measures to reduce the impacts of diverting trucks. Through the settlement reached in CCAEJ v. County of Riverside et. al. and consistent to the CEQA guidelines, the City is required to consider how the environmental and public health burdens of a proposed project would specifically affect vulnerable communities.

3. **Consistent with the Sustainable Communities Strategy**

The Proposed Project would further the Southern California Association of Governments 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy goals because it would increase safety for passenger vehicles, pedestrians, transit, and bicyclists along the two roadway segments and at intersections along the transportation corridors by restricting large commercial trucks from using the roadways. Diverting truck traffic from residential areas would help to promote the use of non-motorized transportation and mass transit by creating a safer environment for those options. The Proposed Project would also help ensure a more sustainable regional transportation system by reducing truck travel and truck-related impacts, such as toxic pollutants, from residential communities in the project area. The implementation of the Proposed Project would enhance the health, environmental quality, and local air quality adjacent to the two roadway segments and in nearby residential neighborhoods. By eliminating heavy truck traffic along the two roadway segments and thereby improving local air quality, the proposed project would help to encourage active transportation for residents.

4. **Decreases Health Risks and Noise Levels at Residential Receptors**

Implementation of the proposed truck restriction ordinance would result in the rerouting of trucks and overall vehicle movements in proximity to existing residential areas. The potential health risks to the residential areas from truck rerouting were determined in the Health Risk Assessment (HRA) for the project. As substantiated in the HRA, the Proposed Project would reduce the cancer risk at the maximum exposed receptor at the Mira Loma Village by 68 percent. The noncancer hazards at the same location were reduced by 65 percent. The Proposed Project would also reduce cancer risk and noncancer hazards for residences east and west of Country Village Road adjacent to the restricted truck route, and east of Mulberry Avenue.

The noise analysis for the project was conducted based on information from the traffic study that projected average daily traffic categorized by standard autos, light trucks, and heavy trucks. The analysis showed reduced noise levels along the truck-restricted roadway segments (Etiwanda Avenue and Country Village Road). The noise analysis reviewed the beneficial noise impact relative to these segments and the residential land uses abutting these segments. The analysis compared existing noise levels with future 2035 conditions, with and without the truck restriction. At 50 feet from the respective roadway's centerline, the noise reduction for residential land use adjacent to the City of Jurupa Valley truck restricted segments would range from -1.74 dB to -3.04 dBA for Etiwanda Avenue (between SR 60 and Hopkins Street) and would be -2.17 dBA for Country Village Road (SR-60 to Philadelphia Avenue). Country Village Road becomes Mulberry Avenue at the Jurupa Valley/Fontana border. Noise levels along Mulberry Avenue between

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Philadelphia Avenue and Jurupa Street would also experience noise reductions ranging from -1.2 dBA to -2.8 dBA.

5. CONCLUSIONS

For the foregoing reasons, the City of Jurupa Valley concludes that the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance effectively achieves the goals and policies of the City of Jurupa Valley General Plan to designate truck routes and manage commercial truck impacts to disadvantaged and other residential neighborhoods. The Proposed Project would also decrease exposure to toxic air contaminants and noise at sensitive receptors and residential neighborhoods and would be consistent with the Sustainable Communities Strategy. Furthermore, this project is unique because consideration of the truck restriction along Etiwanda Avenue is a requirement of the 2012 settlement reached in the Center for Community Action and Environmental Justice lawsuit challenging the County of Riverside’s approval of the Mira Loma Commerce Center. The City of Jurupa Valley has balanced the project’s benefits against the project’s significant unavoidable impacts. The City finds that the project’s benefits outweigh the project’s significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project’s benefits. The City finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project’s significant unavoidable impacts.
EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
CITY OF JURUPA VALLEY ETIWANDA AVENUE/COUNTRY VILLAGE ROAD TRUCK RESTRICTION ORDINANCE
for City of Jurupa Valley

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Mitigation Monitoring and Reporting Program

1. PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2018021020. The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6:

(a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Jurupa Valley is the lead agency for the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance project and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, Mitigation Monitoring Requirements:
Mitigation Monitoring and Reporting Program

- **Definition of Mitigation.** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

- **Responsible Party or Designated Representative.** Unless otherwise indicated, the project applicant: is the responsible party for implementing the mitigation, and the City of Jurupa Valley or a designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation measure or review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from local, state, and federal agencies with permitting authority over the specific activity.

The numbering system in Table 1 corresponds with the numbering system used in the DEIR. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Jurupa Valley. The completed MMRP and supplemental documents will be kept on file at the City of Jurupa Valley Planning Department.

2. **PROJECT LOCATION**

The City of Jurupa Valley covers approximately 43.5 square miles in Riverside County. The City is bordered by the City of Fontana, the City of Ontario, and San Bernardino County to the north, the City of Norco and the City of Riverside to the south, the City of Eastvale to the west, and the City of Riverside and San Bernardino County to the east. The proposed project would restrict trucks with a gross vehicle weight rating over 16,000 lbs. on an approximately 0.6-mile segment of Etiwanda Avenue and an approximately one-mile segment of Country Village Road.

Specifically, the project involves the following roadway segments:

- Etiwanda Avenue between SR-60 and Hopkins Street
- Country Village Road between SR-60 and Philadelphia Avenue

3. **PROJECT SUMMARY**

The proposed project is the adoption of a City ordinance prohibiting medium-heavy- and heavy-heavy-duty trucks with a gross vehicle weight rating over 16,000 lbs. from accessing Etiwanda Avenue between SR-60 and Hopkins Street and Country Village Road between SR-60 and Philadelphia Avenue in the City of Jurupa Valley.
A settlement agreement, pursuant to a lawsuit filed by the Center for Community Action and Environmental Justice (CCAEJ), included a requirement to conduct a study for restricting trucks on Etiwanda Avenue between SR-60 and Hopkins Street. On February 20, 2014, the City initiated traffic studies on Etiwanda Avenue from the State Route 60 to Hopkins Street. Pursuant to requirements outlined by the California Department of Transportation (Caltrans), it was noted that a diversion of trucks to other roadways would need further study to identify potential impacts of noise and air quality. On February 5, 2015, additional traffic, air, and noise analyses were initiated. The findings revealed that truck restrictions along Etiwanda Avenue would result in the diversion of trucks that would impact residents along Country Village Road north of SR-60. The truck restriction route was expanded to include Country Village Road between SR-60 and Philadelphia Avenue.
# 4. MITIGATION MONITORING

## Table 1 Mitigation Monitoring Requirements

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Responsibility for Implementation</th>
<th>Timing</th>
<th>Responsibility for Monitoring</th>
<th>Monitor (Signature Required) (Date of Compliance)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.16 Transportation/Traffic</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T-1 In the event the City of Ontario proposes to widen the South Milliken Avenue Grade Separation to 4 lanes to accommodate southbound through movement, the City of Jurupa Valley shall, to the extent financially feasible, contribute its project fair share contribution to this improvement at the time of its construction. The project fair share calculation is 5.5 percent of the $13,600,000 cost of the improvement as provided in Table 5.5-10 of the DEIR.</td>
<td>City of Jurupa Valley Department of Public Works and City of Jurupa Valley City Council</td>
<td>Ongoing Monitoring Funding Upon Agreement Execution</td>
<td>City of Jurupa Valley Department of Public Works</td>
<td></td>
</tr>
<tr>
<td>T-2 The city shall coordinate with RCTC, Caltrans, and the City of Ontario to update area-wide roadway plans and programs and to seek funding for improvements as needed to achieve Caltrans, RCTC, and local jurisdiction standards. To the extent that it is financially feasible and at the time of construction, the City shall contribute its project fair share contribution to the improvements as provided in Table 5.5-10 of the DEIR.</td>
<td>City of Jurupa Valley Department of Public Works and the City of Jurupa Valley Planning Department</td>
<td>Ongoing</td>
<td>City of Jurupa Valley Department of Public Works</td>
<td></td>
</tr>
</tbody>
</table>
## Mitigation Monitoring and Reporting Program

### Table 5.5-10 Improvements Required to Mitigate Deficient Intersections and Freeway System

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimated Total Improvement Cost</th>
<th>Project Fair-Share Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milliken/Mission Intersection Upgrades</td>
<td>$13,600,000</td>
<td>5.5%</td>
</tr>
<tr>
<td>Route 60 Ramps at Mission Boulevard</td>
<td>$35,600,000</td>
<td>0.33%</td>
</tr>
<tr>
<td>Route 60 Ramps at Etiwanda Avenue</td>
<td>$30,000,000</td>
<td>0.50%</td>
</tr>
<tr>
<td>Route 60 Ramps at Country Village Road</td>
<td>$6,000,000</td>
<td>0.44%</td>
</tr>
<tr>
<td>Route 60 at Milliken Avenue</td>
<td>$4,700,000</td>
<td>0.59%</td>
</tr>
<tr>
<td>Route 15 at Jurupa Street</td>
<td>$4,000,000</td>
<td>0.46%</td>
</tr>
</tbody>
</table>

Source: Cost estimates: Jurupa Valley Public Works Department 2019.  
Fair share percentages: Itelis, Inc.
Mitigation Monitoring and Reporting Program

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5.5 TRANSPORTATION AND TRAFFIC

This section of the draft environmental impact report (DEIR) evaluates the potential for implementation of the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance to result in transportation and traffic impacts in the cities of Jurupa Valley, Ontario, Fontana, and Eastvale. The analysis in this section is based in part on the Etiwanda and Country Village Truck Restriction Traffic Impact Analysis (TIA) prepared by Iteris on May 18, 2018. A complete copy of this study is in the technical appendices to this Draft EIR (Appendix F).

Terminology

The following are definitions for terms used throughout this section:

**Congestion Management Plan (CMP).** A federally mandated program within metropolitan planning areas to address and manage congestion through the implementation of strategies not calling for major capital investments.

**Highway Capacity Manual (HCM).** The HCM provides methods for quantifying highway capacity, serving as a fundamental reference on concepts, performance measures, and analysis techniques for evaluating the multimodal operation of streets, highways, freeways, and off-street pathways. The methodology used to assess the operation of intersections is based on the HCM.

**Institute of Transportation Engineers (ITE).** An international society of professionals in transportation and traffic engineering. The organization publishes the Trip Generation Manual, which provides trip generation data.

**Levels of Service (LOS).** Roadway capacity is generally limited by the ability to move vehicles through intersections. A level of service (LOS) is a standard performance measurement to describe the operating characteristics of a street system in terms of the level of congestion or delay experienced by motorists. Service levels range from A through F, which relate to traffic conditions from best (uncongested, free-flowing conditions) to worst (total breakdown with stop-and-go operation).

**Vehicles Miles Traveled (VMT).** The number of vehicle miles of travel is an indicator of the travel levels on the roadway system by motor vehicles. This estimate is based upon traffic volume counts and roadway length.

5.5.1 Environmental Setting

5.5.1.1 REGULATORY BACKGROUND

The regulatory framework is used to inform decision makers about the regulatory agencies/policies that affect transportation in the City of Jurupa Valley. Major policy documents impacting the transportation system in Jurupa Valley include laws at the state level and planning documents at a regional level. State and regional laws, regulations, plans, or guidelines that are applicable to the proposed project are summarized below.
5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

State Regulations

Assembly Bill 1358, Complete Streets Act

The California Complete Streets Act of 2008, Assembly Bill 1358 (AB 1358), was signed into law on September 30, 2008. Beginning January 1, 2011, Assembly Bill 1358 required circulation elements to address the transportation system from a multimodal perspective. The bill states that streets, roads, and highways must “meet the needs of all users...in a manner suitable to the rural, suburban, or urban context of the general plan.” Essentially, this bill requires a circulation element to plan for all modes of transportation where appropriate—including walking, biking, car travel, and transit.

The Complete Streets Act also requires general plan circulation elements to consider the multiple users of the transportation system, including children, adults, seniors, and the disabled. For further clarity, AB 1358 tasked the Governor’s Office of Planning and Research to release guidelines for compliance with this legislation by January 1, 2014.

Sustainable Communities and Climate Protection Act

The Sustainable Communities and Climate Protection Act of 2008 or Senate Bill (SB) 375 was signed into law on September 30, 2008. The SB 375 regulation provides incentives for cities and developers to bring housing and jobs closer together and to improve public transit. The goal behind SB 375 is to reduce automobile commuting trips and length of automobile trips, thus helping to meet the statewide targets for reducing greenhouse gas emissions set by AB 32. SB 375 requires each metropolitan planning organization to add a broader vision for growth, called a “Sustainable Communities Strategy” (SCS), to its transportation plan. The SCS must lay out a plan to meet the region’s transportation, housing, economic, and environmental needs in a way that enables the area to lower greenhouse gas emissions. The SCS should integrate transportation, land-use, and housing policies to plan for achievement of the emissions target for their region.

Senate Bill 743

On September 27, 2013, SB 743 was signed into law. The Legislature found that with adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas emissions (GHG), as required by the California Global Warming Solutions Act of 2006 (AB 32). Additionally, AB 1358, described above, requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users.

SB 743 started a process that could fundamentally change transportation impact analysis as part of CEQA compliance. These changes will include the elimination of auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts under CEQA. As part of the new CEQA Guidelines, the new criteria “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” The Governor’s Office of Planning and Research developed alternative metrics and thresholds based on VMT. The guidelines were certified by the Secretary of the Natural Resources Agency in December 2018, and automobile
5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

delay, as described solely by level of service—or similar measures of vehicular capacity or traffic congestion—is not considered a significant impact on the environment. There is an opt-in period until July 1, 2020, for agencies to adopt new VMT-based criteria. Therefore, automobile delay is still considered a significant impact, and the City will continue to use the established LOS criteria for determining significant impacts.

Regional Regulations

SCAG's 2016 RTP/SCS

Every four years, the Southern California Association of Governments (SCAG) updates the Regional Transportation Plan (RTP) for the six-county region that includes Los Angeles, San Bernardino, Riverside, Orange, Ventura, and Imperial counties. On April 7, 2016, the SCAG's Regional Council adopted the 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy (2016 RTP/SCS). The SCS outlines a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas emissions from transportation (excluding goods movement). Current and recent transportation plan goals generally focus on balanced transportation and land use planning that:

- Maximize mobility and accessibility for all people and goods in the region.
- Ensure travel safety and reliability for all people and goods in the region.
- Preserve and ensure a sustainable regional transportation system.
- Maximize the productivity of our transportation system.
- Protect the environment and health of residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).
- Encourage land use and growth patterns that facilitate transit and active transportation.

Through implementation of the strategies in the RTP/SCS, SCAG anticipates lowering greenhouse gas emissions below 2005 levels by 8 percent by 2020, 18 percent by 2035, and 22 percent by 2040. Land use strategies to achieve the region’s targets include planning for new growth around high quality transit areas and “livable corridors,” and creating neighborhood mobility areas to integrate land use and transportation and plan for more active lifestyles (SCAG 2016).

Riverside County Congestion Management Program

In its role as Riverside County’s Congestion Management Agency, the Riverside County Transportation Commission (RCTC) prepares and periodically updates the County's Congestion Management Program (CMP) to meet federal Congestion Management Process guidelines. The CMP in effect in Riverside County was approved by the RCTC in 2011. The CMP is currently under review and is planned to be incorporated in the Commission’s Long Range Transportation Plan, which is anticipated to be completed by early 2019. All freeways
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and selected arterial roadways in the county are designated elements of the CMP system of highways and roadways.

San Bernardino County Congestion Management Program

In its role as San Bernardino County’s Congestion Management Agency, the San Bernardino County Transportation Authority (SBCTA) prepares and periodically updates its CMP to meet federal guidelines. The CMP in effect in San Bernardino County was approved by the SBCTA in 2016.

Caltrans

Intersections within incorporated cities associated with freeway on- and off-ramps fall under Caltrans jurisdiction. Caltrans targets a minimum acceptable LOS at the transition between LOS C and LOS D, as discussed in Caltrans’ Guide for the Preparation of Traffic Impact Studies (Caltrans 2002). For intersection analysis, this limit is the equivalent of having a delay of about 35 seconds per vehicle using HCM methodology. Caltrans, unincorporated Riverside County, and the cities of Jurupa Valley, Fontana, Ontario, and Eastvale require use of the HCM methodology for the analysis of traffic conditions.

Local Regulations

County of Riverside Transportation Mitigation Uniform Fee

The County of Riverside has a Transportation Mitigation Uniform Fee (TUMF), which is administered by the Western Regional Council of Governments (WRCOG). Under the TUMF, WRCOG collects fees from new development with the purpose of funding transportation improvements, such as roadway widening, new roadways, intersection improvements, traffic signalization, etc., for the purpose of mitigating future growth.

City of Jurupa Valley

The City’s General Plan Mobility Element Policy ME 1.1, Mobility Corridors, requires that the City’s mobility corridors maintain at least an LOS D or better at all intersections, except where flexibility is warranted based on a multimodal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multimodal facilities.

The City of Jurupa Valley has a Development Impact Fee Program that collects fees from new development with the purpose of funding construction of traffic signals in order to mitigate future growth in the city, as specified in the City of Jurupa Valley Mobility Element.

Cities of Ontario, Fontana, and Eastvale

The cities of Fontana and Eastvale have adopted LOS D as the minimum acceptable standard in their general plans. Accordingly, the acceptable LOS for the study intersections in Fontana and Eastvale is D, and Ontario allows intersections to operate at LOS E.
5.5.1.2 EXISTING ROADWAY NETWORK

Figure 5.5-1, Traffic Analysis Study Area, identifies the existing circulation system in the project study area and study area intersections. Most of the study intersections are under the jurisdiction of the City of Jurupa Valley; the remaining intersections are under the jurisdiction of Caltrans and the cities of Ontario, Fontana, and Eastvale.

Existing roadways in the vicinity of the project study area include Milliken Avenue, Jurupa Street, Etiwanda Avenue, Mission Avenue, Country Village, Mission Boulevard, Hopkins Street, Iberia Street, Philadelphia Street, and Jurupa Street. Regional access to the project site is provided by I-10, I-15, and SR-60. A detailed description of the existing roadway network and conditions is provided in Section 2.1 of the TIA (see Appendix F).

5.5.1.3 EXISTING TRAFFIC CONDITIONS

Intersection peak hour turn movement counts were conducted in February 2018 at all study intersections. Existing AM and PM peak hour intersection turn movement volumes are presented in Figure 1 of the TIA (Existing Peak Hour Intersection Volumes).

All study area jurisdictions use the Highway Capacity Manual methodology for determining signalized intersection operations, and therefore that methodology is presented in this analysis. The definition of an intersection deficiency was reviewed for each of the jurisdictions in the study area. The cities of Jurupa Valley, Fontana, and Eastvale generally allow a maximum LOS D for signalized intersections, and the City of Ontario provides for LOS E along some roadways. Table 5.5-1 describes LOS A through F.

<table>
<thead>
<tr>
<th>Table 5.5-1</th>
<th>Intersection Level of Service Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOS</strong></td>
<td><strong>Description</strong></td>
</tr>
<tr>
<td>A</td>
<td>Excellent operation. All approaches to the intersection appear quite open, turning movements are easily made, and nearly all drivers find freedom of operation.</td>
</tr>
<tr>
<td>B</td>
<td>Very good operation. Many drivers begin to feel somewhat restricted within platoons of vehicles. This represents stable flow. An approach to an intersection may occasionally be fully utilized and traffic queues start to form.</td>
</tr>
<tr>
<td>C</td>
<td>Good operation. Occasionally drivers may have to wait more than 60 seconds, and back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted.</td>
</tr>
<tr>
<td>D</td>
<td>Fair operation. Cars are sometimes required to wait more than 60 seconds during short peaks. There are no long-standing traffic queues.</td>
</tr>
<tr>
<td>E</td>
<td>Poor operation. Some long-standing vehicular queues develop on critical approaches to intersections. Delays may be up to several minutes.</td>
</tr>
<tr>
<td>F</td>
<td>Forced flow. Represents jammed conditions. Backups form locations downstream or on the cross street may restrict or prevent movement of vehicles out of the intersection approach lanes; therefore, volumes carried are not predictable. Potential for stop and go type traffic flow.</td>
</tr>
</tbody>
</table>

Source: Iteris 2018.
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The proposed project does not generate trips, and the volume of peak hour trips rerouted in peak hours are below the threshold for a Caltrans Traffic Impact Study. However, analysis of the study area freeway ramp peak-hour operating conditions is included. Table 5.5-2 presents the density and corresponding level of service for freeway ramps under the HCM methodology.

<table>
<thead>
<tr>
<th>Table 5.5-2</th>
<th>Ramp Level of Service Definitions, HCM Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>Density (passenger care/mile/lanes)</td>
</tr>
<tr>
<td>A</td>
<td>≤ 10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 and ≤ 20</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 20 and ≤ 28</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 28 and ≤ 35</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 35</td>
</tr>
<tr>
<td>F</td>
<td>Demand Exceeds Capacity</td>
</tr>
</tbody>
</table>

Source: Iteris 2018.

The existing delay and level of service during the peak hours for the study area intersections are shown in Table 5.5-3. All study area intersections currently operate at an acceptable LOS, except for Country Village/SR-60 Westbound Ramps (LOS E in the AM peak hour).

<table>
<thead>
<tr>
<th>Table 5.5-3</th>
<th>Summary of Intersection Operations Existing Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intersection</td>
<td>AM Peak Hour</td>
</tr>
<tr>
<td></td>
<td>Delay</td>
</tr>
<tr>
<td>1 I-15 SB Ramps/Jurupa St</td>
<td>18.1</td>
</tr>
<tr>
<td>2 I-15 NB Ramps/Jurupa St</td>
<td>25.7</td>
</tr>
<tr>
<td>3 Milliken Ave/SR-60 EB Ramps</td>
<td>17.3</td>
</tr>
<tr>
<td>4 Milliken Ave/SR-60 WB Ramps</td>
<td>22.2</td>
</tr>
<tr>
<td>5 Etiwanda Ave/SR-60 EB On-Ramp</td>
<td>0.7</td>
</tr>
<tr>
<td>6 Etiwanda Ave/SR-60 WB Off-Ramp</td>
<td>11.6</td>
</tr>
<tr>
<td>7 Mission Ave/SR-60 EB Off-Ramp</td>
<td>24.1</td>
</tr>
<tr>
<td>8 Mission Ave/R-50 WD On-Ramp</td>
<td>0.5</td>
</tr>
<tr>
<td>9 Etiwanda Ave/Slover Ave</td>
<td>33.3</td>
</tr>
<tr>
<td>10 Etiwanda Ave/Hopkins St</td>
<td>10.3</td>
</tr>
<tr>
<td>11 Etiwanda Ave/Iberia St</td>
<td>8.8</td>
</tr>
<tr>
<td>12 Etiwanda Ave/Mission Blvd</td>
<td>34.2</td>
</tr>
<tr>
<td>13 Etiwanda Ave/Philadelphia St</td>
<td>10.6</td>
</tr>
<tr>
<td>14 Etiwanda Ave/Jurupa St</td>
<td>27.6</td>
</tr>
<tr>
<td>15 Milliken Ave/Mission Blvd</td>
<td>14.8</td>
</tr>
</tbody>
</table>
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Table 5.5-3  Summary of Intersection Operations Existing Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>Milliken Ave/Philadelphia St</td>
<td>10.9</td>
<td>B</td>
</tr>
<tr>
<td>Country Village/Philadelphia St</td>
<td>8.3</td>
<td>A</td>
</tr>
<tr>
<td>Country Village/SR-60 WB Ramps</td>
<td>67.7</td>
<td>E</td>
</tr>
<tr>
<td>Country Village/SR-60 EB Ramps</td>
<td>26.8</td>
<td>C</td>
</tr>
</tbody>
</table>

Source: Ittis 2018.  
Notes: LOS = Level of Service  
Delay in seconds per vehicle  
Bold = deficient

The existing freeway ramp peak hour level of service analysis is summarized in Table 5.5-4. The I-15 Southbound On-Ramp at Jurupa Street (PM peak hour), Milliken Avenue at SR-60 Westbound On-Ramp (AM and PM peak hours), Etiwanda Avenue at SR-60 Eastbound On-Ramp (PM peak hour), and Mission Avenue at SR-60 Westbound On-Ramp (AM and PM Peak hours) operate at LOS F.

Table 5.5-4  Existing Freeway Ramp Peak Hour Level of Service

<table>
<thead>
<tr>
<th>Ramp</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Density</td>
<td>LOS</td>
</tr>
<tr>
<td>1  I-15 Southbound Off-Ramp at Jurupa St</td>
<td>9.1</td>
<td>A</td>
</tr>
<tr>
<td>2  I-15 Southbound On-Ramp at Jurupa St</td>
<td>29.5</td>
<td>D</td>
</tr>
<tr>
<td>3  I-15 Northbound Off-Ramp at Jurupa St</td>
<td>22.5</td>
<td>C</td>
</tr>
<tr>
<td>4  I-15 Northbound On-Ramp at Jurupa St</td>
<td>27.7</td>
<td>C</td>
</tr>
<tr>
<td>5  Milliken Ave at SR-60 Eastbound Off-Ramp</td>
<td>15.1</td>
<td>B</td>
</tr>
<tr>
<td>6  Milliken Ave at SR-60 Eastbound On-Ramp</td>
<td>11.8</td>
<td>B</td>
</tr>
<tr>
<td>7  Milliken Ave at SR-60 Westbound Off-Ramp</td>
<td>29.6</td>
<td>D</td>
</tr>
<tr>
<td>8  Milliken Ave at SR-60 Westbound On-Ramp</td>
<td>35.9</td>
<td>F</td>
</tr>
<tr>
<td>9  Etiwanda Ave at SR-60 Eastbound On-ramp</td>
<td>16.9</td>
<td>B</td>
</tr>
<tr>
<td>10 Etiwanda Ave at SR-60 Westbound Off-ramp</td>
<td>21.2</td>
<td>C</td>
</tr>
<tr>
<td>11 Mission Ave at SR-60 Eastbound Off-Ramp</td>
<td>19.6</td>
<td>R</td>
</tr>
<tr>
<td>12 Mission Ave at SR-60 Westbound On-Ramp</td>
<td>40.2</td>
<td>F</td>
</tr>
<tr>
<td>13 Country Village at SR-60 Westbound Off-Ramp</td>
<td>20.8</td>
<td>C</td>
</tr>
<tr>
<td>14 Country Village at SR-60 Westbound On-Ramp</td>
<td>30.3</td>
<td>D</td>
</tr>
<tr>
<td>15 Country Village at SR-60 Eastbound Off-Ramp</td>
<td>19.6</td>
<td>B</td>
</tr>
<tr>
<td>16 Country Village at SR-60 Eastbound On-Ramp</td>
<td>18.3</td>
<td>B</td>
</tr>
</tbody>
</table>

Source: Ittis 2018.  
Notes: LOS = Level of Service  
Density = Passenger Cars / Mile / Lane  
Bold = LOS E, F
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Existing Transit Service

Public transit in Jurupa Valley is provided by the Riverside Transit Agency (RTA). The closest bus stops to the study area are on Country Village Road at the intersections of Granite Hill Drive, Country Club Road, and Oak Leaf Way. The study area is served by two bus lines along Jurupa Street:

- OmniGo bus line operated by Omnitrans. Omnitrans route 82 connects Rancho Cucamonga, Fontana, and Sierra Lakes via Jurupa Street through the study area, hourly, seven days a week.
- The RTA CommuterLink Express route 204 operates hourly during peak hours on Jurupa Street, connecting Downtown Riverside to the Montclair Transcenter.

Existing Pedestrian and Bicycle Circulation

The majority of roadways in the study area have sidewalks. This includes Etiwanda Avenue (both sides) and Country Village Road (west side) in the proposed truck-restricted portions. There are no bicycle-specific facilities in the study area.

5.5.2 Thresholds of Significance

Level of service (LOS) has been the standard used to measure transportation impacts of major developments and road system changes. Level of service is basically a measurement of how many cars can pass through an intersection in a given time. However, in recent years, LOS has been criticized as being an inadequate measure of a roadway’s performance because if a project reduced a road’s LOS, the result was generally considered an adverse or undesirable project effect, no matter how many other benefits the project might create. Further, increasing level of service by widening streets is often growth inducing and invites additional traffic, yielding only short-term benefits and leading to eventual decreases in LOS. Since LOS is based on peak hour traffic volumes, it can generate the need for costly improvements that are not needed during most of a 24-hour period.

LOS is not the only tool to measure traffic congestion. In 2016, California enacted SB 743, a law which is expected to change how traffic congestion is measured. Under the new law, the Governor’s Office of Planning and Research is tasked with developing a replacement metric for LOS which is based on VMT and considers the needs of all road users, including bicyclists, pedestrians, and others.

The Governor’s Office of Planning and Research is working with local agencies to develop guidelines to help local governments implement AB 743. In the interim, cities must take into account VMT as part of environmental review, but may also continue to use LOS to evaluate roadway performance.
Figure 5.5-1 - Traffic Analysis Study Area

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Source: Iteris, 2018
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According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project could:

T-1 Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

T-2 Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

T-4 Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

T-5 Result in inadequate emergency access.

T-6 Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following threshold would be less than significant:

- Threshold T-3 Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risk.

The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. This impact will not be addressed in the following analysis.

**Significance Criteria**

The following significance criteria have been established to evaluate environmental impacts in the project area and are utilized in this DEIR.

**Cities of Jurupa Valley, Ontario, Fontana, and Eastvale**

The minimum level of service applicable to the study area intersections in Jurupa Valley, Fontana, and Eastvale is LOS D; for Ontario is LOS E. Therefore, any intersection operating at LOS E or worse in Jurupa Valley, Fontana and Eastvale will be considered deficient, in Ontario LOS F would be deficient. An impact is considered significant if the project-related traffic causes an intersection to move from an acceptable level of service to an unacceptable level of service. In impact would also occur where an intersection is already operating at a deficient LOS, and the proposed project adds additional delay to the intersection. If a significant impact
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occurs, mitigation is required to bring the intersection back to an acceptable level of service or to the "no-project" condition (condition without implementation of the proposed project).

Where impacts occur and mitigation is required, the project is only responsible for the fair-share cost of the mitigation. The percentage fair-share for the project is calculated at each location based on the total trips related to the proposed project divided by the total background traffic, which is a net increase over existing conditions.

Caltrans

For the purposes of this analysis, the same thresholds (LOS D) have also been applied to all intersections in all jurisdictions, including the Caltrans ramp-to arterial intersections. A level of service analysis for freeway on and off-ramps is included in this analysis. If a state highway facility is operating at less than the target LOS, the existing LOS is to be maintained.

Riverside County Congestion Management Program

With the intent of the legislation in mind, the RCTC Technical Advisory Committee (TAC) CMP Subcommittee approved a "two-tiered" approach to establish the minimum LOS standard. Tier 1 involves the "locally established minimum traffic LOS - or - ceiling," while Tier 2 involves the CMP minimum LOS standard - or - "floor. "Most local agencies in Riverside County and Caltrans have adopted LOS standards of "C" or "D" (representing the "ceiling" in Tier 2) in an effort to maintain a desired LOS for the local circulation system. To address CMP legislative requirements, and establish a minimum LOS along the regional system of roadways and highways within the County (representing the "floor" in Tier 2), RCTC approved a minimum traffic LOS standard of "E."

San Bernardino County Congestion Management Program

For the CMP roadway system, the LOS standard shall be E for all segments and intersections except those designated LOS F. None of the study intersections are designated to operate at LOS F.

5.5.3 Existing Regulations and Standard Conditions

5.5.3.1 STATE AND REGIONAL REGULATIONS

- The California Complete Streets Act (Assembly Bill 1358)
- Riverside County Congestion Management Program
- 2014 RTP/SCS
- Riverside County Circulation Element
- County of Riverside Transportation Mitigation Uniform Fee

5.5.3.2 CITY OF JURUPA VALLEY MUNICIPAL CODE

- Title 12, Vehicles and Traffic
- Chapter 12.25.070, Trucks and Trailers
- Chapter 12.35.020, Permissible Vehicle Weight on Streets, Roads, Highways, and Bridges; Truck routes
Chapter 3.70, Western Riverside County Transportation Uniform Mitigation Fee Program

5.5.4 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.5-1: Project truck traffic restrictions would impact levels of service in the local circulation system. [Threshold T-1]

Impact Analysis: As discussed in Section 3 of this DEIR, the proposed project is to restrict trucks over 16,000 pounds from accessing a portion of Etiwanda Avenue adjacent to the Mira Loma Village between SR-60 and Hopkins Street and a portion of Country Village Road between SR-60 and Philadelphia Avenue (see Figure 5.5-1). Traffic operations were evaluated for each of the following future scenarios:

- Opening Year 2020 Without Project Conditions;
- Opening Year 2020 With Project Conditions;
- Future Year 2035 Without Project Conditions; and
- Future Year 2035 With Project Conditions.

In order to forecast future conditions in the study area, the RivTAM Travel Demand Model was utilized. With project scenarios were developed by adding heavy truck restrictions to the travel demand model along Etiwanda Avenue and Country Village Road. Since the proposed project would restrict heavy trucks on roadways in the travel demand model, truck trips are routed to the next available roadways that allow trucks. The TIA prepared for the proposed project: provides a detailed discussion of the methodology used to provide traffic forecasts (see Appendix F, Section 1.3). The traffic analysis uses passenger car equivalent (PCE) volumes where trucks are converted into two automobile trips. At long-range 2035 conditions, the project would reroute 2,460 trucks from Etiwanda Avenue and 1,260 trucks from Country Village Road. The truck volume removed from Etiwanda Avenue and Country Village Road “freezes up” capacity for additional automobile and light truck trips on those roadways. Therefore, the difference in the total volume of traffic between Without Project and With Project scenarios is not as large as the difference within vehicle classes (automobiles or trucks). The trucks would be rerouted to alternative routes, as shown in Table 5.5-5, Proposed Project Trucks Rerouting to Alternative Routes.
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Table 5.5-5  Proposed Project Truck Rerouting to Alternative Routes

<table>
<thead>
<tr>
<th>Roadway - Jurisdiction</th>
<th>Primarily Rerouted From</th>
<th>Rerouted Volume</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mission Blvd (from east, and Etiwanda south of Mission Blvd) - Jurupa Valley</td>
<td>Etiwanda Avenue</td>
<td>860</td>
<td>23%</td>
</tr>
<tr>
<td>SR-60 Milliken Avenue Ramps - Caltrans</td>
<td>Etiwanda Avenue</td>
<td>670</td>
<td>18%</td>
</tr>
<tr>
<td>I-15 Jurupa Street Ramps - Caltrans</td>
<td>Etiwanda Avenue</td>
<td>660</td>
<td>18%</td>
</tr>
<tr>
<td>I-15 north of Jurupa Street - Caltrans</td>
<td>Etiwanda Avenue</td>
<td>580</td>
<td>16%</td>
</tr>
<tr>
<td>Sierra Avenue north of Armstrong – Jurupa Valley/Fontana</td>
<td>Country Village Road</td>
<td>360</td>
<td>10%</td>
</tr>
<tr>
<td>Philadelphia Street East of Etiwanda - Jurupa Valley/Fontana</td>
<td>Country Village Road</td>
<td>270</td>
<td>7%</td>
</tr>
<tr>
<td>Armstrong Road north of Siena - Jurupa Valley</td>
<td>Country Village Road</td>
<td>100</td>
<td>3%</td>
</tr>
<tr>
<td>Milliken Avenue north of Philadelphia-Ontario</td>
<td>Etiwanda Avenue</td>
<td>80</td>
<td>2%</td>
</tr>
<tr>
<td>Other routes outside of study area</td>
<td>Country Village Road</td>
<td>140</td>
<td>4%</td>
</tr>
</tbody>
</table>

Source: Iteris 2018.
Note: Rerouted volumes are based on a comparison of the 2035 Without Project to 2035 With Project travel demand model scenarios.

2020 Traffic Conditions

This section summarizes the effect of the truck restrictions at the study intersections in 2020 conditions. This would represent conditions when the ordinance would take effect. Figure 5.5-2, Future Year 2020 Daily Change in Truck Volumes, shows the change in truck traffic volumes that would result from the truck restrictions on Etiwanda Avenue and Country Village Road. Travel demand modeling shows increases in vehicle trips on Philadelphia Street to Milliken Avenue and Mission Boulevard to access I-15 and SR-60, and Jurupa Avenue west of Etiwanda Avenue to access I-15. While the proposed trucking restrictions would cause some roadway segments to improve under 2020 conditions, others would deteriorate, but not to the degree that LOS grade level would deteriorate (e.g., from LOS E to LOS F). The intersection analysis results under 2020 Without Project and 2020 With Project conditions are summarized in Table 5.5-6. All intersections operate at LOS D or better under 2020 conditions, except for intersection 18, Country Village at SR-60 Westbound Ramps. This intersection currently operates at LOS E and is forecast to operate at LOS E under 2020 conditions without and with the project. Trucking restrictions on Country Village Road would route trucks away from this intersection, resulting in a decrease in delay at intersection 18. Based on the threshold for significant impacts of the proposed project, the rerouting of trucks caused by the project would not cause a significant impact at any study intersection.
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### Table 5.5-6: 2020 Conditions Intersection Level of Service Summary

<table>
<thead>
<tr>
<th>#</th>
<th>Intersection</th>
<th>Without Project</th>
<th>With Project</th>
<th>Change in Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AM Peak</td>
<td>PM Peak</td>
<td>AM Peak</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delay</td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>1</td>
<td>I-15 SB Ramps/Jurupa St - Caltrans</td>
<td>18.5</td>
<td>B</td>
<td>19.2</td>
</tr>
<tr>
<td>2</td>
<td>I-15 NB Ramps - Jurupa St - Caltrans</td>
<td>27.9</td>
<td>C</td>
<td>17.3</td>
</tr>
<tr>
<td>3</td>
<td>Milliken Ave/SR-60 EB Ramps - Caltrans</td>
<td>18.2</td>
<td>B</td>
<td>20.6</td>
</tr>
<tr>
<td>4</td>
<td>Milliken Ave/SR-60 WB Ramps -Caltrans</td>
<td>22.9</td>
<td>C</td>
<td>39.1</td>
</tr>
<tr>
<td>5</td>
<td>Etiwanda Ave/SR-50 EB On-Ramp-Caltrans</td>
<td>0.7</td>
<td>A</td>
<td>1.1</td>
</tr>
<tr>
<td>6</td>
<td>Etiwanda Ave/SR-50 WB Off-Ramp-Caltrans</td>
<td>11.4</td>
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5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

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Source: Iteris 2018.
Notes: delay in seconds per vehicle

Bold=deficient
Figure 5.5-2 - Future Year 2020 Daily Change in Truck Volumes

5. Environmental Analysis

Legend

- City Boundaries
- Change in Daily Trucks
  - -3,500 to -1,750
  - -1,750 to -1,000
  - -1,000 to -250
  - -250 to -1
  - 0
  - 1 to 250
  - 250 to 1,000
  - 1,000 to 863
  - 1,250 to 2,500

Source: Iteris, 2018
5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

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Summary of 2020 Intersection Traffic Impacts

As a result of adopting the proposed trucking restrictions, no significant traffic impacts would occur at any of the study area intersections. No mitigation is required.

2035 Traffic Conditions

Under 2035 conditions, transportation improvement projects in study area were included and are described in detail on page 8 of the TIA (Appendix F). Figure 5.5-3, Future Year 2035 Daily Change in Truck Volumes, shows the change in truck traffic volumes that would result from the truck restrictions on Etiwanda Avenue and Country Village Road. The intersection analysis results under 2035 Without Project and 2035 With Project conditions are summarized in Table 5.5-7. Most intersections operate at LOS D or better under 2035 conditions. While the proposed trucking restrictions would cause some roadway segments to improve under 2035 conditions, others would deteriorate. The following intersections are forecast to be deficient:

- 5, Etiwanda Avenue/SR-60 EB On-Ramp (Without Project, AM Peak Hour)
- 12, Etiwanda Avenue/Mission Boulevard (Without and With Project, AM and PM peak hour)
- 13, Etiwanda Avenue/Philadelphia Street (Without and With Project, PM peak hour)
- 15, Milliken Avenue/Mission Boulevard (Without and With Project, PM peak hour)
- 17, Country Village/Philadelphia Street (Without and With Project, PM peak hour)
- 18, Country Village at SR-60 Westbound Ramps (Without and With Project, AM and PM peak hour)

Trucking restrictions would route trucks away from all deficient intersections resulting in a decrease in delay, except for intersection 15, Milliken Avenue/Mission Boulevard. This intersection is on the boundary of Eastvale and Ontario. At this intersection the project would increase truck traffic, resulting in an increase in delay of 1 second per vehicle in the AM peak hour and 7.3 seconds per vehicle in the PM peak hour, worsening its operations. Based on the threshold for significant impacts of the proposed project, the project would cause a significant impact at intersection 15, Milliken Avenue/Mission Boulevard, under 2035 conditions in the PM peak hour.

Level of Significance before Mitigation: Potentially significant.
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TRANSPORTATION AND TRAFFIC

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### Table 5.5-7 2035 Conditions Intersection Level of Service Summary

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Source: Iteris 2018.
Notes: delay in seconds per vehicle
Bold=deficient
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Figure 5.5-3 - Future Year 2035 Daily Change in Truck Volumes

5. Environmental Analysis

Legend

- City Boundaries
- Change in Daily Trucks
  -3,500 to -1,750
  -1,750 to -1,000
  -1,000 to -250
  -250 to -1
  0
  1 to 250
  250 to 1000
  1,000 to 863
  1,250 to 2,500

Source: Iteris, 2018
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Summary of 2035 Intersection Traffic Impacts

As a result of adopting the proposed trucking restrictions, a significant impact (i.e., contribution to a cumulatively considerable impact) would occur at the intersection of Milliken Avenue and Mission Boulevard in the City of Ontario.

The project would increase truck traffic, resulting in an increase in delay and worsening operations intersection of Milliken Avenue and Mission Boulevard. Based on the threshold for significant impacts, the project would cause a significant impact at this location. The intersection of Milliken Avenue and Mission Boulevard was reconstructed as part of the South Milliken Avenue Grade Separation and is in the cities of Eastvale and Ontario. Opened in 2017, the intersection is elevated above Mission Boulevard and predominantly serves north-south Milliken Avenue traffic and right-turns and left-turns between Milliken Avenue and Mission Boulevard. Under 2035 conditions, the southbound through movement is the critical intersection movement. The southbound through movement is carried by three through lanes, and widening the roadway to four lanes would be a large undertaking involving the widening of the overpass bridge. The $48,000,000 project cost was funneled through a variety of sources including the City of Ontario, Measure I, the Trade Corridor Improvement Fund (TCIF), Section 190 Funds, Union Pacific Railroad, and the State Local Partnership Program (SLPP).

Level of Significance before Mitigation: Potentially significant.

Impact 5.5-2: The project would impact levels of service in the freeway system. [Threshold T-1]

Impact Analysis: This section discusses potential impacts at freeway ramp operations, which are all under the jurisdiction of Caltrans. Levels of service at freeway facilities are defined in terms of density for all cases of stable operation, LOS A through LOS E. LOS F exists when the demand exceeds the capacity of the on- or off-ramp. Caltrans has defined LOS D as the maximum acceptable level of service. Tables 5.5-8 and 5.5-9 summarize the freeway ramp peak hour for 2020 and 2035 conditions, respectively.

Under 2020 conditions, as shown in Table 5.5-8, 5 of the 16 ramps have demand that exceeds capacity in the peak hour. The project would also reroute truck trips to freeway ramps that are anticipated to operate at unacceptable conditions. This would be considered a significant impact without mitigation under 2020 conditions at the five ramps identified below.

Under 2035 conditions, as shown in Table 5.5-9, 7 of the 16 ramps have demand that exceeds capacity in the AM peak hour, and all but one location have demand that exceeds capacity in the PM peak hour under Without Project and With Project conditions. The project would also add trips to the freeway ramps listed above that are anticipated to operate at unacceptable conditions. Therefore, a significant impact would occur at 12 ramps under 2035 conditions.

In summary, the following off-ramps would operate at a deficient level of service without mitigation:

- I-15 Southbound Off-Ramp at Jurupa Street (2020)
- I-15 Southbound On-Ramp at Jurupa Street (2020, 2035)
- I-15 Northbound Off-Ramp at Jurupa Street (2035)
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- I-15 Northbound On-Ramp at Jurupa Street (2035)
- Milliken Avenue at SR-60 Eastbound Off-Ramp (2035)
- Milliken Avenue at SR-60 Westbound Off-Ramp (2035)
- Milliken Avenue at SR-60 Westbound On-Ramp (2020, 2035)
- Etiwanda Avenue at SR-60 Eastbound On-ramp (2020, 2035)
- Etiwanda Avenue at SR-60 Westbound Off-ramp (2035)
- Mission Avenue at SR-60 Eastbound Off-Ramp (2035)
- Mission Avenue at SR-60 Westbound On-Ramp (2020, 2035)
- Country Village at SR-60 Westbound Off-Ramp (2035)
- Country Village at SR-60 Eastbound Off-Ramp (2035)
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Table 5.5-8  2020 Conditions Freeway Ramps Level of Service Summary

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Source: Iteris 2018.
Notes: HCM 2010 Operations Methodology
LOS = Level of Service
Density = Passenger Cars / Mile / Lane
Bold= LOS E, F

All freeway ramp intersections are under the jurisdiction of Caltrans.
### Table 5.5-9 2035 Conditions Freeway Ramps Level of Service Summary

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Table 5.5-9  2035 Conditions Freeway Ramps Level of Service Summary

<table>
<thead>
<tr>
<th>#</th>
<th>Description/City Location</th>
<th>Without Project</th>
<th>With Project</th>
<th>Density</th>
<th>LOS</th>
<th>Density</th>
<th>LOS</th>
<th>Density</th>
<th>LOS</th>
<th>AM</th>
<th>PM</th>
<th>Project Impact?</th>
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<tbody>
<tr>
<td>15</td>
<td>Country Village at SR-60 Eastbound Off-</td>
<td></td>
<td></td>
<td>AM Peak</td>
<td>PM Peak</td>
<td>AM Peak</td>
<td>PM Peak</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ramp/Jurupa Valley</td>
<td>Density</td>
<td>LOS</td>
<td>Density</td>
<td>LOS</td>
<td>Density</td>
<td>LOS</td>
<td>AM</td>
<td>PM</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>30.5</td>
<td>D</td>
<td>39.1</td>
<td>F</td>
<td>30.7</td>
<td>D</td>
<td>39.2</td>
<td>F</td>
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<td>0.1</td>
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</tr>
<tr>
<td>16</td>
<td>Country Village at SR-60 Eastbound On-</td>
<td></td>
<td></td>
<td>AM Peak</td>
<td>PM Peak</td>
<td>AM Peak</td>
<td>PM Peak</td>
<td></td>
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<tr>
<td></td>
<td>Ramp/Jurupa Valley</td>
<td>Density</td>
<td>LOS</td>
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<td>AM</td>
<td>PM</td>
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<td>D</td>
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<td>F</td>
<td>-0.1</td>
<td>-0.1</td>
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</tbody>
</table>

Source: IReIS 2018.
Notes: HCM 2010 Operations Methodology
LOS = Level of Service
Density = Passenger Cars / Mile / Lane
Bold=LOS E, F.
All freeway ramp intersections are under the jurisdiction of Caltrans.
5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

Summary of Freeway Ramp Traffic Impacts

As a result of adopting the proposed trucking restrictions, the following freeway ramps would be significantly impacted:

- I-15 Southbound O’F- Ramp at Jurupa Street (2020)
- I-15 Southbound On- Ramp at Jurupa Street (2020, 2035)
- I-15 Northbound Off-Ramp at Jurupa Street (2035)
- I-15 Northbound On-Ramp at Jurupa Street (2035)
- Milliken Avenue at SR-60 Eastbound Off-Ramp (2035)
- Milliken Avenue at SR-60 Westbound Off-Ramp (2035)
- Milliken Avenue at SR-60 Westbound On-Ramp (2020, 2035)
- Etiwanda Avenue at SR-60 Eastbound On-Ramp (2020, 2035)
- Etiwanda Avenue at SR-60 Westbound Off-Ramp (2035)
- Mission Avenue at SR-60 Eastbound Off-Ramp (2035)
- Mission Avenue at SR-60 Westbound On-Ramp (2020, 2035)
- Country Village at SR-60 Westbound Off-Ramp (2035)
- Country Village at SR-60 Eastbound Off-Ramp (2035)

Level of Significance before Mitigation: Potentially significant.

Impact 5.5-3: The truck restrictions implemented with the project would result in designated highways exceeding county congestion management agency service standards. [Threshold T-2]

Impact Analysis:

Riverside County Congestion Management Program (2011)

According to the Riverside County Congestion Management Program (CMP), the following highways and roadways are designated CMP facilities in the study area:

- I-15
- SR-60
- Etiwanda Avenue from Limonite Street to the San Bernardino County line
- Country Village Road from SR-60 to the San Bernardino County line; and Van Buren Boulevard from the San Bernardino County line to I-215

San Bernardino County Congestion Management Program (2016 Update)

According to the San Bernardino County Congestion Management Program (CMP), the following highways and roadways are designated CMP facilities in the study area:
5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

- I-10
- SR-60
- Etiwanda Avenue
- Jurupa Street

As discussed in Impact 5.5-1, a significant impact was identified at the intersections of Milliken Avenue at Mission Boulevard, where the project would result in additional traffic volume that would significantly cumulatively contribute to the anticipated deficient operations at this intersection. However, this intersection is not part of the CMP system.

Several freeway on- and off-ramps on the I-15 and SR-60 would operate at unacceptable LOS (see Impact 5.5-2). The project would result in additional traffic volume that would significantly cumulatively contribute to impacts at freeway on-and off-ramps. According to the RCTC CMP plan, when a deficiency is identified, a deficiency plan must be prepared by the local agency (in this case Caltrans). Other agencies identified as contributors to the deficiency, which in this case is the City of Jurupa Valley, are also required to coordinate with the development of the plan. The plan must contain mitigation measures, including consideration of transportation demand management strategies and transit alternatives, and a schedule for mitigating deficiency. Without specific policies requiring the City to contribute to the deficiency plan, this would be considered a significant impact without mitigation.

Level of Significance before Mitigation: Potentially significant.

Impact 5.5-4: Project circulation improvements have been designed to adequately address potentially hazardous conditions (sharp curves, etc.), potential conflicting uses, and emergency access. [Thresholds T-4 and T-5]

Impact Analysis: The project would not increase hazards due to a design feature since there would be no modifications to the configuration of any existing road.

As shown on Figures 5.5-2 and 5.5-3, most truck traffic would be diverted to the SR-60 and I-15 freeways and to major roads such as Milliken Avenue, Philadelphia Street, and Mission Boulevard. These are major roads suited for truck traffic, not local and residential streets. The project would not add an incompatible use or operation of equipment that would cause a potential conflict to traffic operations in the area.

The project would not interfere with emergency access since there would be no road closures or the development of a land use that would conflict with access for emergency vehicles. There would be increase in delays at some intersections in the study area, but other locations would experience an improvement. These changes in intersection delay would not cause inadequate access for emergency vehicles.

Level of Significance before Mitigation: Less than significant.
5. Environmental Analysis
TRANSSPORTATION AND TRAFFIC

Impact 5.5-5: The proposed project complies with adopted policies, plans, and programs for alternative transportation. [Threshold T-6]

Impact Analysis: The City’s General Plan Mobility Element established goals and policies to promote mobility via bicycle, and pedestrian modes. Policies ME 3.1 to 3.36 of the Mobility Element were implemented to plan, develop, and maintain a bicycle and pedestrian network, balancing safety and convenience for roadway users. The majority of roadways in the study area have sidewalks on both sides of the road. The City has not yet adopted a pedestrian and bicycle master plan, and no bicycle facilities are in the study area. The project would change travel patterns for trucks in the area. As discussed in Impact 5.5-1 (see Table 5.5-5), truck traffic would use other routes along major roads. Roadways that would experience an increase in truck traffic are major roads where truck traffic already occurs, and the project would not modify the configuration of any existing road, displace a bus stop, or modify an existing or planned bicycle or pedestrian facility in the area. Therefore, no impact would occur, and no mitigation would be required.

Level of Significance before Mitigation: No impact.

5.5.5 Cumulative Impacts

The analysis for Impacts 5.13-1, 5.13-2, and 5.13-3 includes the analysis of traffic conditions at local jurisdictions, CMP, and state-controlled intersections for cumulative conditions with and without the project. Cumulative traffic impacts consider the impacts of future growth and development in the City of Jurupa Valley and vicinity on the roadway system serving the area. Traffic forecasts were derived from the RivTAM Travel Demand Model. The model scenarios include infrastructure changes and changes to socioeconomic data (population and employment) that generate the trips in the model. The future year scenario includes expected growth in population and employment of all cities in the study area and incorporates several cumulative projects, including major warehousing projects such as the Space Center. Thus, the analysis of 2020 and 2035 conditions considered cumulative impacts of the project. The proposed project would result in cumulatively considerable impacts to the intersection of Milliken Avenue at Mission Boulevard and several freeway on- and off-ramps.

Level of Significance before Mitigation: Potentially Significant.

5.5.6 Mitigation Measures

Impact 5.5-1

An additional southbound through lane (from 3 lanes to 4 lanes) would be required to mitigate the projected Milliken Avenue/Mission Boulevard intersection deficiency. There are no current plans for future improvements to the South Milliken Avenue Grade Separation. Widening is not included in the City of Ontario General Plan Mobility Element.

MM T-1 In the event the City of Ontario proposes to widen the South Milliken Avenue Grade Separation to 4 lanes to accommodate southbound through movement, the City of Jurupa Valley shall participate in a funding agreement with the City of Ontario (and other applicable...
5. Environmental Analysis
TRANSPORTATION AND TRAFFIC

agencies) to fund its fair share contribution to this improvement. Preliminary fair share calculation is 5.5 percent, and the preliminary cost estimate for this improvement is provided in Table 5.5-10.

Level of Significance after Mitigation: Significant and Unavoidable.

There are no current plans by the City of Ontario to provide an additional southbound through lane, and such a project would require widening the recently constructed bridge. Moreover, the City of Jurupa Valley does not have jurisdiction over this intersection/grade separation; therefore, potential improvements are beyond the authority of the City. The project’s contribution to truck trips at this facility, would result in a significant and unavoidable impact.

Impacts 5.5-2 and 5.5-3

The following improvements would be needed to mitigate impacts to the freeway system:

- Route 60 Ramps at Mission Boulevard: Intersection upgrades and improve westbound on-ramps
- Route 60 Ramps at Etiwanda Avenue: Intersection upgrades and improve eastbound on-ramps
- Route 60 Ramps at Country Village Road: Improve ramps and add turn lanes
- Route 60 at Milliker Avenue: Improve Ramps and add channelization
- Route 15 at Jurupa Street: Improve Ramps and Widen Intersection

MM T-2 The city shall coordinate with RCTC, Caltrans, and the City of Ontario to update area-wide roadway plans and programs and to seek funding for improvements as needed to achieve Caltrans, RCTC, and local jurisdiction standards. To the extent that it is financially feasible, the City shall contribute its fair share to improvements required to mitigate project-related impacts. Preliminary fair share calculations and costs for needed improvements are provided in Table 5.5-10.

Level of Significance after Mitigation: Significant and Unavoidable.

Changes and expansions to the SR-60 and I-15 freeway facilities, such as on-and off-ramps, are not within the jurisdiction of the City of Jurupa Valley. The improvement to Caltrans’s freeway ramps would require approval from Caltrans as the owner/operator. Improvements to freeway facilities are planned, funded, and constructed by the state. Caltrans currently does not have a funding mechanism for development projects to contribute a fair share of funds to implement improvements on Caltrans facilities.

The TUMF currently does not have programmed improvements at any of the impacted locations. There are no programmed improvements to mitigate traffic impacts at the freeway ramps locations impacted by the project. While the City will coordinate with other agencies to seek funding for improvements to mitigate the impacted interchanges, there is no guarantee that the mitigation measures will be implemented. Therefore, this impact would remain significant and unavoidable.
### Table 5.5-10 Improvements Required to Mitigate Deficient Intersections and Freeway System

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimated Total Improvement Cost</th>
<th>Project Fair-Share Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milliken/Mission Intersection Upgrades</td>
<td>$13,600,000</td>
<td>5.5%</td>
</tr>
<tr>
<td>Route 60 Ramps at Mission Boulevard</td>
<td>$35,600,000</td>
<td>0.33%</td>
</tr>
<tr>
<td>Route 60 Ramps at Etiwanda Avenue</td>
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<td>0.50%</td>
</tr>
<tr>
<td>Route 60 Ramps at Country Village Road</td>
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<td>Route 60 at Milliken Avenue</td>
<td>$4,700,000</td>
<td>0.59%</td>
</tr>
<tr>
<td>Route 15 at Jurupa Street</td>
<td>$4,000,000</td>
<td>0.46%</td>
</tr>
</tbody>
</table>

Source: Cost estimates: Jurupa Valley Public Works Department 2019. Fair share percentages: Iteris, Inc.

### 5.5.7 Level of Significance After Mitigation

No feasible mitigation measures were identified, and Impacts 5.5-1, 5.5-2, and 5.5-3 would remain **significant** and **unavoidable**.

### 5.5.8 References


CITY OF JURUPA VALLEY ETIWANDA AVENUE/COUNTRY VILLAGE ROAD TRUCK RESTRICTION ORDINANCE
City of Jurupa Valley

Prepared for:
City of Jurupa Valley
Contact: Jim Smith, PE, Senior Management Advisor
8930 Limonite Avenue
Jurupa Valley, California 92509
951.332.6464
jsmith@jurupavalley.org

Prepared by:
PlaceWorks
Contact: JoAnn Hadfield, Principal
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
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<tr>
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<td>3. REVISIONS TO THE DRAFT EIR</td>
<td>3-1</td>
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<td>3.1 INTRODUCTION</td>
<td>3-1</td>
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<tr>
<td>3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS</td>
<td>3-1</td>
</tr>
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## APPENDICES

Appendix A. Consent Judgment  
*CCAFA v. County of Riverside, et al.*
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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

(a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;

(b) Comments and recommendations received on the DEIR either verbatim or in summary;

(c) A list of persons, organizations, and public agencies comments on the DEIR;

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

(e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance during the public review period, which began April 19, 2019, and closed June 3, 2019. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR, copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a letter and number—A-1 through A-3 for letters received from public agencies, O-1 for a letter received from an organization, and R-1 through R-4 for letters received from residents. Individual comments have been numbered for each letter, and the letter is followed by responses with references to the corresponding comment numbers.
1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. City of Jurupa Valley staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be:

... on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204(d) states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204(e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.
2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Jurupa Valley) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City of Jurupa Valley’s responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in bold text for additions and strikethrough for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period. The comments are listed by category (Agencies, Organizations, and Residents) and in chronological order in each category by the date of the comment.

<table>
<thead>
<tr>
<th>Number Reference</th>
<th>Commenting Person/Agency</th>
<th>Date of Comment</th>
<th>Page No.</th>
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<tr>
<td>A1</td>
<td>City of Ontario</td>
<td>May 22, 2019</td>
<td>2-3</td>
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<tr>
<td>A2</td>
<td>State of California Attorney General</td>
<td>June 3, 2019</td>
<td>2-7</td>
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<tr>
<td>A3</td>
<td>City of Fontana</td>
<td>June 3, 2019</td>
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<td>Organizations</td>
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<td>O1</td>
<td>Center for Community Action and Environmental Justice (CCAEJ)</td>
<td>June 3, 2019</td>
<td>2-19</td>
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<td>Residents</td>
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<td>R1</td>
<td>Charles Lanathoua</td>
<td>May 31, 2019</td>
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<td>Patricia Quanzola</td>
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<td>R3</td>
<td>Frank Zharg</td>
<td>June 2, 2019</td>
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<td>R4</td>
<td>Gene Proctor</td>
<td>June 3, 2019</td>
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</tbody>
</table>
2. Response to Comments

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2. Response to Comments

LETTER A1 – City of Ontario (1 page[s])

May 22, 2019

City of Jurupa Valley
Mr. Jim Smith, P.E., Sr. Management Advisor
8930 Limonite Avenue
Jurupa Valley, CA 92509

RE: NOTICE OF AVAILABILITY (NOA) FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE ETIWANDA AVENUE/COUNTRY VILLAGE ROAD TRUCK RESTRICTION ORDINANCE IN THE CITY OF JURUPA VALLEY

Mr. Smith,

Thank you for allowing the City of Ontario an opportunity to review and comment on the above referenced project. After reviewing the accompanying NOA, the City of Ontario requests the following comments be addressed:

- The impact at the intersection of Milliken Avenue and Mission Boulevard would need to be mitigated in order for the City of Ontario to support the project.

- The EIR/TIA does not explore other alternatives that are available to address the sensitive noise issues, namely, to restrict truck traffic during night time hours only. Restricting trucks at night would alleviate the redistribution of daytime tracking which should mitigate the level of service impacts to the transportation network and the noise concerns during the most sensitive evening and night time periods of day. The limited project benefits presented, do not override the negative impacts on the intersection of Milliken Avenue and Mission Boulevard.

We appreciate being involved in the environmental review of the project and look forward to continued communications regarding this project. If you have any questions regarding our comments, please contact me at (909) 395-2282, or Richard Ayala, Senior Planner, at (909) 395-2421.

Sincerely,

Cathy Wahldrom
Planning Director

www.onlioca.gov

Printed on recycled paper.

September 2019
2. Response to Comments

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2. Response to Comments


A1-1 Comment acknowledged. As described in the Draft EIR, implementation of the truck restriction ordinance would result in a significant, unavoidable impact to the Milliken Avenue/Mission Boulevard intersection in the 2035 scenario. PM peak hour delays would increase by 7.3 seconds due to trip redistribution resulting from the truck restriction. The required improvement to mitigate this impact would be an additional southbound lane for Milliken Avenue. This improvement is within the City of Ontario and outside the jurisdiction and authority of the City of Jurupa. Although Mitigation Measure T-1 commits the City to contributing fair share costs for the improvement (estimated at 5.5 percent), this impact remains significant and unavoidable since the City has no control over improvements for this intersection.

A1-2 This comment suggests that additional alternatives should have been explored to address sensitive noise issues. The commenter suggests that the EIR should have evaluated restricting ‘truck traffic during night time hours.’ It is unclear whether the commenter is recommending to allow truck traffic only at night (since the comment asserts this would alleviate daytime truck impacts), or to eliminate truck traffic at night (since the comment also suggests it would reduce noise during sensitive periods). Regardless, the noise analysis concludes that traffic-related noise impacts of the potential truck restriction would be less than significant, and alternatives to reduce truck noise are not required. Implementation of the ordinance would result in noise level changes along roadway segments between 3.40 dBA and +6.89 dBA. It would reduce impacts to sensitive receptors (residences), and increases would be experienced along some industrial corridors. Noise increases and industrial buildings, however, would not exceed the acceptable 75 dBA CNEL standard. Note also that the Superior Court Consent Judgment requires the City to “use its best efforts to conduct proceedings for the adoption of an ordinance restricting trucks with gross vehicle weight rating over 16,000 lbs. from accessing the portion of Etiwanda Avenue adjacent to Mira Loma Village (between the 60 Freeway and Hopkins Street).” The Consent Judgment does not provide an option to consider partial restrictions (e.g., restricting truck traffic only at night).
2. Response to Comments

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2. Response to Comments

LETTER A2 – State of California Attorney General (5 page[s])

June 3, 2019

Jim Smith, PE, Senior Management Advisor  
City of Jurupa Valley  
8930 Limonite Avenue  
Jurupa Valley, California 92509-5183  
Email: jsmith@jurupavalley.org

RE:   Etiwanda Avenue/Country Village Road Truck Restriction Ordinance, Draft EIR,  
SCH No. 2018021020

Dear Mr. Smith:

The Attorney General of the State of California ("Attorney General") submits the following comments regarding the Draft Environmental Impact Report (the “Draft EIR”) issued by the City of Jurupa Valley ("City") for the proposed “Etiwanda Avenue/Country Village Road Truck Restriction Ordinance” ("Ordinance").

As you are aware, the Attorney General has a long-standing involvement in protecting the residents of Mira Loma Village, who are burdened by some of the worst air quality in the country. The census tract in which Mira Loma Village is located is in the 95th percentile for pollution burden according to the Office of Environmental Health Hazard Assessment's CalEnviroScreen 3.0, primarily due to ozone, fine particulate matter, and diesel emissions.1 In 2011, the Attorney General intervened in a lawsuit challenging a proposed warehouse project next to this community (CCAEL v. County of Riverside, et al., Case No. RIC1112063). That litigation resulted in a 2013 consent judgment ("Consent Judgment") in which the City agreed to take certain steps to protect the residents of Mira Loma Village from excessive air pollution. Under the Consent Judgment, the City is required “to use its best efforts to conduct proceedings for the adoption of an ordinance restricting trucks with gross vehicle weight rating ... over 15,000 lbs. from accessing the portion of Etiwanda Avenue adjacent to Mira Loma Village.”2 The City’s issuance of the Draft EIR is an important step in that process. When implemented, the Ordinance will shift truck traffic—and harmful diesel emissions—away from the residents of Mira Loma Village, thus mitigating the air quality impacts from the surrounding warehouses.

1 See https://oehha.ca.gov/calenviroscreen/reports/calenviroscreen-30
2. Response to Comments

Jim Smith, PE, Senior Management Advisor
June 3, 2019
Page 2

The Draft EIR Conclusively Demonstrates that Adoption of the Ordinance Would Substantially Improve the Environmental Conditions in Mira Loma Village

The analysis in the Draft EIR conclusively demonstrates that the proposed Ordinance would create substantial and meaningful health and quality-of-life benefits for the residents of Mira Loma Village and also would benefit the residents living near Country Village Road. Among the most important of these benefits are:

- A reduction in cancer risk for residents from as high as 66 in a million (when projecting future environmental impacts based on a “No Project” alternative) to 21 in a million if the proposed Ordinance is put in place. Given that an increase in risk by 10 in a million is considered significant, the projected reduction of risk by 45 in a million is a significant environmental benefit. The Ordinance would achieve this reduction by rerouting diesel trucks away from residential areas. This health-related benefit is especially important to the residents of Mira Loma Village. Diesel exhaust generates approximately 68 percent of carcinogenic air toxics in the South Coast Air Basin. Draft EIR at 5.1-12. The cancer risk from air toxics for the area that includes Mira Loma Village is estimated to be 1,193 in a million, id. at 5.1-13, which is among the highest in the region and in the country, and this has been exacerbated by the development of numerous warehouses in the area surrounding Mira Loma Village. In addition to reducing cancer risk, the proposed Ordinance would improve air quality for the residents in other ways, including by reducing fine particulates and ozone, which can cause respiratory disease, asthma, and other illness.

- A reduction of noise impacts to the residents of Mira Loma Village and the residents adjacent to Country Village Road. By contrast, the “No Project” alternative would increase noise up to 3 dBA for Mira Loma Village residents, which would “introduce a new significant impact for noise that would not occur under the proposed project.” Draft EIR at 7-7.

- The reduction of transportation and traffic impacts to Etiwanda Avenue and Country Village Road.

In addition, by rerouting truck traffic and the associated environmental impacts away from residential areas, the proposed Ordinance would materially advance several of the goals and policies in the City’s General Plan, including the following:

- Goal EJ 3: To be a City that supports and achieves environmental justice by ensuring a reduction in disproportionate environmental burdens affecting low-income and minority populations.

- Policy EJ 2.6: Mitigate Air Quality. Identify resources for the existing sensitive receptors experiencing adverse air quality issues to incorporate measures to
improve air quality such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and other measures.

- Policy EJ 2.16: Noise Mitigation. Support traffic and highway techniques and technologies that reduce noise impacts of vehicular traffic through calming, noise barriers, pavement design, and other measures.

- Policy EJ 2.1.1: Truck Routes. Designate truck routes to avoid residential areas including low-income and minority neighborhoods.

- Goal NE 2: To be a City that effectively manages noise in order to ensure adjacent land uses are compatible, and protect sensitive receptors from outside sources of noise and vibration.

- Goal NE 3: To be a City that effectively manages noise in order to minimize excessive noise levels and community health risks due to mobile noise sources.

- Policy NE 2.1.1: Truck Routes. Prepare and adopt truck routes to direct commercial trucks away from sensitive noise receptors.

- Policy NE 2.1.2: City Actions. The City will consider implementing one or more of the following measures where existing or cumulative increases in noise levels from new development significantly affect noise-sensitive land uses or residential neighborhoods: ... 2. Recouting commercial trucks onto streets that do not adjoin noise-sensitive land uses.

By contrast, the Draft EIR finds that the "No Project" alternative would undermine these same goals and policies: this alternative "would increase exposure to toxic air contaminants at sensitive receptors and residential neighborhoods" and would result in increased air quality, land use, and noise impacts to residents who are already overburdened with environmental impacts. Draft EIR at 1-6, 1-7. Under the "No Project" alternative, "[f]uture health risk and noise conditions would be significantly worse than the proposed project." Id. at 1-6.

The Draft EIR Demonstrates that Any Impacts to Transportation Do Not Outweigh the Substantial Environmental Improvements from the Ordinance

The Draft EIR finds that the proposed Ordinance is projected to result in significant and unavoidable transportation impacts. Specifically, the Ordinance is projected to reduce level of service at one intersection and certain freeway ramps, while improving level of service at other intersections and freeway ramps. With respect to roadways, the Draft EIR projects that adoption of the proposed Ordinance would create "no significant traffic impacts ... at any of the study area intersections" in 2020. Draft EIR at 5.5-19. In reviewing six intersections that are forecasted to have deficient levels of service in 2035 without the project, the Draft EIR states that "[t]rucking restrictions would route trucks away from all deficient intersections resulting in a
2. Response to Comments

Jim Smith, PE, Senior Management Advisor
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decrease in delay, except for intersection 15, Milliken Avenue/Mission Boulevard.” Id. at 5.5-19. As Table 5.5-7 shows, although intersection 15 is projected to experience an increase in afternoon delays of 7.3 seconds, its projected level of service rating would remain the same whether the Ordinance is adopted or not. Also, several intersections will see improvements as a result of the proposed Ordinance, ranging as high as 8.3 seconds in reduced delay in the morning at intersection 18, and 7.7 seconds in reduced delay in the afternoon at that intersection. A similar scenario is projected for freeway ramps, with some ramps seeing slight increases in traffic density, and others seeing improvements. Thus, although the Draft EIR concludes that the Ordinance would result in significant transportation impacts, it concludes that “[t]he impacts to the roadway network would be different” under the “No Project” alternative “than [under] the proposed project but considered similar as far as significance.” Id. at 1-6 (emphasis added). On this basis, the Draft EIR concludes that, “[o]verall, the proposed project is environmentally superior to the No Project alternative.” Id.

The proposed Ordinance is not projected to impact a roadway or ramp such that it deteriorates an entire level of service. To the extent the Draft EIR finds significant transportation impacts, it is solely because the proposal is projected to affect road and freeway features (intersection 15 and certain freeway ramps) that are already projected to be deficient without the project. According to the Draft EIR’s threshold of significance, any increase in delay or density—no matter how small—to an already-deficient feature must be treated as a significant impact. Draft EIR at 5.5-11.

Importantly, the Draft EIR observes that, pursuant to SB 743, consideration of traffic delays, level of service, and similar measures of capacity or congestion soon will be eliminated as grounds for determining significant impacts under the California Environmental Quality Act, and will be replaced by consideration of vehicle-miles-traveled (“VMT”) based criteria. Draft EIR at 5.5-2. Although, the City is continuing to consider level of service and similar factors during the opt-in period, we believe that SB 743 provides important context when considering the transportation impacts identified in the Draft EIR, especially the impacts that are projected for 2035. Given that level of service considerations will soon be eliminated from CEQA’s transportation analyses, we suggest that projected level of service impacts in 2035 should not outweigh the Ordinance’s significant public health benefits, especially when the proposed Ordinance is projected to also reduce delays in other areas. With respect to transportation impacts associated with VMT, the Draft EIR concludes that the increase in VMT attributable to the proposed Ordinance (estimated to be a 0.15% increase in 2020) will not generate a significant increase in greenhouse gases. Id. at 5.2-17.

Finally, regarding the mitigation for transportation impacts, it is important to note that the statement in the Executive Summary (at page 1-10) that “[t]he project-related fair-share cost estimate for local intersection improvements in $92,900,000 and the fair share cost estimate for project-related impacts to state highway facilities is $1,083,610” appears to be incorrect. Table 5.5-10 estimates a total estimated improvement cost required to mitigate both deficient intersections and the deficiencies in the freeway system to be $92,900,000, with the City’s project-related fair share cost for all such improvements projected to be $1,083,610. This should
be corrected in the final EIR. As the Draft EIR states, it is not known whether or not the City of Ontario and/or Caltrans will implement the identified mitigation measures, but to the extent they do, the cost to the City will be substantially less than what is stated in the Executive Summary.

Conclusion

The Attorney General agrees that the proposed Ordinance is the environmentally superior alternative, would materially advance the goals in the City’s General Plan, and would materially improve the health conditions of the residents of Mira Loma Village, a community that has long endured the serious environmental impacts from diesel exhaust and warehouse developments. We strongly support the City’s adoption of the proposed Truck Restriction Ordinance. Thank you for your consideration of our comments.

Sincerely,

[Signature]

DAVID ZAFT
Deputy Attorney General

For XAVIER BECERRA
Attorney General

DZ:
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2. Response to Comments


A2-1 This comment briefly summarizes the California State Attorney General's involvement in the lawsuit challenging a proposed warehousing project adjacent to the Mira Loma Village residential community. The commenter concludes that the City's issuance of the Draft EIR is an important part of the process to protect Mira Loma residents from excessive air pollution. No response is necessary.

A2-2 This comment accurately summarizes some of the Draft EIR findings relative to the proposed project's impacts to the Mira Loma Village community. Findings cited include that implementation of the truck restriction ordinance would reduce cancer risk, improve air quality, and reduce noise and traffic impacts for Mira Loma Village residents. The comment further notes that based on the Draft EIR, the 'No Project' alternative (not implementing the ordinance) would result in a new significant noise impact that would not occur under the proposed project. No response is necessary.

A2-3 This comment concludes that rerouting truck traffic based on the truck restriction ordinance would advance many of the goals and policies in the City's General Plan. The comment is consistent with Draft EIR Section 5.3, Land Use and Planning, that examines the project's consistency with the City's General Plan (see DEIR, Table 5.3-2, City of Jurupa Valley General Plan Consistency Analysis). No additional response necessary.

A2-4 This comment summarizes some of the Draft EIR findings comparing the No Project alternative (not implementing the truck restriction ordinance) to projected conditions under implementation of the ordinance. As described, since implementation of the ordinance would result in several beneficial impacts to sensitive receptors/residential neighborhoods, relative conditions under the No Project alternative would be worse. No additional response necessary.

A2-5 This comment restates some of the findings of the transportation analysis and the level of significance of potential impacts of the proposed project. It also cites the Draft EIR's finding that overall the proposed project is environmentally superior to the No Project alternative. No additional response is necessary.

A2-6 This comment summarizes the Draft EIR discussion regarding SB 743 requirements, noting that in the near future, vehicle miles traveled (VMT) criteria will be used to evaluate transportation impacts under the California Environmental Quality Act instead of Level of Service (LOS). The commenter opines that this is important context for the project, particularly for the 2035 project scenario. Furthermore, the commenter offers the opinion that the significant LOS impacts do not outweigh the public health benefits of the proposed project. This comment is not related to the accuracy or findings of the EIR and will be forwarded to decision-makers for consideration.
2. Response to Comments

A2-7 The errors in the Executive Summary are acknowledged. The following reflects the corrected language in **bold** and strikeout format. Note that this error was caught and corrected prior to posting the Draft EIR on the City's website and therefore, that version was accurate throughout the public review period. This correction to the Draft EIR is also included in Chapter 3, *Revisions to the Draft EIR*.

Implementation of the truck restriction ordinance would result in significant and unavoidable impacts to a local intersection with grade separation (Milliken Avenue/Mission Boulevard) and also result in significant, unavoidable impacts to the state freeway system. Preliminary fair share contribution and cost estimates for required improvements to mitigate the project's impacts have been calculated. The project-relaxed fair-share cost estimate for local intersection improvements is **$92,900,000** $748,000. The fair share cost of state highway facilities would be **$1,083,640** $335,610 (total cost is $1,083,610). The total cost estimate to mitigate both intersections and state highway facilities would be $92,900,000. Both the intersection and freeway improvements are outside the City of Jurupa Valley's jurisdiction. While the City will coordinate with other agencies and seek funding for improvements to mitigate project impacts, there is no guarantee that the mitigation measures will be implemented. Therefore, this impact would remain significant and unavoidable.

A2-8 Comment acknowledged. The Attorney General's comment stating support for adoption of the proposed Truck Restriction Ordinance will be forwarded to decision-makers.
LETTER A3—City of Fontana (1 page[s])

Via email
jsmith@jurupavalle.org
Jim Smith P.E.
Senior Management Advisor
City of Jurupa Valley

June 3, 2019

RE: NOA DEIR Etiwanda Avenue/Country Village Road Truck Restriction Ordinance
(SCH No. 2018021020)

Dear Mr. Smith:

The City of Fontana received information the Notice of Availability (NOA) for the Draft Environmental Impact Report (DEIR) for the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance (SCH No. 2018021020).

The City of Fontana has the following comment on Table 1 - Future Study Area Transportation Improvements (For the year 2035 Scenarios – Opening of the Philadelphia Street Bridge) in Appendix F (Traffic Study):

- This Table 1 indicates that the opening of the bridge was analyzed for the 2035 scenario. The bridge is anticipated to open in 2019. Therefore, it should be analyzed for the 2020 scenario.

Please also include me in distribution list for the Final Environmental Impact Report/Response to Comments.

Sincerely,

Rina Leung
Associate Planner

C/O Kathy Reasch, Senior Engineer

CITY OF FONTANA 8353 SIERRA AVENUE, FONTANA, CALIFORNIA 92335
www.Fontana.org
2. Response to Comments

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A3-1 The commenter suggests that the Philadelphia Street Bridge is anticipated to be opened in 2019 and therefore should have been analyzed in the 2020 traffic scenario. At the time of the Notice of Preparation (NOP) for the Draft EIR, the available information indicated that the bridge would be opened after 2020. Typically, existing conditions for EIR preparation are based on conditions at the time of issuance of the NOP.

The analysis without the bridge improvement is considered conservative relative to the overall distribution of traffic patterns in the area. The opening of the Philadelphia Street bridge is independent of the truck restriction analysis since the proposed truck restriction also includes Country Village Road. Preliminary studies showed that if the bridge was open and Country Village did not have a restriction, Philadelphia to Country Village Road would have been an alternate route for trucks avoiding the restriction. However, since Country Village Road was included in the prohibition, there would not be a diversion and a significant impact along that roadway due to the project.

Furthermore, any traffic operation changes of delay or limited capacity at the Philadelphia/Country Village Road intersection would be a result of bridge opening, not the truck restriction. Since that intersection is outside the jurisdiction of the City of Jurupa Valley and in Fontana, any countermeasure to modify operations to accommodate additional vehicles at that location would be under the jurisdiction of Fontana. This study does indicate that under the current intersection configuration, modifications would be needed to operate at an acceptable level of service by 2035.

A3-2 Request noted. Pursuant to CEQA Section 21095.2 (a), at least 10 days prior to certifying the EIR, the City of Jurupa Valley will provide a written response to the City of Fontana.
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LETTER O1 – Center for Community Action and Environmental Justice (CCAEJ) (5 page[s])

June 3, 2019

VIA ELECTRONIC MAIL

Jim Smith, PE, Senior Management Advisor
E-mail: jsmith@jurupavalley.org
Telephone: (951) 332-6484

City of Jurupa Valley
8830 Limonite Avenue
Jurupa Valley, California 92509-5183

RE: Etiwanda Avenue/Country Village Road Truck Restriction Ordinance (SCH No. 2018021020) Draft Environmental Impact Report

Dear Mr. Smith,

On behalf of the Center for Community Action and Environmental Justice (CCAEJ), we submit these comments on Draft Environmental Impact Report (DEIR) of the Etiwanda Avenue/Country Village Road Truck Restriction Ordinance. We hope these observations facilitate a public process that ensures compliance and consistency with California’s Environmental Quality Act (CEQA) requirements and the City of Jurupa Valley’s Environmental Justice (EJ) Element.

Specifically we are concerned that the DEIR had:

- Insufficient public outreach, specifically to environmental justice communities
- Inadequate analysis of the impacts to a local intersection and state freeway system
- City of Jurupa Valley’s “best efforts” in conducting proceedings for restricted truck ordinance
- Failure to identify ways to avoid or reduce impact and mitigation

Background

The Center for Community Action and Environmental Justice (CCAEJ) has been a long time advocate for the communities in Jurupa Valley that have been disproportionately bearing the brunt of pollution, contamination, and other environmental and social injustices. We continue to be committed in seeing to that the City of Jurupa Valley ensures to all its residents that they all have the equal right to live, work, play and grow in a place free of environmental burdens.

To that point, the community of Mira Loma Village, has tenaciously fought for this equal right through various interactions with the City of Jurupa Valley and the County of Riverside for just development and pollution exposure reduction. In 2003 the South Coast Air Quality Management District’s ‘Mira Loma
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Specific Air Quality Study" estimated the cancer risk based specifically in Mira Loma and recommended, "if we have diesel sources, the best thing we can do is to keep them 500 meters (1500 feet) away from people." We also know from studies from the Keck School of Medicine at USC that Mira Loma children have the slowest lung growth and weakest lung capacity of all children in Southern California.

In 2011, CCAEJ entered a lawsuit against the County of Riverside (Center for Community Action and Environmental Justice v. County of Riverside) that resulted in a consent decree where the City of Jurupa Valley agreed "to use its best efforts to conduct proceedings for the adoption of an ordinance restricting trucks with gross vehicle weight rating . . . over 16,000 lbs. from accessing the portion of Etiwanda Avenue adjacent to Mira Loma Village." In 2013 a settlement was reached and the City of Jurupa Valley and other parties will take action to significantly reduce the project's air quality impacts on Mira Loma Village. Since the City of Jurupa Valley incorporated in 2011 the same year we filed suit against the County's decision on the project - then the City has jurisdiction over the project site. The City and the developers agreed to implement and fund a list of mitigation measures including:

- Proceeding and developing an Environmental Justice Element
- Each home receiving high performance air filtration stand alone units
- As well as an adoption of a restrictive truck route ordinance on Etiwanda Ave.

Currently, the proposed project for this draft EIR is the consideration of the adoption of a City ordinance restricting medium-heavy- and heavy-duty trucks with a gross vehicle weight rating over 16,000 lbs. from accessing Etiwanda Avenue between SR-69 and Hopkins Street and Country Village Road between SR-60 and Philadelphia Avenue in the City of Jurupa Valley. In the following pages, we will outline the preliminary deficiencies of the draft EIR we have found.

Insufficient public outreach, specifically to environmental justice communities

It has come to our attention from residents, that the City of Jurupa Valley has not conducted any direct outreach to the residents of Mira Loma Village or the communities alongside Country Village Road regarding the restricted truck ordinance. As you are very well aware, Mira Loma Village is an EJ community designated by the City of Jurupa Valley in their General Plan. Pursuant to this and the 2013 Consent Judgment in CCAEJ v. County of Riverside, et al., Case No. RIC112063, the City of Jurupa Valley is required to outreach and engage the community for their public comment. We are concerned that the impacted communities are not being allowed the opportunity to participate. Failure to provide meaningful community engagement with the most impacted residents early in the project development process as outlined in the Environmental Justice requirements applicable to the City would mean that affected stakeholders are not allowed to effectively engage in the process as compared to other stakeholders.

The approval of the proposed ordinance has the potential to significantly impact the communities of Mira Loma Village and Country Village Road, communities that suffer from some of the worst air quality in the County. In which a refusal of the proposed ordinance would continue to exacerbate the current conditions they are living under. Thus, it is imperative that these communities are directly solicited for their comments during the environmental review process.
Inadequate analysis of the impacts to a local intersection and state freeway system

We believe that the DEIR did not adequately assess the traffic impacts and draws a false conclusion that the truck restriction ordinance is solely responsible for the impacts to the state freeway system and Intersection 15 Milliken Avenue at Mission Boulevard in the Cities of Eastvale and Ontario.

The DEIR states, "as shown in Table 14, the proposed Project would not cause an intersection to deteriorate below the acceptable LOS. However, the proposed Project contributes traffic and therefore increases delay at one location where conditions are already deficient: Intersection 15 Milliken Avenue at Mission Boulevard in the Cities of Eastvale and Ontario in the PM peak hour. (F-35) However, in Table 12, the DEIR shows that the same intersection, Milliken Avenue at Mission Boulevard are forecasted to operate at LO3 E or worse in future year 2035 without project conditions. (F-27) We want to have clarification, whether the proposed project is approved or not, will this intersection have significant and unavoidable impacts? We also need clarity on how the cost of the significant impact was calculated.

Clarification on this information is valuable because the DEIR states that the impact coming from this increase in traffic comes with an estimated cost amount. There is not enough information in the DEIR that points to the proposed project as being the sole responsible party to this cost. Additionally, if the Milliken Avenue at Mission Boulevard intersection will have an increase in traffic and delay, regardless of the proposed project's approval then the demand for mitigation costs will be inevitable and should not be placed on the proposed Project to be dependent on.

In the HRA, the analysis is done to see if any excess impacts to residential and workers health would increase. Which it is shown it does not. It is equally as important for the decision making body to see how the HRA would improve if the proposed project implemented. Just as the traffic cost mitigation are associated with the project is an item that is out of the control of the City. It is important to also have the savings in healthcare costs, also something outside of the control of the City to be shown to the Council and community members.

We are concerned that by baldly estimating a cost and attributing it to the proposed Project falsely, the DEIR cannot serve as the basis for decision-making for the City of Jurupa Valley and neighboring jurisdictions.

City of Jurupa Valley's "best efforts" in conducting proceedings for restricted truck ordinance

The City of Jurupa Valley allowed for multiple projects to be approved and built that had significant impact and unavoidable impact to air quality and public health to the residents of Mira Loma Village. And during those projects, CCAGEJ continued to suggest to the City that a proper and just mitigation measure would be to enforce a restricted truck ordinance to significantly lower exposure and impact.

Instead, the City continued to approve projects such as the Pilot Flying J Truck Stop and the Space Center warehouse. To state that the proposed Project is solely responsible for the estimated cost would be to omit and erase all of the planning decisions that were made after the City of Jurupa Valley had committed in using their "best efforts. The City of Jurupa Valley had clear acknowledgement that they would have to make a decision on the restricted truck ordinance. Since the City of Jurupa Valley knew they had to act in good faith by assessing this project, approvals of projects that added to the significant and cumulative impact should have not been taken. On several occasions, CCAGEJ stated that the City of Jurupa Valley was contributing and making worse the impact that the restricted truck ordinance would
have to face by approving projects such as the Space Center and the Flying J Truck Stop. It will be important for stakeholders in the community to know what additional impacts these developments had, how they contributed to the cumulative impact and if they made the net volume of PCE increase, all as it pertains to the restricted truck ordinance.

Failure to identify ways to avoid or reduce impact and mitigation

In response to the significant impact that the Milliken Avenue at Mission Boulevard intersection will create, regardless of the proposed Project or not. The mitigation measures that have been offered are not sufficient and have not been flushed out adequately. The only option that is given is to widen the roadway to four lanes that would also call for the widening of the overpass bridge. The DEIR fails to find all possible options to reduce the significant impact.

The infrastructure improvements and other operational improvements or travel demand management actions are stated as ‘outside the jurisdiction of the City of Jurupa Valley’ however, we believe that given our City’s Council Member’s involvement in different state and regional agencies, that the city has/will have the opportunity to engage in efforts in securing mitigation strategies for the region, coordinate regional planning actions, apply for state funding, etc. Thus putting some shared responsibility onto the City of Jurupa Valley. The estimated year where the impacts will begin are 2035. We believe this is more than enough time to plan for the mitigation of the concerns, secure the funding for repairs and allow for a smooth transition of traffic that improves circulation and most importantly improves the exposure that the communities in Mira Loma Village have been facing for far too long.

The responsibility of the City of Jurupa Valley and the surrounding jurisdictions, as they continue to approve developments that contribute to the cumulative impact of the regional transportation system, is to figure out ways to mitigate these decisions and decrease pollutant exposure to all communities through land use planning and regional investment. We feel that the DEIR must include more regional considerations as mitigation measure options, such as working with the regional transportation planners, the Southern California Association of Governments and other parties involved in our regional transportation system. Given that there is a shared responsibility for the cumulative impacts of the highways, there must also be shared solutions.

“Environmental justice cannot be achieved... simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development.” Kernala D. Harris, Attorney General at the time of the settlement between the City of Jurupa Valley and CCAEJ. It is extremely important that the DEIR does justice to the communities that have been overwhelmingly bearing the brunt of past decisions and we move forward in assessing all possible solutions to the problem at hand.

The Center for Community Action and Environmental Justice encourages the City of Jurupa to consider the suggestions that we have made above. We specifically call for these requests to ensure that all communities and stakeholders have an equal opportunity to access health and safety in the City of Jurupa. Accordingly, we request: that the City of Jurupa Valley see through an extensive outreach and engagement plan for the communities impacted by the proposed ordinance in a timely manner, that the draft EIR thoroughly analyze the impacts and respond to our concerns about the significant impact to the Milliken Avenue/Mission Boulevard intersection and state freeway system, and lastly to act in “good faith” and continue to analyze and find mitigation measures related to the traffic impacts.
We welcome sustained collaboration with the City of Jurupa Valley and will continue to engage in all processes regarding the proposed ordinance. We look forward to your feedback. Please contact any of following CC&EJ team members: Graciela Larios, Joan Kayano or Andrea Vidaurre at: 951-390-8451.

Thank you for your consideration.

Sincerely,

Graciela Larios  
Community Organizer

Andrea Vidaurre  
Policy Analyst
2. Response to Comments

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2. Response to Comments


O1-1 This comment introduces the DEIR concerns that will be raised in the letter. The City’s responses to the respective concerns are addressed in the following individual responses (O1-2 through O1-9).

O1-2 The CCEAJ’s history on this proposed project and advocacy for Jurupa Valley communities is acknowledged. This comment also summarizes the 2011 Center for Community Action and Environmental Justice v. County of Riverside lawsuit and subsequent consent judgment in 2013 (see Appendix A). The lawsuit and settlement are also described in the Draft EIR (see Section 3.3.1, Description of the Project).

The commenter states that “the City and the developers agreed to implement and fund a list of mitigation measures, including:

- Proceeding and developing an Environmental Justice Element
- Each home receiving high performance air filtration stand alone units
- As well as an adoption of a restrictive truck route ordinance on Etiwanda Avenue”

For reference, the actual language in the consent judgment (filed February 14, 2013) does not mandate adoption of a truck restriction ordinance, but requires the City “to use its best efforts to conduct proceedings for the adoption of an ordinance restricting trucks with gross vehicle weight rating (‘GVWR’) over 16,000 lbs. from accessing the portion of Etiwanda Avenue adjacent to Mira Loma Village (between the 60 Freeway and Hopkins Street).” The judgment further requires that the truck route ordinance proceedings comply with CEQA. This provision of the consent decree also recognized that “the City cannot guarantee the ultimate outcome of any public hearings before the City’s Planning Commissions or City Council… and that the adoption of a restricted truck route ordinance is a discretionary act and nothing in the Consent Judgment limits, in any manner, the City’s exercise of its police power under the California Constitution.”

As described in Draft EIR Section 3.3.1, the City initiated traffic studies in 2014 and presented results to the City Council. It was determined that further study was required, and in early 2015, additional traffic, air, and noise analyses were initiated. Based on the findings, the City expanded the truck restriction route to include Country Village Road between SR-60 and Philadelphia Road. Upon completing a CEQA Initial Study, the City determined that the project could result in significant impacts and that an Environmental Impact Report would be required to evaluate and consider the proposed restriction. The Draft EIR and this Final EIR have been prepared to fully address the potential environmental impacts of a potential truck restriction ordinance.
2. Response to Comments

As summarized in the DEIR Section 1.4, Project Summary, consideration and evaluation of the potential truck restriction ordinance has been part of the City’s public process since the 2013 Consent Judgement in CCAEJ v. County of Riverside et. al, as referenced by the commenter. City Council public hearings included:

- December 4, 2014 – presentation of Etiwanda Avenue traffic study results (SR-60 to Hopkins St.) (studies were initiated February 20, 2014).

- May 5, 2016 – presentation of additional traffic, air, and noise analyses (studies initiated February 5, 2015) revealing that restricting Etiwanda Avenue truck traffic would divert traffic to County Village Road north of SR-60.

- August 17, 2017 – City Council authorized staff to issue a Request for Proposal for preparation of an Environmental Impact Report to address potential impacts associated with adoption of a truck restriction ordinance for Etiwanda Avenue and Country Village Road.

- December 7, 2017 – City Council authorized a professional services agreement with PlaceWorks to prepare an EIR for the Etiwanda Avenue/Country Village Truck Restriction Ordinance.

In accordance with CEQA, the City provided the following notices and solicited feedback regarding the Draft EIR:

- Notice of Preparation: 30-day review period from February 9, 2018, to March 10, 2018
  - Distributed to Office of Planning and Research, Responsible Agencies, and Trustee Agencies
  - Distributed to CCAEJ and California Department of Justice
  - Filed with the Riverside County Clerk

- Scoping Meetings
  - Public Scoping Meeting at City Hall, March 1, 2018, 3:00 pm
  - Agency Outreach Meeting at City Hall, March 13, 2018, 3:00 pm

- Notice of Availability: Noticing 45-day Draft EIR public review period from April 19, 2019, to June 3, 2019
  - Distributed to NOP parties above, including commenters on the NOP
  - Printed copies of Draft EIR available for review at:

    Jurupa Valley City Hall
    8930 Limonite Avenue
    Jurupa Valley, CA 92509-5183
2. Response to Comments

Glen Avon Library
9244 Galena Street
Jurupa Valley, CA 92509

Louis Rubidoux Library
Mission Blvd.
Jurupa Valley, CA 92509

- Published in Press Enterprise, April 19, 2019
- NOA and Draft EIR posted on City’s website

The commenter refers to community outreach requirements noted in the Consent Judgment. Exhibit A, No. 2, “CEQA Analysis for Particular Future Projects to Address Impacts to Overburdened and Sensitive Communities,” requires that the City “use its best efforts to analyze, as part of CEQA review, whether projects may impact certain overburdened communities and sensitive populations, including low income communities and communities of color.” The provision also says the analysis shall incorporate outreach to these communities.

The City has complied with this provision in preparing a comprehensive EIR under CEQA to evaluate the potential impacts of the truck restriction ordinance. The Draft EIR includes a detailed, quantified analysis of environmental justice–related impacts, including noise, air quality, health risk, and traffic. In particular, the Draft EIR highlights the project-related impacts (benefits) to the communities of Mira Loma and residences along Country Village Road. As shown above, the City’s process has also been consistent with the participation/noticing requirements pursuant to CEQA.

This comment asserts that the DEIR concludes that ‘the truck restriction ordinance is solely responsible for the impacts to the state freeway system and intersection 15 Milliken Avenue at Mission Boulevard in the Cities of Eastvale and Ontario.” This is not true. Draft EIR Section 5-5, Transportation and Traffic, correctly summarizes the traffic study that is included in DEIR Appendix E. Table 5.5-3 shows existing intersection operations for AM and PM peak hours for 15 intersections evaluated in the study, and Table 5.5-6 and 5.5-7, provide the resultant levels of service for those intersections with and without the project (truck restriction) in 2020 and 2035, respectively. The text describes that diversion of trucks due to the project would increase traffic at this intersection and would contribute to this intersection’s unacceptable level of service in 2035. In Table 5.5-7 it is clearly shown that the Milliken Ave/Mission Blvd intersection would operate at LOS E without the project during the PM peak hour with a 60.1 second/vehicle delay. The proposed project would add to delays at that intersection during the peak hour, resulting in a 67.4 second/vehicle delay. The intersection would also be at LOS E with implementation of the proposed project. The LOS in the AM peak hour would remain at an acceptable LOS C both with and without the project.
2. Response to Comments

Comparing the detail for Table 5.5-3 (existing conditions) and Table 5.5-7 for 2035 conditions for the Milliken Ave/Mission Blvd intersection, the PM peak-hour delay would increase from a 17.1-second delay at the PM peak hour under existing conditions to a 60.1-second delay during this peak in 2035 without the proposed project. This is reflected in the fair share percentage for improvements to mitigate this intersection as included in Mitigation Measure 1-1. This measure would require a fair share contribution of 5.5 percent (reflective of the portion of traffic resulting in the unacceptable LOS) for improvements to mitigate the intersection’s performance.

The DEIR and supporting Health Risk Assessment (HRA, DEIR Appendix D) analyze and clearly disclose the beneficial health-related impact of implementing the truck restriction ordinance. Please see DEIR Table 5.1-12 for quantified cancer risks and chronic hazard index for residential and worker exposures with and without the proposed project. As summarized on DEIR page 5.1-39:

As shown in Table 5.1-12, the incremental cancer risk decreases substantially for the residential MER (at Mira Loma Village) with implementation of the project. The cancer risk decreases from 66 per million to 21 per million. However, the cancer risk at the MER is still above SCAQMD’s 10 in a million threshold. The cancer risk also decreases for the maximum exposed worker from the Without Project Scenario (adjacent to Mira Loma Village) to below the 10 in a million significance threshold. For the maximum exposed worker from the With Project Scenario (along Philadelphia Avenue), the cancer risk increases by 0.5 in a million and is also below the significance threshold of 10 in a million. For noncarcinogenic health risks, the net change in chronic hazard indices was well below the significance threshold of 1.0 for both residential and worker receptors.

The DEIR also graphically depicts the reduction in health risk that would result with implementation of the truck restriction ordinance (please compare Figure 5.1-3 Diesel Particulate Matter Contours for Residential Receptors, Without Project Scenario and Figure 5.1-4, Diesel Particulate Matter Contours for Residential Receptors, With Project Scenario). Figures 5.1-5 and 5.1-6 provide similar graphics for worker receptors for without- and with-project scenarios, respectively.

It’s beyond the scope of this DEIR and FEIR to analyze healthcare cost estimates related to implementation of the proposed project. CEQA focuses on physical impacts to the environment. Pursuant to CEQA, economic or social effects of a project shall not be treated as significant effects on the environment (CEQA Guidelines Section 15131, Economic and Social Effects). Economic and social impacts are relevant to CEQA when they could lead to physical changes, and economic/social effects may be used to determine the significance of physical changes caused by a project. As summarized in this response, the project’s impact to health would be beneficial and would not require mitigation. The City has provided preliminary cost estimates for transportation
improvements because the feasibility of these mitigation measures, including economic feasibility, needs to be considered in accordance with CEQA.

Per Response No. 0-4, the DEIR only attributes the estimated 5.5 percent fair share cost of the Milliken Avenue/Mission Boulevard transportation improvement to the proposed project.

O1-6

The Pilot Flying J Truck Stop and the Space Center warehousing projects both preceeded the preparation of the Etiwanda Truck Restriction Ordinance EIR. The Space Center project was approved in November 2017, before the Notice of Preparation for the truck restriction ordinance EIR, and the Pilot Flying J Truck Stop project was approved in December 2018. Pursuant to the Consent Judgment, the City has been conducting proceedings for the adoption of a truck restriction ordinance. Initially this included focused technical studies, and then it was determined that a full EIR would be required. Since the Consent Judgment required CEQA review, and City was in the study and deliberation phases of considering the ordinance, the ordinance could not have been included as a mitigation measure for the projects mentioned.

As detailed in Response O4-4 and O4-5, the proposed truck restriction ordinance would no: be solely responsible for the estimated cost of mitigating the significant transportation system impact (Mission Blvd/Milliken Ave) to which it would contribute. Approximately 5.5 percent of the improvement cost would be the responsibility of the project.

O1-7

The commenter is correct that the City is actively engaged in regional and state agencies and looks forward to participating in regional transportation solutions, including multimodal transportation development and travel demand management. Given that these combined efforts are anticipated to be ongoing, long term, and regional, however, it is not possible to provide project-specific measures that can be demonstrated to mitigate the significant, unavoidable impact at the Milliken Ave/Mission Blvd intersection. It is beyond the control of the City of Jurupa Valley to ensure implementation of mitigation that will reduce this impact to less than significant.

O1-8

Please see Response O1-7.

O1-9

The City has thoroughly analyzed the project-related impacts in the EIR and looks forward to completion of the environmental review and the public participation process to consider the impacts and benefits of the proposed project.
2. Response to Comments

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LETTER R1 – Charles Lanathoua (1 page[s])

Jurupa Valley 5/31/2019

To: The City of Jurupa Valley
From: Charles Lanathoua
Jurupa valley, Ca.

The air pollution and the traffic problems in this area’s getting worst every year. I’m a resident of more than 43 years. The traffic on Etiwanda ave makes it really bad for our residenacy; when the truck traffic starts rolling after the light turns green on Iberia you can see the black diesel smoke hit directly the top of the houses and dissipate.
In an emergency (with that heavy traffic on Etiwanda ave) we will be trapped and also will be hard to get help from emergency services.
Residents here suffering from asthma, heart problems and other respiratory diseases are many...
What we’re dusting in our houses is black from diesel suds; outside in our driveways what we’re sweeping is black, the whole area is covered with diesel black suds.
Our house plants and fruit trees are dying, specially apricots, peaches, nectarines and plums...
Please, please reroute this trucks from Etiwanda ave alongside of our houses and for sure it will alleviate the problem.
Thank You.
Sincerely,
Charles Lanathoua and family.

Charles Lanathoua
2. Response to Comments

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2. Response to Comments


R1-1 The commenter's support for implementation of proposed truck restriction ordinance is acknowledged. The truck traffic and related air quality and health risk conditions noted in this comment along Etiwanda Avenue and proximate to residences are analyzed and clearly disclosed in the DEIR. The purpose of an EIR is to provide an objective analysis for decision-makers and to facilitate public participation. This information, along with comments on the DEIR, like this one, will be forwarded to decision-makers for consideration.
2. Response to Comments

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LETTER R2 – Patricia Querzola (1 page[s])

From: Patricia Querzola
Sent: Friday, May 31, 2019 11:31 AM
To: Jim Smith
Cc: 
Subject: Environmental Impact Report Truck Restriction Ordinance

I am a 37 year resident at Mira Loma Village. Six months ago my husband passed away listing thirteen causes of death. I am sure this environment contributed to to this death. My main concern about this mess we live in here off of Etowanda Ave is not only my health and my family but also my neighbors. I am now dealing with an unexplainable skin condition. I am doing whatever possible to cure it but I can’t help but feel it’s environmental. I have been here long enough to know the difference in our air quality. It’s so disheartening to believe that the board of supervisors and the people in charge of our wellbeing in this tract care, only to be let down over and over again by their actions or lack of. To me it is obvious that the old mighty dollar these factories bring Jurupa Valley is far more important than the lives of the individuals who must live in these awful conditions. The tax revenue our area generates I am sure has helped rebeautify Rubidoux and neighboring areas. Please prove me wrong! My second biggest concern is the traffic we already deal with. The traffic on Etowanda Ave has gotten more congested then it was when CCAEJ surveyed it. Right now their is a whole new block of factories going up right next door to our tract and the enormous truck stop just down the road. Semi trucks still go down my street Iberia daily thinking they can get through to the factories behind us even though the Planning Commissioners implemented criteria to stop them. I can not imagine what traffic is going to be like outside our tract when this is all finished over here. The black soot all over the outside of my house is a mess. Years ago it was brown dirt. I used to leave open my front door aad windows but now I keep them closed due to the rumbling of diesel trucks all hours, smelly air, and gross grime. Many days when I’m stuck in a traffic jam right outside our tract I think god forbid someday we have a real emergency here. The big rigs even block the intersection and park along the red painted curbs on Etowanda too. I realize to some our concerns are just words but this last year I have learned the truest meaning of life and death. The quality of life is precious. Please take action on improving what little bit that’s left to improve upon. Restricting cargo trucks from going down Etowanda Ave between FWY 60 and Hopkins Street will bring about some relief to these horrible conditions we deal with daily.
2. Response to Comments

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R2-1 This commenter's personal experience with truck traffic and related air quality, health, and noise impacts along Etiwanda Avenue is acknowledged. Both the existing conditions and future conditions with and without the proposed truck restriction ordinance related to these impacts are evaluated in detail in the DEIR. The expressed comments regarding the use of tax revenue in the City is not an environmental issue with the purview of the CEQA process.

The commenter's support for implementation of the proposed truck restriction ordinance is acknowledged and will be forwarded to decision-makers for consideration.
2. Response to Comments

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LETTER R3 – Frank Zhang (2 page[s])

From: Frank Zhang
Sent: Sunday, June 2, 2019 3:18 PM
To: Jim Smith
Subject: Etiwanda Avenue/Country Village Road Truck Restriction Ordinance (SCH No. 2018021020) & Recent unknown activity caused ground vibration around Mira Loma Village

Hi:

As a resident at Mira Loma Village, I am so glad to know that the city will act to reduce pollution, excessive traffic congestion, and the accelerated road damages caused by the trucks in this area.

I and my family fully support the restriction, since it at least will relieve the horrible traffic congestion from Hopkins street to FWY60.

And hopefully, the passing and implementation of the restriction could reduce the health hazards from the diesel trucks. But the nearby Pilot project will soon cause a similar, if not worse, air pollution to our lives in this community.

Though the warehouse businesses are doing good due to the booming of E-commerce, as a local resident I didn't see the benefits to myself except more pollution and worsening of the traffic. And till now, there is no cable internet in this small community.

Recently, my community also experienced unexplained "mini-earthquakes", series powerful ground vibrations caused by some unknown activities that have been occurring several times daily since this end of May till today (Jun 1, 2019). I would like to inform the city to do some investigations to find out the cause and the possible damage which could be done to the foundation of our houses. The vibration is so powerful that I could feel the shaking of my house, and it makes me worry about the physical damage could be done to my house's complete structure and foundation.

Best Regards

Frank Zhang

A Mira Loma Village resident
2. Response to Comments

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2. Response to Comments


R3-1 The commenter’s support for implementation of proposed truck restriction ordinance is acknowledged and will be forwarded to decision-makers for consideration.

R3-2 The potential beneficial impacts air quality, health risk, and traffic-related impacts to Mira Loma Village residents if the truck restriction ordinance is implemented are comprehensively evaluated and documented in the DEIR. The potential impacts of the Pilot Flying J Travel Center Project are addressed in the EIR prepared for that project (June 7, 2018). That document is available on the City of Jurupa Valley’s website.

The commenter’s concern that new warehousing businesses do not benefit him as a local resident is acknowledged. This comment, however, is general and outside the realm of the environmental review for this project.

R3-3 By means of this Final EIR and decision-making process, the request for the City to investigate daily ground vibrations in May and June 2019 will be forwarded to decision-makers. This issue, however, is not related to potential impacts related to implementation of the truck restriction ordinance.
2. Response to Comments

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2. Response to Comments

LETTER R4 – Gene Proctor (1 page[s])

From: Graciela Larios
Sent: Monday, June 03
To: Jim Smith
Subject: Comment letter from resident Gene Proctor

This letter was written by me, Graciela Larios, for my friend, Gene Proctor.

To: Jim Smith, PE,
City of Jurupa Valley
8930 Limonite
Jurupa Valley,

From: Gene Proctor

I am Gene Proctor. I had taken it on myself to write a comment letter for the city of Jurupa Valley.

Thank you,

Gene Proctor

Graciela Larios (“Chela”)

Center for Community Action & Environmental Justice (CCAEJ)
3840 Sunnyside Drive, Jurupa Valley, CA 92509
Office: (951) 360-8431 Fax: (951) 360-5950

Support CCAEJ
This letter was written on a note pad. The resident does not have computer accessibility this is why I wrote it on my email but it is from the resident of Mira Loma Village

To: Jim Smith, PE, Senior Management Advisor
City of Jurupa Valley
8930 Limonite Ave.
Jurupa Valley, CA 92509

From: Gene Proctor
10881 Lansford St.
Jurupa Valley, CA 91752

I am Gene Proctor. I have lived in Mira Loma Village since early 1971. To date the truck traffic is unacceptable. Not just for traffic congestion but for the health of our families. Truck restriction is the right thing to do.

Thank you,

Gene Proctor

Graciela Larios (“Chela”)
Center for Community Action & Environmental Justice (CCAEJ)
3840 Sunnyhill Drive, Jurupa Valley, CA. 92509
Office: (951) 360-8451 Fax: (951) 360-5950
graciela.l@yahoo.com
Support CCAEJ
2. Response to Comments

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R4-1 This commenter’s sentiment regarding truck traffic and related congestion and health impacts is acknowledged. The commenter’s support for implementation of the proposed truck restriction ordinance is acknowledged.
2. Response to Comments

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3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures, if needed, to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ______ to indicate deletions and in **bold text** to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

---

Page 1-10, Section 1, Executive Summary. The following text has been revised in response to Comment A2-7.

implementation of the truck restriction ordinance would result in significant and unavoidable impacts to a local intersection with grade separation (Milliken Avenue/Mission Boulevard) and also result in significant, unavoidable impacts to the state freeway system. Preliminary fair share contribution and cost estimates for required improvements to mitigate the project’s impacts have been calculated. The project-related fair-share cost estimate for local intersection improvements is **$748,000**. The fair share cost of state highway facilities would be **$335,610** (total cost is $1,083,610). The total cost estimate to mitigate both intersections and state highway facilities would be $92,900,000. Both the intersection and freeway improvements are outside the City of Jurupa Valley’s jurisdiction. While the City will coordinate with other agencies and seek funding for improvements to mitigate project impacts, there is no guarantee that the mitigation measures will be implemented. Therefore, this impact would remain significant and unavoidable.
3. Revisions to the Draft EIR

Page 1-12 and 1-13, Table 1-2, Section 1, Executive Summary. Mitigation Measures T-1 and T-2 have been refined by the City to more accurately reflect the fair share funding contribution and timing requirements for required transportation system improvements to mitigate project-related impacts. These changes do not constitute the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. The revisions are shown in text below.

<table>
<thead>
<tr>
<th>5.16 TRANSPORTATION/TRAFFIC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impact 5.5-1:</strong> Project truck traffic restrictions would impact levels of service in the local circulation system.</td>
</tr>
<tr>
<td><strong>Impact 5.5-2:</strong> The project would impact levels of service in the freeway system.</td>
</tr>
</tbody>
</table>
3. Revisions to the Draft EIR

Page 5.5-34, Section 5.5, Transportation and Traffic. Mitigation Measures T-1 and T-2 have been refined by the City to more accurately reflect the fair share funding contribution and timing requirements for required transportation system improvements to mitigate project-related impacts. These changes do not constitute the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. The revisions are shown in the text below.

| MM T-1 | In the event the City of Ontario proposes to widen the South Milliken Avenue Grade Separation to 4 lanes to accommodate southbound through movement, the City of Jurupa Valley shall, to the extent financially feasible, contribute its project fair share contribution to this improvement at the time of its construction. The project fair share calculation is 5.5 percent of the $13,600,000 cost of the improvement as provided in Table 5.5-10 of the DEIR. |
| MM T-2 | The city shall coordinate with RTC, Caltrans, and the City of Ontario to update area-wide roadway plans and programs and to seek funding for improvements as needed to achieve Caltrans, RTC, and local jurisdiction standards. To the extent that it is financially feasible and at the time of construction, the City shall contribute its project fair share contribution to the improvements as provided in Table 5.5-10 of the DEIR. |
3. Revisions to the Draft EIR

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Appendix A. Consent Judgment
CCAEJ v. County of Riverside, et al.
Appendix

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STAFF REPORT

DATE: OCTOBER 3, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER

BY: STEVE R. LORISO, P.E., CITY ENGINEER/ DIRECTOR OF PUBLIC WORKS

SUBJECT: AGENDA ITEM NO. 16.B

PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE L) TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY; 42ND STREET AT FORT DRIVE AND TWINING STREET, AND RUBIDOUX BOULEVARD (FLABOB AIRPORT) (CONTINUED FROM THE SEPTEMBER 19, 2019 MEETING)

RECOMMENDATION

1) That the City Council adopt Resolution No. 2019-86, entitled:


BACKGROUND

The Landscaping and Lighting Act of 1972, being Part 2 of Division 15 of the California Streets and Highways Code (the “Act”) and Article XIII D of the California Constitution
(“Proposition 218”), requires the City Council conduct proceedings to annex territory into an assessment district formed under the Act and to levy assessments within such territory.

In connection with the City’s incorporation in 2011, the Local Agency Formation Commission of Riverside County (LAFCO) adopted its Resolution No. 12-10 on July 22, 2010, to establish the Terms and Conditions of Incorporation, which require that the authority and responsibility for special assessment districts within the incorporated City associated with any County Landscape Maintenance District be transferred to the City upon its incorporation.

By its Resolution No. 2011-26, adopted on July 1, 2011, the City Council assumed all authority and responsibility for the special assessment districts within the incorporated City associated with any County Landscape Maintenance District and specifically assumed responsibility for any and all special assessments levied in connection with such districts.

The County’s Landscape and Lighting Maintenance District No. 89-1-Consolidated (the “County District”), established pursuant to the provisions of the Act includes various territories located both within the incorporated boundaries of the City (the “City Territory”) and outside the incorporated boundaries of the City (the “County Territory”). Pursuant to its Resolution No. 2016-01 adopted on February 4, 2016, the City declared that the City Territory is a district under the 1972 Act, which is separate and distinct from the County Territory, and designated such territory as the “Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated.”

At its August 1st, 2019 meeting, the City Council adopted Resolution No. 2019-64 initiating proceedings for the annexation of territory to the Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated (the “District”) as Zone L and the levy and collection of assessments within such territory. Zone L includes 4 assessable parcels, generally located at 42nd Street at Fort Drive and Twining Street, and Rubidoux Boulevard.

Further, the City Council adopted Resolution No. 2019-66 declaring its intention to annex territory to the District and to levy and collect assessments within such territory for fiscal year 2020-21. Resolution No. 2019-66 set September 19, 2019 as the public hearing date for protests to the levy of annual assessments and the annexation.

Subsequent to the August 1st meeting and in accordance with the Act and Proposition 218, notice was mailed to the owners of the properties within the territory to be annexed, along with an assessment ballot for such owners to indicate support for, or opposition to, the proposed annexation. The notice indicated the amount of the proposed assessment for their respective parcels and the date, time and place of the public hearing.
ANALYSIS

It is proposed to include the additional parcels within the boundaries of the District and to levy assessments within such territory for fiscal year 2020-21. Such territory is shown on a map on file in the office of the City Clerk and is open to public inspection.

At the public hearing, the City Council must hear and consider all oral and written statements, protests, objections or other communications made or filed with respect to the annexation of territory to the District and the levy and collection of annual assessments within such territory.

The assessment ballots must be tabulated at the public hearing. A majority protest exists if ballots submitted in opposition to the assessment and annexation exceed the ballots submitted in favor of the assessment and annexation. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property. In the absence of a majority protest, the City Council may adopt a resolution ordering the annexation and levy and collection of assessments within the territory.

OTHER INFORMATION

- On August 1, 2019, the City Council initiated proceedings for the annexation.
- On September 19th, 2019, the City Council continued the public hearing to October 3rd, 2019.

FINANCIAL IMPACT

The property owners are responsible for the annual payments of the special assessment. The City will file the special assessment with the County Auditor-Controller for collection via the annual property tax bills. The property owners have posted a deposit with their application to form Zone L, in order to cover City costs incurred in connection with the annexation. Approval of this resolution does not in any way commit the City to any financial contribution or liability for the Zone L. The City’s cost to administer Zone L annually will be reimbursed through the special assessment charged to property owners. The fiscal year 2020-21 (base year) maximum assessment for landscape maintenance and street lighting for each parcel is $2,602.00 and is subject to escalation beginning in FY 2021-22 to account for reasonable increase cost for maintenance and inflation.

The revenue from this special assessment will be deposited into City of Jurupa Valley L&LMD 89-1-C and will be used to pay for the services provided in Zone L. Both the revenue and expenses will be part of the City’s FY 2020-21 Adopted Budget, and there is no anticipated impact to the general fund.
CONCLUSION

It is recommended that the City Council adopt Resolution No. 2019-86 ordering annexation of territory to the District and the levy and collect assessments within such territory for fiscal year 2020-21.

ALTERNATIVES

1. Take no action.

2. Provide staff with further direction.

************************** SIGNATURES ON FOLLOWING PAGE **************************
Prepared by:

Carolina Fernandez, E.I.T.
Assistant Engineer

Reviewed by:

Steve R. Lorio, P.E.
City Engineer/Dir. of Public Works

Reviewed by:

Connie Cardenas
Interim Director of Administrative Services

Submitted by:

George A. Wentz, P.E.
Deputy City Manager

Reviewed by:

Peter M. Thorson
City Attorney

Reviewed by:

Alan Kreimeier
Interim City Manager

Attachments:

1. Resolution No. 2019-86; Ordering Annexation
2. Engineer’s Report
RESOLUTION NO. 2019-86


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), the City Council of the City of Jurupa Valley initiated proceedings for the annexation of territory to City of Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated (hereinafter referred to as the "District") and the levy and collection of assessments within such territory for the 2020-2021 fiscal year and caused to be prepared a written report (the "Engineer's Report") in accordance with the Act and Article XIII D of the California Constitution.

Section 2. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the Engineer's Report, the annexation of territory to the District, and the levy and collection of the proposed assessment within such territory for fiscal year 2020-2021. All interested persons were afforded the opportunity to hear and be heard. The City Council considered all oral and written statements, protests and communications made or filed by interested persons and tabulated all ballots. The City Council hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIII D of the California Constitution. All protests and objections to the annexation of territory to the District and the levy and collection of the proposed assessment against lots or parcels of property within the annexed territory for fiscal year 2020-2021 are hereby overruled by the City Council.

Section 3. The City Council hereby orders the annexation of territory, which is described as Assessor’s Parcel Numbers 181-190-010, 181-151-001, 181-151-002 and 181-151-003 to the District. The District will continue to be designated as City of Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated.

Section 4. Based upon its review of the Engineer's Report and other reports and information, the City Council hereby finds and determines that (i) the land within the annexed territory will be benefited by the improvements as described in such Engineer's Report, (ii) the annexed territory includes all of the lands so benefited, (iii) the net amount to be assessed upon the lands within the annexed territory for the 2020-2021 fiscal year, in accordance
with the Engineer's Report, is apportioned by a formula and method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements; and (iv) only special benefits are assessed and no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

**Section 5.** The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation; the installation or construction of public lighting facilities including but not limited to, street lights; the installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris; the installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities; and, the maintenance and/or servicing of any of the foregoing.

**Section 6.** Lots or parcels of land within the annexed territory that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California, or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

**Section 7.** The City Council hereby confirms the diagram and assessment, with respect to the annexed parcels, as originally proposed in the Engineer's Report.

**Section 8.** The assessment is in compliance with the provisions of the Act and Article XIIID of the California Constitution.

**Section 9.** The assessment is levied without regard to property valuation.

**Section 10.** The assessment is levied for the purpose of paying the costs and expenses of the improvements described in Section 5 above for the fiscal year commencing on July 1, 2020 and ending on June 30, 2021.

**Section 11.** The adoption of this Resolution constitutes the levy of an assessment for the fiscal year commencing July 1, 2020 and ending June 30, 2021.

**Section 12.** The improvements shall be performed pursuant to law.

**Section 13.** The County Auditor of Riverside County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessments shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessments shall be paid to the City Administrative Services Director.

**Section 14.** The Administrative Director shall deposit all moneys representing assessments collected by the County to the credit of a special fund known as "City of Jurupa Valley L&LMD 89-I -C Zone L," and such moneys shall be expended only for the improvements described in Section 5 above.
Section 15. The City Clerk is hereby authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor, together with a certified copy of this Resolution upon its adoption.

Section 16. A certified copy of the diagram and assessment shall be filed in the office of the City Engineer, with a duplicate copy on file in the office of the City Clerk and open for public inspection

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 3rd day of October, 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. 2019-86 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 3rd day of October, 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 3rd day of October, 2019.

_____________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
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AGENCY: CITY OF JURUPA VALLEY
SUBJECT: ANNEXATION FLABOB, TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO.89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&LMD NO.89-1-C”) AS ZONE L
TO: CITY OF JURUPA VALLEY CITY COUNCIL

Pursuant to the direction from the City Council of the City of Jurupa Valley (“City Council”), California, this Engineer’s Report (“Report”) is prepared and hereby submitted for the City of Jurupa Valley (“City”) in compliance with the provisions of Section 22565 through 22574 of the Landscaping and Lighting Act of 1972 (“1972 Act”), said Act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIII D of the California Constitution.

This Report provides for the annexation of Parcels 181-190-010, 181-151-001, 181-151-002, 181-151-003 to City of Jurupa Valley L&LMD No. 89-1-C as Zone L and establishes the Maximum Assessment to be levied in the Fiscal Year commencing July 1, 2020 to June 30, 2021 and continuing in all subsequent Fiscal Years, for this area to be known and designated as:

CITY OF JURUPA VALLEY L&LMD NO. 89-1-C ZONE L

Flabob

I do hereby assess and apportion the total amount of the costs and expenses upon several parcels of land within said designated area liable therefor and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said services.

NOW, THEREFORE, I, the appointed ENGINEER, acting on behalf of the City of Jurupa Valley, pursuant to the 1972 Act, do hereby submit the following:

Pursuant to the provisions of law, the costs and expenses of the Zone have been assessed upon the parcels of land in the Zone benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcels, reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein.

As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing the Zone, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone as they exist, as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on said Assessment Diagram/Boundary Map and in the Assessment Roll contained herein.

The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram/Boundary Map and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessor Roll for a description of the lots or parcels.
As of the date of this Report, there are no parcels or lots within Zone L that are owned by a federal, state or other local governmental agency that will benefit from the services to be provided by the assessments to be collected.

August 1st, 2019.

[Signature]

________________________
Steve Loriso, R.C.E. 64701
EXECUTIVE SUMMARY

INTRODUCTION

Pursuant to the provisions of law, the costs and expenses of the Zone have been assessed upon the parcels of land in the Zone benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcels, reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein. On this 1st day of August, 2019 the City Council, City of Jurupa Valley, State of California, ordering the preparation of the Report providing for the annexation of Parcel Map 37125 to L&LMD No. 89-1-C as Zone L, pursuant to the provisions of the 1972 Act, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2019-066 for a special assessment district zone known and designated as:

ZONE L
Flabob

The annexation of Zone L includes the parcel of land within the commercial subdivision known as Flabob, also identified by the Assessor Parcel Number(s) 181-190-010, 181-151-001, 181-151-002, and 181-151-003 valid as of the date of this Report: August 1st, 2019. As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing the Zone, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone as they exist, as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on the Assessment Diagram/Boundary Map and in the Assessment Roll contained herein.

The following report presents the engineering analysis for the annexation of Zone L and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2020-2021 and all subsequent fiscal years.
PART I – BOUNDARIES OF THE DISTRICT

LOCATION OF THE ASSESSMENT ZONE

Zone L shall consist of a benefit zone encompassing the properties within the development known as Flabob. The proposed improvements described in this Report are based on current development and improvement plans provided as of the date of this Report.

Zone L is generally located Northwest corner of the intersection of Riverside Drive and Etiwanda Avenue, in the City of Jurupa Valley, in the County of Riverside, State of California. At the time of this assessment, the assessment zone consists of 4 assessable parcels and zero non-assessable lots. Zone L consists of all lots/units, parcels, and subdivisions of land located in the following development area:

PART II – IMPROVEMENTS AND SERVICES FOR CITY OF JURUPA VALLEY L&LMD NO. 89-1-C ZONE L

The services to be funded by City of Jurupa Valley L&LMD No. 89-1-C Zone L include the maintenance of the streetlights (2), and landscape on the parkway along 42ND Street and Rubidoux Boulverad, at the frontage of the parcels. The proposed improvements, the associated costs, and assessments have been carefully reviewed, identified, and allocated based on special benefit.

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping, dedicated easements for landscape use, and appurtenant facilities. The 1972 Act further provides that assessments may be apportioned upon all assessable lot(s) or parcel(s) of land within an assessment district in proportion to the estimated benefits to be received by each lot or parcel from the improvements rather than by assessed value.

LANDSCAPING IMPROVEMENTS
The assessment will provide for landscaping servicing and maintenance within the limits of the Boundary Map and as approved by the City during the Tentative Parcel Map approval; where the following apply:

1. Servicing: the furnishing of water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
2. Maintenance: the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including the repair, removal, or replacement of all of part of landscape improvements. Maintenance shall also include tree trimming for the trees identified on the Landscape Plans for Flabob, prepared by Alhambra Group Landscape Architecture and approved April, 2019.

The benefits associated with landscaping improvements include:

1. Enhanced environmental quality of the parcels through improved erosion resistance, dust and debris control, and fire protection.
2. Reduced criminal activity and property-related crimes (especially vandalism) against properties through well-maintained surrounding and amenities.
3. Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuation noise.

STREET LIGHTING IMPROVEMENTS
The assessment will provide for the operating energy cost of the street lights servicing the development, Flabob, as shown in the Street Lighting Improvement Plan by Kolibrien Civil Structural Surveying, IP17-003, approved September, 2019.

The benefits associated with streetlight improvements include:
1. Enhanced deterrence of crime such as vandalism and other criminal activities which would reduce damage to improvements or property.
2. Improved visibility to assist police in the protection of property.
3. Improved visibility for egress from and ingress to the property.
PART III – FINANCIAL ANALYSIS

INTRODUCTION
The formula used for calculating assessments reflects the composition of the parcels and the improvements and services provided by the Zone to fairly apportion the costs based on the estimated benefit to each parcel.

The landscaping and streetlight improvements within Zone L provide direct and special benefit to the lots or parcels within the Zone. Therefore, the maintenance of these improvements also provides direct and special benefit by maintaining the functionality of the improvements and allowing the improvements to operate in a proper manner.

Because all benefiting properties consist of a uniform land use, it is determined that all parcels benefit equally from the improvements and the costs and expenses for the maintenance and servicing of landscaping and streetlights are apportioned on a per parcel basis.

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the Zone and the general benefits to the public at large and to adjacent property owners. A portion of the total maintenance costs for the landscaping and streetlights, if any, associated with general benefits will not be assessed to the parcels in the Zone, but will be paid from other City of Jurupa Valley funds.

No property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property. Additionally, because the Boundary Map includes four benefiting parcels consisting of a uniform land use within the zone, the proportionate share of the costs and expenses for the provisions of landscaping and streetlights, as well as costs and expenses for the maintenance of the landscaping and streetlights are apportioned equally on a per parcel basis.

MAXIMUM ASSESSMENT METHODOLOGY
The following methodology was adopted by City Council in Resolution No. 2016-01 dated February 4, 2016. Such methodology has been maintained in preparation of this Report. The purpose of establishing a Maximum Assessment formula is to provide for reasonable increases and inflationary adjustments to annual assessments without requiring costly noticing and mailing procedures, which would add to the Zone M costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within the Zone. For Zone L, the initial Maximum Assessment(s) for Fiscal Year 2020-2021 are as follows:

1. The initial Total Maximum Assessment established within Zone L shall be $10,407.57.
2. The initial Maximum Assessment per assessable parcel/lot/unit established within Zone L, composed of one assessable lot, is anticipated to be $2,601.90.

The initial Maximum Assessment is subject to an annual inflator starting in Fiscal Year 2020-2021. The initial Maximum Assessment shall be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor for Riverside-Ontario-San Bernardino.

The Maximum Assessment is adjusted annually and is calculated independent of Zone L’s annual budget and proposed annual assessment. The proposed annual assessment (rate per assessable parcel) applied in any fiscal year is not considered to be an increased assessment if less than or equal to the Maximum Assessment amount. In no case shall the annual assessment exceed the Maximum Assessment.

Although the Maximum Assessment will increase each year, the actual Zone L assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish reasonable limits on Zone L assessments. The Maximum Assessment calculated each year does not require or facilitate an increase of the annual assessment and neither does it restrict assessments to the adjusted maximum amount. If the budget and assessments for the fiscal year require an increase and the increase is more than the adjusted Maximum Assessment, it is considered an increased assessment.

To impose an increase assessment, the City of Jurupa Valley must comply with the provisions of the California Constitution Article XIII D Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owner through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for Zone L. If the proposed assessment is not approved, the City may not levy an assessment greater than the adjusted Maximum Assessment previously established for Zone L.

**COST ESTIMATE**

The Assessment for each assessable parcel within Zone L is calculated by dividing the total Annual Balance to Levy by the total number of assessable subdivided parcels within Zone L to determine the Annual Assessment per assessable parcel.

\[
\frac{\text{Annual Balance to Levy}}{\text{Total number of assessable parcels}} = \text{Annual Assessment per assessable parcel}
\]

The Annual Balance to Levy is the Total Annual Landscaping Costs as seen in the following summary table:
## CITY OF JURUPA VALLEY L&LMD NO. 89-1-C ZONE L

**FLABOB**

**FY 2020-2021**

Total Assessable Parcels/Lots: 4

<table>
<thead>
<tr>
<th>Cost Description</th>
<th>Total Cost for Zone N</th>
<th>Cost per Parcel for Zone N</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Lighting:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual Energy Charge of $103.88 per street light for 2 Street</td>
<td>$207.76</td>
<td>$51.94</td>
</tr>
<tr>
<td>Lights - 100 Watt LED:</td>
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<td></td>
</tr>
<tr>
<td>Administration:</td>
<td>$17.66</td>
<td>$4.42</td>
</tr>
<tr>
<td>Operating Reserve :</td>
<td>$20.78</td>
<td>$5.20</td>
</tr>
<tr>
<td>Total Annual Street Lighting Cost:</td>
<td>$246.20</td>
<td>$61.55</td>
</tr>
<tr>
<td><strong>TOTAL ANNUAL STREET LIGHTING ASSESSMENT:</strong></td>
<td>$246.20</td>
<td>$61.55</td>
</tr>
</tbody>
</table>

| Landscaping:                            |                       |                            |
| Annual Landscaping Maintenance :       | $5,100.00             | $1,275.00                  |
| Tree Trimming :                         | $900.00               | $225.00                    |
| Water :                                 | $1,560.00             | $390.00                    |
| Calsense Single:                        | $175.00               | $43.75                     |
| Backflow Certificate (2) :             | $100.00               | $25.00                     |
| Fertilizer Injector (2) :              | $440.00               | $110.00                    |
| Electric Meter (2) :                   | $300.00               | $75.00                     |
| Total Landscaping Maintenance Costs :   | $8,575.00             | $2,143.75                  |
| Administration :                       | $728.88               | $182.22                    |
| Operating Reserve :                    | $857.50               | $214.38                    |
| **TOTAL ANNUAL LANDSCAPING COSTS:**     | $10,161.38            | $2,540.34                  |

**TOTAL ANNUAL STREET LIGHTING AND LANDSCAPING ASSESSMENT:** $10,408.00 *$2,602.00

**INITIAL MAXIMUM ASSESSMENT PER ASSESSABLE PARCEL:** $2,602.00

**Notes:**

Water meter cost included on landscape rate.

*Rounded to the nearest dollar.*
PART IV – ASSESSMENT DIAGRAM
(See next page)
PART V – ASSESSMENT ROLLS

Parcel identification for each lot/unit or parcel within Zone L shall be the parcels as shown on the Riverside County Secured Roll for the year in which this Report is prepared and reflective of the Assessor’s Parcel Maps. Zone L includes the following Assessor’s Parcel Numbers (APNs) as of the date of this Report: 181-190-010, 181-151-001, 181-151-002, and 181-151-003.

The initial Maximum Assessment shall be adjusted annually by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U for All Items Index published by the BLS. When subdivided, the initial Maximum Assessments per assessable lot/unit or parcel for Zone L are as follows:

<table>
<thead>
<tr>
<th>Parcel/ Lot No.</th>
<th>Maximum Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>181-190-010</td>
<td>$2,602.00</td>
</tr>
<tr>
<td>181-151-001</td>
<td>$2,602.00</td>
</tr>
<tr>
<td>181-151-002</td>
<td>$2,602.00</td>
</tr>
<tr>
<td>181-151-003</td>
<td>$2,602.00</td>
</tr>
</tbody>
</table>
ALAN KREIMEIR, INTERIM CITY MANAGER

BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR

SUBJECT: AGENDA ITEM NO. 17.A

AUTHORIZED TO APPLY FOR AND RECEIVE SENATE BILL 2 (SB 2) PLANNING GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR FUNDING TO DEVELOP AND IMPLEMENT PLANNING PROGRAMS RELATED TO THE 2017 GENERAL PLAN AND HOUSING ELEMENT

RECOMMENDATION


BACKGROUND

In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state’s housing shortage and lack of affordable housing. The bill included the Building Homes and Jobs Act (SB 2) which established a $75 recording fee on all real estate transactions in the state. During the first year of the program, the state directed 50% of the funds to providing financial and technical assistance to local governments to update planning documents and land use ordinances. Subsequent years’ SB 2 funding will be directed towards state and locally administered housing production efforts.

During the first year of the program, the state collected approximately $123 million for planning grant program funds. On March 28, 2019, the state issued a Notice of Funding Availability (NOFA) inviting local governments to apply for funding to update planning documents and streamline housing production. Applications will be accepted on an ‘over-the-counter’ non-competitive basis through November 30, 2019 for planning related
programs which meet the state requirements. Maximum funding levels are based on population with small jurisdictions (population of <60,000) eligible for up to $160,000, medium jurisdictions (population of 60,000-200,000) eligible for $310,000 and large jurisdictions (population >200,000) eligible for $625,000). To be eligible to apply for SB 2 funds, a jurisdiction must have a certified Housing Element and have submitted a recent General Plan Annual Progress Report.

SB 2 funds may be used for a variety of planning-related programs that demonstrate a nexus with streamlining housing production. Projects that are closely aligned with the State’s Priority Policy Areas have minimal application requirements while projects that are related but not directly aligned require a bit more documentation. Some of the examples of eligible activities in the State’s planning guidelines include the following:

- Updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans
- Updates to zoning ordinances
- Environmental analyses that eliminate the need for project-specific review
- Local process improvements that improve and expedite local planning

ANALYSIS

On June 1, 2018, the City of Jurupa Valley submitted its 2018 General Plan Annual Progress Report which outlines the status and progress in implementing the General Plan and Housing Element. In addition, on June 4, 2018, HCD certified the City’s Housing Element as being in compliance with State law. Because the City has achieved these milestones, it is eligible to apply for SB 2 Planning Grant funds. Based on the City’s 2018 population of 106,054, the City is classified as a medium city and is eligible to apply for up to $310,000 in SB 2 planning grant funding.

The 2017 General Plan identified several follow-on actions to implement the General Plan and Housing Element. Several of these relate to planning for housing and are eligible for funding under SB 2. Staff is proposing that the City request SB 2 funding for the following three planning efforts:

1. **Rezoning of Key Sites**

   The certified Housing Element includes a program (HE 1.1.1) requiring the City to redesignate and rezone 16 acres of land to the highest residential density (HHDR) to provide adequate acreage for lower income housing and ensure the City meets its Regional Housing Needs Allocation (RHNA). On March 21, 2019, the City Council initiated amendments to the General Plan Map and Zoning Map and directed staff and the Planning Commission to evaluate 55 sites contained within the Housing Element for possible redesignation and rezone. This is an intensive process to analyze the sites, work with property owners and residents, identify sites for redesignation and rezone, prepare the appropriate environmental documentation and bring forward a recommendation for approval. Staff has begun
this process and recommends the City include a request for $150,000 in SB 2 funds to support this effort.

2. **Pedley Town Center Area Plan**

   The 2017 General Plan calls for the preparation of ‘Area Plans’ for Jurupa Valley’s historic town centers of Pedley, Glen Avon and Rubidoux. The Area Plans will provide a framework for how each area should grow evolve over time in keeping with the historic character and the community’s vision for the area. Staff is proposing to include an SB 2 funding request for $120,000 to enable the City to hire a land use consultant and begin the process to prepare an Area Plan for the Pedley Town Center. Because the Area Plan will consider whether and how to incorporate residential development within the Town Center, it is appropriate for inclusion in the SB 2 funding request. Future funding would be needed to complete the Area Plan and prepare environmental documentation.

3. **Residential Design Standards**

   The State has been proposing numerous legislative actions to reduce the ability of local governments to review and process applications for new housing, particularly higher density housing. One of these is Senate Bill 35 (SB 35) which requires that cities allow multifamily residential projects to be processed ministerially if they meet certain criteria. Staff is proposing to include a request for $40,000 in SB 2 funding to prepare multi-family residential design standards that clearly outline design standards that can be implemented through a ministerial process. The funding would be used to offset staff time to prepare the standards, conduct outreach with the public and Planning Commission and take the standards forward for approval.

Planning staff has prepared the draft SB 2 application contained in Attachment 2 requesting funding for the three efforts outlined above. In addition, HCDs SB 2 technical advisory consultant, PlaceWorks, has reviewed the draft application and indicated that it is complete and that the proposed projects appear to be aligned with the State’s goals for SB 2 funding. Therefore, staff recommends that the City Council adopt Resolution No. 2019-92, authorizing application for, and receipt of, $310,000 in SB 2 grant funds.

**FINANCIAL IMPACT**

None. If the requested SB 2 funds are granted, the City will receive up to $310,000 in funding for planning related activities.

**ALTERNATIVE**

1. Do not authorize submittal of an SB 2 grant application. Staff does not recommend this alternative as it would forgo $310,000 in planning grant funds available to the City.
Prepared by:

Thomas G. Merrell
Planning Director

Reviewed by:

Connie Cardenas
Interim Administrative Services Director

Reviewed by:

George A. Wehtz
Deputy City Manager

Submitted by:

Alan Kreimeier
Interim City Manager

Reviewed by:

Peter M. Thorson
City Attorney

Attachments:

1. Draft City Council Resolution No. 2019-92
2. Draft SB 2 Planning Grant Application
RESOLUTION NO. 2019-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS

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

WHEREAS, the State of California, Department of Housing and Community Development (HCD), issued a notice of Funding Availability (NOFA) dated March 28, 2019 for its Planning Grants Program (PGP); and

WHEREAS, the Jurupa Valley City Council desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGGP Program; and

WHEREAS, HCD is authorized to provide up to $123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB2)) related to the PGP Program.

NOW, THEREFORE, THE JURUPA VALLEY CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The Jurupa Valley City Council is hereby authorized and directed to apply for and submit to HCD the Planning Grants Program application released March 28, 2019 in the amount of $310,000.00.

SECTION 2. In connection with the PGP grant, if the application is approved by HCD, the City Manager is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of $310,000.00, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City’s obligations related thereto, and all amendments thereto (collectively, the “PGP Grant Documents”).

SECTION 3. The City of Jurupa Valley shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by HCD. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by HCD and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and the 2019 Planning Grants Program Application.
SECTION 4. The City Council City Manager is authorized to execute the City of Jurupa Valley Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the City as required by HCD for receipt of the PGP Grant.

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 3rd day of October, 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. 2019-92 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 3rd day of October, 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 3rd day of October, 2019

Victoria Wasko, City Clerk
City of Jurupa Valley
Exhibit A

Jurupa Valley SB 2 PGP Application
SB 2 Planning Grants Program Application

State of California
Governor Gavin Newsom

Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency

Ben Metcalf, Director
Department of Housing and Community Development

2020 West El Camino, Suite 500
Sacramento, CA 95833
Website: http://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml
Email: sb2planninggrant@hcd.ca.gov

March 28, 2019
Revised July 10, 2019
SB 2 Planning Grants Application

Planning Grants Program Application Packaging Instructions

The applicant is applying to the Department of Housing and Community Development (Department) for a grant authorized underneath the Planning Grants Program (PGP) provisions of SB 2 (Chapter 364, Statutes of 2017). The PGP program is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. Please refer to the SB 2 Planning Grants Program Guidelines and Notice of Funding Availability (NOFA) for detailed information on eligible activities, applicants, and awards. If you have questions regarding this application or the PGP, email sb2planninggrant@hcd.ca.gov.

If approved for funding, this grant application will be a part of your Standard Agreement with the Department. In order to be considered for funding, all sections of this application, including attachments and exhibits if required, must be complete and accurate.

Pursuant to Section X of the NOFA, all applicants must submit a complete, signed, original application package and an electronic copy on CD or USB flash drive containing the following documentation, in the order listed below, to the Department by the specified due date in the Notice of Funding Availability (NOFA) in order to be considered for award:

1) A complete, signed, original application (the Department will only accept this fillable pdf as the application) with the following attachments:

   a. Attachment 1: State and Other Planning Priorities (All applicants must submit this form to self-certify compliance)

   b. Attachment 2: Nexus to Accelerating Housing Production - NOTE: if the applicant is proposing only Priority Policy Areas (PPA), as defined in section VIII, subsection (3) of the NOFA, do not fill out Attachment 2. However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of this application.

2) A fully executed resolution authorizing application for, and receipt of, PGP funds (see Attachment 3: Sample Resolution).


4) If the applicant is partnering with another local government or other entity pursuant to Article II, Section 200 of the SB 2 Planning Grant Program Guidelines (the “Guidelines”), include a copy of the legally binding agreement.

5) Other documentation (e.g., letters of support, scope of work, etc.) if needed.

NOTE: All local governments must submit a separate, signed application package, notwithstanding whether it will partner with another form of government or entity. Only one application per locality will be accepted by the Department. Joint applications are not allowed.
A. Applicant Information

Pursuant to Article II, Section 200 of the Guidelines, local governments may partner through legally binding agreements with other forms of governments or entities. However, all local governments must submit separate, signed application packages that identify their respective responsibilities and deliverables, even if partnering with other entities.

| Is the applicant partnering with another eligible local government entity? |
|-----------------------------|---------------------------|
| ☑  Yes                      | *if Yes, the application package must include a fully executed copy of the legally binding agreement. Provide the partners' name(s) and type(s) below for reference only. |

Complete the following Applicant information

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>City of Jurupa Valley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Agency Type</td>
<td>City</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>8930 Limonite Avenue</td>
</tr>
<tr>
<td>City</td>
<td>Jurupa Valley</td>
</tr>
<tr>
<td>State</td>
<td>California</td>
</tr>
<tr>
<td>Zip Code</td>
<td>92509</td>
</tr>
<tr>
<td>County</td>
<td>Riverside</td>
</tr>
<tr>
<td>Website</td>
<td><a href="http://www.jurupavalley.org">www.jurupavalley.org</a></td>
</tr>
<tr>
<td>Authorized Representative Name</td>
<td>Alan Kreimeier</td>
</tr>
<tr>
<td>Authorized Representative Title</td>
<td>Interim City Manager</td>
</tr>
<tr>
<td>Phone</td>
<td>951-332-6464</td>
</tr>
<tr>
<td>Fax</td>
<td>N/A</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:akreimeier@jurupavalley.org">akreimeier@jurupavalley.org</a></td>
</tr>
<tr>
<td>Contact Person Name</td>
<td>Thomas G. Merrell</td>
</tr>
<tr>
<td>Contact Person Title</td>
<td>Planning Director</td>
</tr>
<tr>
<td>Phone</td>
<td>951-332-6464</td>
</tr>
<tr>
<td>Fax</td>
<td>N/A</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:tmerrell@jurupavalley.org">tmerrell@jurupavalley.org</a></td>
</tr>
</tbody>
</table>

Partner(s) Name (if applicable) | N/A |
Partner Agency Type | N/A |
Partner(s) Name (if applicable) | N/A |
Partner Agency Type | N/A |
Proposed Grant Amount | $310,000.00 |

B. Applicant Certification

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the Planning Grants Program (PGP), the City of Jurupa Valley assumes the responsibilities specified in the 2019 Notice of Funding Availability and PGP guidelines, and certifies that the information, statements, and other contents contained in this application are true and correct.

Signature: ___________________________ Name: Alan Kreimeier

Date: 10/3/19 Title: Interim City Manager
C. Threshold Requirements

Pursuant to Section 201(a) through (d) of the Guidelines, all applicants must meet the following threshold criteria in items 1-4 below to be eligible for an award.

1. Does the applicant have an adopted housing element found to be in substantial compliance by the Department on or before the date of the applicant’s submission of their SB 2 Planning Grant application?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Date of HCD Review Letter: 6/4/19</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Applicant requests HCD to consider housing element compliance threshold as met due to significant progress achieved in meeting housing element requirements.</td>
</tr>
</tbody>
</table>

2. Has the applicant submitted to the Department the Annual Progress Report (APR) for the current or prior year on or before the date of submission of their SB 2 Planning Grant application?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>APR</th>
<th>Date Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2017 CY Report</td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>2018 CY Report</td>
<td>6/1/19</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Is the applicant utilizing one of the Priority Policy Areas listed below (as defined in section VIII, subsection (3) of the NOFA)?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Rezone to permit by-right</th>
<th>Objective design and development standards</th>
<th>Specific Plans or form based codes coupled with CEQA streamlining</th>
<th>Accessory Dwelling Units or other low-cost building strategies</th>
<th>Expedited processing</th>
<th>Housing related infrastructure financing and fee reduction strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*If the applicant is proposing only Priority Policy Areas, do not fill out Attachment 2. However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of this application.

If an applicant is not proposing Priority Policy Areas, the application must include an explanation and document the plans or processes' nexus and impact on accelerating housing production based on a reasonable and verifiable methodology and must submit Attachment 2 in the Application pursuant to section VIII, subsection (3) of the NOFA.

The applicant is proposing PPAs and other activities not considered PPAs and is demonstrating how these activities have a nexus to accelerating housing production by submitting Attachment 2.

4. Does the applicant demonstrate that the locality is consistent with State Planning or Other Priorities, as certified in Attachment 1?

| Yes | ✓ | No |

*If No, consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years, as certified in Attachment 1.

5. Is a completed and signed resolution included with the application package?

Yes   ✓ No

See Attachment 3, "Sample Resolution"
D. Proposed Activities Checklist (Section VI, items (1) through (17) of the NOFA)

Check all activities the locality is undertaking for their PGP efforts below. Activities must match Section E. Project Description, and Section F. Timeline and Budget.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>✓</td>
</tr>
<tr>
<td>2</td>
<td>✓</td>
</tr>
<tr>
<td>3</td>
<td>✓</td>
</tr>
<tr>
<td>4</td>
<td></td>
</tr>
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<td>✓</td>
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<td>10</td>
<td>✓</td>
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<tr>
<td>16</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td></td>
</tr>
</tbody>
</table>
E. Project Description

Provide a description of the project and the scope of work to be performed below. Use Appendix A for additional information if necessary. Note: If partnering with another local government or entity, be sure to clarify the responsibilities and deliverables of your locality pursuant to such partnership.

The City of Jurupa Valley incorporated in 2011 and immediately faced severe financial difficulties related to the loss of Vehicle License Fee revenues. Through a variety of measures, the City has become financially stable and adopted its first General Plan and Housing Element on September 7, 2017. The Housing Element was certified by the State Department of Housing and Community Development (HCD) on June 4, 2019. The General Plan calls for the redesignation and rezone of additional property to the City’s highest residential density (HHDR) and the preparation of Area Plans for the Pedley, Glen Avon and Rubidoux Town Centers. In addition, as multi-family residential development in the City is eligible for SB 35 streamlined approval processing, objective design standards are needed to facilitate ministerial review.

The City of Jurupa Valley is applying for SB 2 funding for three work efforts which meet the State’s Priority Policy Areas (PPAs) and will help to streamline housing approvals and accelerate housing production. The three areas include: 1) rezoning of key sites; 2) preparation of an Area Plan for the Pedley Town Center; and 3) development of residential design standards. These work efforts are described below:

1) Rezoning of Key Sites. This effort involves staff time to evaluate properties in the Adequate Sites Inventory appropriate for redesignating and rezoning to the highest residential density, HHDR (25 du/ac). Tasks include site analyses, workshops with the Planning Commission, outreach to property owners and community members, preparation of environmental documentation (Negative Declaration anticipated), noticing and Planning Commission and City Council hearings. This effort will be conducted between October of 2019 and September of 2020 and will result in the redesignation and rezone of additional property to the City’s highest residential density.

2) Pedley Town Center Area Plan. This effort involves staff and consultant time to develop an Area Plan for the Pedley Town Center that will include mixed residential and commercial development in a highly walkable central hub. Work will include site analysis, public outreach, plan preparation and public workshops and is anticipated to be conducted throughout calendar year 2020. Environmental review and public hearings would be conducted in a future phase. Combined, the efforts would produce a mixed-use Area Plan that encourages mixed-use infill development.

3) Residential Design Standards. In order to streamline the review process for multi-family residential projects eligible for SB 35, staff will develop residential design standards. Staff will provide objective design standards that clearly outline thresholds for approval and are consistent with the Jurupa Valley General Plan and Zoning Code. Work items will include the development of standards, outreach with the public and the Planning Commission, the preparation of environmental documentation (exemption anticipated) and public hearings before the Planning Commission and City Council. This effort would be conducted by staff in 2020.
### SB 2 Planning Grants Application

#### Plan and Budget

<table>
<thead>
<tr>
<th>Title</th>
<th>Responsible Party</th>
<th>Est. Cost</th>
<th>Begin</th>
<th>End</th>
<th>Deliverable</th>
<th>*PPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election</td>
<td>Applicant</td>
<td>$75,000</td>
<td>9/16/19</td>
<td>2/1/20</td>
<td>Draft redesignation/rezone recommendations</td>
<td>Yes</td>
</tr>
<tr>
<td>Documentation</td>
<td>Applicant</td>
<td>$22,500</td>
<td>11/1/19</td>
<td>4/1/20</td>
<td>Revised recommendations</td>
<td>Yes</td>
</tr>
<tr>
<td>Documentation</td>
<td>Applicant</td>
<td>$45,000</td>
<td>3/16/20</td>
<td>6/30/20</td>
<td>Draft &amp; Final ND or MND</td>
<td>Yes</td>
</tr>
<tr>
<td>Support</td>
<td>Applicant</td>
<td>$7,500</td>
<td>7/1/20</td>
<td>8/31/20</td>
<td>Approval of redesignations/rezones</td>
<td>Yes</td>
</tr>
<tr>
<td>Support</td>
<td>Applicant</td>
<td>$35,000</td>
<td>1/1/20</td>
<td>3/31/20</td>
<td>Alternative Area Plan land use diagrams</td>
<td>Yes</td>
</tr>
<tr>
<td>Support</td>
<td>Applicant</td>
<td>$22,500</td>
<td>4/1/20</td>
<td>12/31/20</td>
<td>Revised recommendations</td>
<td>Yes</td>
</tr>
<tr>
<td>Pedley Town Center Area Plan</td>
<td>Applicant</td>
<td>$62,500</td>
<td>7/1/20</td>
<td>10/31/20</td>
<td>Draft Pedley Town Center Area Plan</td>
<td>Yes</td>
</tr>
<tr>
<td>ARDS</td>
<td>Applicant</td>
<td>$24,000</td>
<td>3/1/20</td>
<td>4/30/20</td>
<td>Draft Residential Design Standards</td>
<td>Yes</td>
</tr>
<tr>
<td>Residential Design Standards</td>
<td>Applicant</td>
<td>$7,500</td>
<td>5/1/20</td>
<td>7/31/20</td>
<td>Revised standards</td>
<td>Yes</td>
</tr>
<tr>
<td>Documentation</td>
<td>Applicant</td>
<td>$3,500</td>
<td>8/1/20</td>
<td>8/31/20</td>
<td>Environmental exemption</td>
<td>Yes</td>
</tr>
<tr>
<td>Resources</td>
<td>Applicant</td>
<td>$5,000</td>
<td>9/1/20</td>
<td>10/31/20</td>
<td>Approved Residential Design Standards</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Total Est. Cost $** 310000

*PPA (Planning Project Assistant)
### G. Legislative Information

<table>
<thead>
<tr>
<th>District</th>
<th>#</th>
<th>Legislator Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Congressional District</td>
<td>41</td>
<td>Mark Takano - Dem</td>
</tr>
<tr>
<td></td>
<td>42</td>
<td>Ken Calvert - Rep</td>
</tr>
<tr>
<td>State Assembly District</td>
<td>60</td>
<td>Assembly Member Sabrina Cervantes - Dem</td>
</tr>
<tr>
<td>State Senate District</td>
<td>31</td>
<td>Senator Richard D. Roth - Dem</td>
</tr>
</tbody>
</table>

Applicants can find their respective State Senate representatives at [https://www.senate.ca.gov/](https://www.senate.ca.gov/), and their respective State Assembly representatives at [https://www.assembly.ca.gov/](https://www.assembly.ca.gov/).
Pursuant to Section 201(d) of the Guidelines, all applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities by certifying that at least one activity was completed in 1) State Planning Priorities (i.e., Infill and Equity, Resource Protection, Efficient Development Patterns) or 2) Other Planning Priorities (i.e., Affordability, Conservation, or Climate Change). Consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years.

Complete the following self-certification by selecting one or more of the policy areas in the following tables by inserting the date completed for each applicable action, briefly describing the action taken, and certifying.

### State Planning Priorities

<table>
<thead>
<tr>
<th>Date Completed</th>
<th>Brief Description of the Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Promote Infill and Equity</strong></td>
</tr>
<tr>
<td></td>
<td>Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.</td>
</tr>
<tr>
<td></td>
<td>Seek or utilize funding or support strategies to facilitate opportunities for infill development.</td>
</tr>
<tr>
<td></td>
<td>Other (describe how this meets subarea objective)</td>
</tr>
<tr>
<td>9/7/17</td>
<td>Adopted Jurupa Valley General Plan and Conservation Element which includes goals, policies and programs for protecting open space, watersheds and native habitat.</td>
</tr>
<tr>
<td></td>
<td>Actively seek a variety of funding opportunities to promote resource protection in underserved communities.</td>
</tr>
<tr>
<td></td>
<td>Other (describe how this meets subarea objective)</td>
</tr>
<tr>
<td></td>
<td><strong>Promote Resource Protection</strong></td>
</tr>
<tr>
<td></td>
<td>Protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.</td>
</tr>
<tr>
<td>9/7/17</td>
<td>Adopted Jurupa Valley General Plan which promotes orderly growth and development.</td>
</tr>
<tr>
<td></td>
<td><strong>Encourage Efficient Development Patterns</strong></td>
</tr>
<tr>
<td></td>
<td>Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:</td>
</tr>
<tr>
<td></td>
<td>(1) Uses land efficiently.</td>
</tr>
<tr>
<td>9/7/19</td>
<td>Adopted Jurupa Valley General Plan which promotes orderly growth and development.</td>
</tr>
</tbody>
</table>
Attachment 1: State and Other Planning Priorities Certification (Page 2 of 3)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Is built adjacent to existing developed areas to the extent consistent with environmental protection.</td>
<td></td>
</tr>
<tr>
<td>(3) Is located in an area appropriately planned for growth.</td>
<td></td>
</tr>
<tr>
<td>(4) Is served by adequate transportation and other essential utilities and services.</td>
<td></td>
</tr>
<tr>
<td>(5) Minimizes ongoing costs to taxpayers.</td>
<td></td>
</tr>
<tr>
<td>Other (describe how this meets subarea objective)</td>
<td></td>
</tr>
</tbody>
</table>

Other Planning Priorities

**Affordability and Housing Choices**

- Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.

  9/7/17 Adopted Jurupa Valley Housing Element which redesignated land from industrial to residential and includes policies to promote housing affordability.

- Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.

- Upzoning or other zoning modifications to promote a variety of housing choices and densities.

- Utilizing surplus lands to promote affordable housing choices.

- Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.

- Other (describe how this meets subarea objective)
### SB 2 Planning Grants Application

**Attachment 1: State and Other Planning Priorities Certification (Page 3 of 3)**

<table>
<thead>
<tr>
<th>Conservation of Existing Affordable Housing Stock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.</td>
</tr>
</tbody>
</table>

| Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies. |

<table>
<thead>
<tr>
<th>Other (describe how this meets subarea objective)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Climate Adaptation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.</td>
</tr>
</tbody>
</table>

| Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation. |

| 9/7/17  | Adopted General Plan including Public Safety Element that addresses wildfires, flooding and local hazard mitigation. |

| Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.). |

| Other (describe how this meets subarea objective) |

---

**State and Other Planning Priorities Certification**

I certify under penalty of perjury that all of the information contained in this PGP State Planning and Other Planning Priorities certification form (pages 9, 10, and 11 of this application) is true and correct.

Certifying Officials Name: Alan Kreimeier

Certifying Official’s Title: Interim City Manager

Certifying Official’s Signature:

Certification Date: 8/27/19
Attachment 2: Application Nexus to Accelerating Housing Production

Fill out Attachment 2 only if the applicant answered “No” to item 3 in Section C or is utilizing Policy Priority Areas AND other activities not designated as such. Applicants answering “Yes” to question 3 in Section C and utilizing ONLY Priority Policy Areas are automatically deemed to demonstrate a nexus to accelerating housing production, and do not need to complete this form.

Pursuant to section VIII, sub-section (4) of the NOFA, applicants shall demonstrate how the application includes a nexus to accelerating housing production. Please complete the following chart by providing information about the current conditions and expected outcomes with respect to the planned activity and housing production. Please attach documentation as necessary and see the NOFA for additional details. Quantify how the activity accelerates production below and use Appendix B to explain the activity and its nexus to accelerating housing production if necessary.

<table>
<thead>
<tr>
<th>Type (Select at least one)</th>
<th>*Baseline</th>
<th>**Projected</th>
<th>***Difference</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timing (e.g., reduced number of processing days)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development cost (e.g., land, fees, financing, construction costs per unit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approval certainty and reduction in discretionary review (e.g., prior versus proposed standard and level of discretion)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Entitlement streamlining (e.g., number of approvals)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feasibility of development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure capacity (e.g., number of units)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact on housing supply and affordability (e.g., number of units)</td>
<td></td>
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</tr>
</tbody>
</table>

* Baseline – Current conditions in the jurisdiction (e.g., 6-month development application review, or existing number of units in a planning area)

**Projected – Expected conditions in the jurisdiction because of the planning grant actions (e.g., 2-month development application review)

***Difference – Potential change resulting from the planning grant actions (e.g., 4-month acceleration in permitting, creating a more expedient development process)
SB 2 Planning Grants Application

Attachment 3: Sample Resolution

RESOLUTION NO. 2019-XX
A RESOLUTION OF THE [CITY COUNCIL/COUNTY BOARD OF SUPERVISORS] OF
[CITY, COUNTY NAME] AUTHORIZING APPLICATION FOR, AND RECEIPT OF,
SB 2 PLANNING GRANTS PROGRAM FUNDS

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

WHEREAS, the [City Council/County Board of Supervisors] of _______________ (City/County) desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to $123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE, THE [CITY COUNCIL/COUNTY BOARD OF SUPERVISORS] OF __________________________ RESOLVES AS FOLLOWS:

SECTION 1. The [City Council/County Board of Supervisors] is hereby authorized and directed to apply for and submit to the Department the 2019 Planning Grants Program application released March 28, 2019 in the amount of $______________.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the [insert designee title, e.g. City Manager, Executive Office, etc] is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of $______________, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the [City/County's] obligations related thereto, and all amendments thereto (collectively, the "PGP Grant Documents").

SECTION 3. The [City/County] shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The [City Council/County Board of Supervisors] hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

SECTION 4. The [insert the title of City Council/County Board of Supervisors Executive or designee] is authorized to execute the [City/County] of _______________ Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the [City/County] as required by the Department for receipt of the PGP Grant.

ADOPTED _______________, 2019, by the [City/County] Board of Supervisors of the County of ________________ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________ County Executive

________________________ County Attorney

CA-HCD SB 2 PGP Page 13 of 15 2019 Year-1 Grant Application
SB 2 Planning Grants Application

Appendix A

Use this area for additional information if necessary.
Use this page to explain the nexus to accelerating housing production or for project description.