A. As a courtesy to those in attendance, we ask that cell phones be turned off or set to their silent mode and that you keep talking to a minimum so that all persons can hear the comments of the public and City Council.

B. A member of the public who wishes to speak under Public Comments must fill out a “Speaker Card” and submit it to the City Clerk BEFORE the Mayor calls for Public Comments on an agenda item. Each agenda item up will be open for public comments before taking action. Public comments on subjects that are not on the agenda can be made during the “Public Appearance/Comments” portion of the agenda.

C. Members of the public who wish to comment on the CONSENT CALENDAR may do so during the Public Comment portion of the Agenda prior to the adoption of the Consent Calendar.

D. As a courtesy to others and to assure that each person wishing to be heard has an opportunity to speak, please limit your comments to 3 minutes.

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. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(1) with respect to two matters of pending litigation: (1) 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; and (2) In re National Prescription Opioid Litigation, MDL No. 2804 (N.D. Ohio).

C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation involving the City. Based on existing facts and circumstances, the City Council will decide whether to enter into the case of City of Boise v. Martin et al., United States Supreme Court Case No. 19-247, as an amicus curiae (friend of the court).

3. 7:00 PM - 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. PRESENTATION FROM NORTHWEST MOSQUITO AND VECTOR CONTROL DISTRICT

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 COUNTY PROGRAMS AND PROJECTS COMMITTEE MEETING OF OCTOBER 28, 2019

B. MAYOR PRO TEM ANTHONY KELLY, JR.

1. UPDATE ON THE RIVERSIDE TRANSIT AGENCY MEETING OF OCTOBER 24, 2019

2. UPDATE ON THE NORTHWEST NOW COALITION MEETING OF NOVEMBER 7, 2019

C. COUNCIL MEMBER LORENA BARAJAS

1. UPDATE ON THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY MEETING OF NOVEMBER 4, 2019

D. COUNCIL MEMBER MICHEAL GOODLAND

2. UPDATE ON THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS - EXECUTIVE COMMITTEE MEETING OF NOVEMBER 4, 2019

12. CITY MANAGER’S UPDATE

13. APPROVAL OF MINUTES

A. OCTOBER 17, 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

Requested Action: That the City Council ratify the check registers dated October 17 and 23 as well as the payroll register dated October 23, 2019.

C. RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR FEDERALLY FUNDED PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

Requested Action: That the City Council adopt Resolution No. 2019-97, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR FEDERALLY FUNDED PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

D. AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND LOCKWOOD, ANDREWS & NEWMAN, INC. FOR DESIGN SERVICES FOR THE BAIN STREET PAVEMENT REHABILITATION AND SHOULDER IMPROVEMENTS PROJECT, CIP PROJECT NO. 16-A.2

1. Requested Action: That the City Council approve an agreement between Lockwood, Andrews & Newman, Inc. and the City of Jurupa Valley for Professional Design Services for the Bain Street Pavement Rehabilitation and Shoulder Improvements Project in an amount not-to-exceed $126,200 and 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; and

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

3. Appropriate $73,537 from the City’s 2019-2020 Pavement Rehabilitation Project to the Project account to fund the total project costs.
E. RESOLUTION ACCEPTING CERTAIN STREETS INTO THE CITY MAINTAINED STREET SYSTEM (TRACT MAP 32677, CANTERA NORTH OF GRANITE HILL DRIVE AND WEST OF SOTO AVENUE)

1. Requested Action: That the City Council adopt Resolution No. 2019-98, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING CERTAIN STREETS INTO THE CITY MAINTAINED STREET SYSTEM (TRACT MAP 32677, CANTERA NORTH OF GRANITE HILL DRIVE AND WEST OF SOTO AVENUE) PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 1806

2. Authorize the Interim City Manager to record the Notice of Completion now that public improvements have been accepted by the City Engineer; and

3. Direct the City Engineer to release the Labor and Materials Bond for the street improvements and the Monument Bond 90 days after the recordation of the Notice of Completion unless the City receives a stop notice or other lien; and

4. Direct the City Engineer to reduce the Performance Bond for the street improvements to start the one-year warranty period; after which the City Engineer may fully release the bond.

F. RESOLUTIONS ACCEPTING EASEMENT FOR FLOOD CONTROL FACILITIES AND CONVEYANCE OF EASEMENT FOR FLOOD CONTROL FACILITIES (PM 18810, NORTH OF VAN BUREN BOULEVARD WEST OF BAIN STREET)

1. Requested Action: That the City Council adopt Resolution No. 2019-99, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING CERTAIN DRAINAGE EASEMENTS FOR PARCEL MAP 18810 PURSUANT TO GOVERNMENT CODE SECTION 66477.2; AND

2. That the City Council adopt Resolution No. 2019-100, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONVEYING A CERTAIN DRAINAGE EASEMENT ON PARCEL MAP 18810 PURSUANT TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

15. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR
16. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER MASTER APPLICATION 19096 (MA19096) AND ZONING CODE AMENDMENT 19002 (ZCA19002) TO CHANGE SECTION 9.240.510 OF THE CITY OF JURUPA VALLEY ZONING CODE ADDING PROVISIONS AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS IN THE MANUFACTURING-MEDIUM (M-M) ZONE

1. Requested Action: That the City Council conduct a public hearing, receive public comment, close the public hearing; and

2. That the City Council conduct a first reading and introduce Ordinance No. 2019-10, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 9.240.510 TO MODIFY THE PERMITTED ZONING AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS

B. PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE AMENDING TITLE 8 OF THE JURUPA VALLEY MUNICIPAL CODE CONCERNING GRADING REGULATIONS

1. Requested Action: That the City Council conduct a public hearing, receive public comment, close the public hearing; and

2. That the City Council conduct a first reading and introduce Ordinance No. 2019-17, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE JURUPA VALLEY MUNICIPAL CODE CONCERNING GRADING REGULATIONS, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

17. COUNCIL BUSINESS

A. APPROVAL OF CITY MANAGER EMPLOYMENT AGREEMENT WITH ROD BUTLER

1. Requested Action: That the City Council adopt Resolution No. 2019-101, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPOINTING ROD BUTLER AS CITY MANAGER
2. Approve the Employment Agreement between the City and Rod Bradley Butler for the position of City Manager, dated as of November 7, 2019 and authorize the Mayor to execute the Employment Agreement on behalf of the City.


1. Requested Action: That the City Council set the public hearing on the adoption of the Building Codes Ordinance and Fire Code Ordinance for December 5, 2019 and direct the City Clerk to publish notice of this public hearing and the proposed adoption of these codes in the manner required by law.

2. That the City Council conduct a first reading and introduce Ordinance No. 2019-18, entitled:


C. INITIATION OF GENERAL PLAN AMENDMENT TO ALLOW WAREHOUSE/DISTRIBUTION USES OUTSIDE OF THE MIRA LOMA WAREHOUSE/DISTRIBUTION OVERLAY IN A PROPOSED RIO VISTA SPECIFIC PLAN FOR A TOTAL OF 1.7 MILLION SQUARE- FEET OF INDUSTRIAL BUILDINGS; CASE NUMBER: MA16045 (APPLICANT: RICHLAND PLANNED COMMUNITIES)

Requested Action: That the City Council initiate a General Plan Amendment to consider warehouse and distribution within the Rio Vista Specific Plan limited to the area south of the ridgeline that parallels 20th Street.
D. CONSIDERATION OF PUBLIC AGENCIES HOMELESS RESOURCES COMMITTEE

Requested Action: That the City Council review the suggested outline for the public agencies homeless resources committee, revise the outline as needed, and provide direction to Staff for the implementation of the Committee.

E. RATIFICATION OF EMERGENCY PROCLAMATION CAUSED BY THE GRANITE HILL AND 46TH STREET FIRE INCIDENTS

That the City Council ratify the Emergency Proclamation dated October 31, 2019 and adopt Resolution No. 2019-102, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, RATIFYING AN EMERGENCY PROCLAMATION ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

18. CITY ATTORNEY’S REPORT

19. COUNCIL MEMBER REPORTS AND COMMENTS

20. ADJOURNMENT

Adjourn to the Regular Meeting of November 21, 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 REGULAR MEETING
OF THE JURUPA VALLEY CITY COUNCIL
October 17, 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 6:00 p.m.

2. CLOSED SESSION

A. PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS

B. 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

Mayor Berkson announced that the City Council has selected the next City Manager, the contract for which will appear on the November 7, 2019 Agenda. He welcomed Rod Butler from the City of Port Hueneme to serve as the City’s new City Manager.

4. CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

- Brian Berkson, Mayor
- Anthony Kelly, Jr., Mayor Pro Tem
- Chris Barajas, Council Member
- Lorena Barajas, Council Member
- Micheal Goodland, Council Member
Mayor Berkson called the regular meeting to order at 7:05 p.m.

5. **INVOCATION** was given by Pastor Jeremy Williams from Grace Fellowship Church.

6. **PLEDGE OF ALLEGIANCE** was led by Council Member Micheal Goodland.

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**

9. **PUBLIC APPEARANCE/COMMENTS**

   Spencer Rogers stated that he represents Mike’s Auction. He relayed issues concerning homeless individuals who are parking at the end of Old Limonite. The individuals are also bringing in furniture and starting fires in the tunnels below Limonite which is blocking access for horses and equestrians. He added that on Sunday morning, many of these individuals blocked the entrance to Mike’s Auction. He suggested putting up no parking signs in this area.

   Robert McCallum referred to his previous concerns regarding Granite Hill Drive which he reported at the April 4, 2019 Council meeting. He asked whether there was an update on the street repair project.

   Mayor Berkson responded that there have been discussions with the Jurupa Community Services District as they have a waterline project in the same area which requires coordination of the timeline for the repairs. He suggested that Mr. McCallum contact City staff for an update.

   Josie Gaytan, representing Healthy Jurupa Valley, conveyed an invitation to their annual celebration in honor of the community’s Veterans. The event is scheduled for November 5th at 8:45 a.m. at Crestmore Manor. The small business summit will take place on the same date at Crestmore Manor from 4:00 p.m. to 6:30 p.m.

10. **INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS**
11. CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS

A. MAYOR BRIAN BERKSON

1. Mayor Berkson gave an update on the Southern California Regional Rail Authority meeting of October 11, 2019.

2. Mayor Berkson gave an update on the Riverside County Transportation Commission meeting of October 17, 2019.

B. MAYOR PRO TEM ANTHONY KELLY, JR.


C. COUNCIL MEMBER CHRIS BARAJAS

1. Mayor Berkson gave an update on the Western Community Energy Joint meeting of the Board of Directors and Technical Advisory Committee meeting of October 9, 2019.

D. COUNCIL MEMBER LORENA BARAJAS

1. Council Member Barajas gave an update on the Western Riverside County - Regional Conservation Authority meeting of October 7, 2019.

E. COUNCIL MEMBER MICHEAL GOODLAND


12. CITY MANAGER’S UPDATE

Mike Fellows, the City’s new Senior Planner, was introduced to the City Council by Planning Director Thomas Merrell.

13. APPROVAL OF MINUTES

A. OCTOBER 1, 2019 SPECIAL MEETING

B. OCTOBER 3, 2019 REGULAR MEETING
C. OCTOBER 7, 2019 SPECIAL MEETING

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Chris Barajas, to approve the Minutes of the October 1, 2019 Special meeting, the October 3, 2019 Regular meeting, and the October 7, 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 $338,401.16

Requested Action: That the City Council ratify the check registers dated September 26 and October 3 as well as the payroll registers dated October 4 and 9, 2019.

C. ORDINANCE NO. 2019-16

Requested Action: That the City Council conduct a second reading and adopt 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

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ACCEPTING CERTAIN STREETS INTO THE CITY MAINTAINED STREET SYSTEM (TRACT MAP 33428 HARVEST VILLAGES SOUTH OF SHEARWATER DRIVE, NORTH OF
PARKCENTER DRIVE BETWEEN PATS RANCH ROAD AND WINEVILLE AVENUE

1. Requested Action: That the City Council adopt Resolution No. 2019-93, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ACCEPTING CERTAIN STREETS INTO THE CITY-MAINTAINED STREET SYSTEM (TRACT MAP 33428 HARVEST VILLAGES SOUTH OF SHEARWATER DRIVE, NORTH OF PARKCENTER DRIVE BETWEEN PATS RANCH ROAD AND WINEVILLE AVENUE). PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 1806

2. Authorize the Interim City Manager to record the Notice of Completion now that public improvements have been accepted by the City Engineer; and

3. Direct the City Engineer to release the Labor and Materials Bond for the street improvements and the Monument Bond 90 days after the recordation of the Notice of Completion unless the City receives a stop notice or other lien; and

4. Direct the City Engineer to reduce the Performance Bond for the street improvements to start the one-year warranty period; after which the City Engineer may fully release the bond.

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ACCEPTING CERTAIN STREETS INTO THE CITY MAINTAINED STREET SYSTEM (TRACT MAP 33428-1 HARVEST VILLAGES, NORTH OF LIMONITE AVENUE, SOUTH OF BOCA PLACE BETWEEN PATS RANCH ROAD AND WINEVILLE AVENUE

1. Requested Action: That the City Council adopt Resolution No. 2019-94, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING CERTAIN STREETS INTO THE CITY-MAINTAINED STREET SYSTEM (TRACT 33428-1 LOCATED NORTH OF LIMONITE AVENUE, SOUTH OF BOCA PLACE BETWEEN PATS RANCH ROAD AND WINEVILLE AVENUE) PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 1806

2. Authorize the Interim City Manager to record the Notice of Completion now that public improvements have been accepted by the City Engineer; and
3. Direct the City Engineer to release the Labor and Materials Bond for the street improvements and the Monument Bond 90 days after the recordation of the Notice of Completion unless the City receives a stop notice or other lien.

4. Direct the City Engineer to reduce the Performance Bond for the street improvements to start the one-year warranty period; after which the City Engineer may fully release the bond.

F. RESOLUTION OF INTENTION TO ESTABLISH CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2018-002 (TRACT 36702) GENERALLY LOCATED EAST OF STONE AVENUE AND SOUTH OF MARTINGALE DRIVE

Requested Action: That the City Council adopt Resolution No. 2019-95, 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. 2018-002 (TRACT 36702) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2018-002 (TRACT 36702)

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to approve the Consent Calendar.

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

16. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF KACHINA DRIVE CUL-DE-SAC LOCATED NORTHWESTERLY OF VIRTUE VISTA DRIVE

Steve Loriso, City Engineer, presented the staff report.

Bill Rattazzi, Invision Community Builders (applicant), thanked City staff for their cooperative efforts. He indicated that they participated in two community meetings to try to resolve any issues related to the Kachina street vacation. He outlined some improvements that could be made to Kachina Drive and the surrounding area that
could help traffic flow as a result of the new housing development. He stated that in an emergency situation there will be Knox Boxes to create a second access. He stated that should the vacation of Kachina be approved, they are prepared to donate a certain sum of money which could be determined for appropriate improvements within the community.

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

Sheila Cassidy stated that she has a concern with the proposed housing development as it will create truck traffic during construction. She asked if the City will repair the affected streets after the construction. She added that there are no posted speed signs in this area, noting that there is a blind curve at Paisano.

Helen Wilson voiced a concern that the new housing development will bring additional traffic.

Kim Johnson stated that she agrees with Kathryn Rohm’s suggestion that the gate at the top of Kachina could be turned into an emergency gate and the other gate could be used as a regular through-gate. The developer would not be out any additional money and the Fire Department would get an additional access point. She asked that the developer take down their “illegal” signs that have been placed all over the city. She suggested that when the City facilitates a meeting involving its citizens the City should be running the meeting to ensure the attendees are treated in a respectful and ethical manner. She suggested a City policy be put in place to ensure that all City meetings be run by City representatives.

William Nelson discussed the community meeting he attended and the items that could be done to improve the safety of the existing neighborhood. He thought the meeting was helpful, stating that if he had the opportunity to have the gate there with limited access in both directions that would be his preference. He suggested that the Council negotiate with the developer and come up with an agreement to help mitigate the safety issues. (Nancy Nelson donated her time to Mr. Nelson)

Kathryn Rohm distributed a handout describing her solution to solving the issue regarding the gate. She suggested that many gated communities have the second exit egress only for emergency use which is all she asks for. This gives the builder his gate and gives the residents their safety.

Robert Paisano stated that the housing development will improve the property values in the area; however, he is concerned about the increased traffic that will occur as a result of the housing development. He suggested adding sidewalks and streetlights in this area.

Further discussion followed.
Jeff Viek, Battalion Chief, addressed questions regarding emergency access to the housing development.

Further discussion followed.

Steve Loriso, City Engineer, provided additional information regarding the repaving of the street and new street striping.

Mayor Berkson asked City staff to summarize what happened at the two community meetings and whether there are recommendations that could be required by the City.

Steve Loriso, City Engineer, responded that the streets are private and the developer can choose to put in two sets of gates. He gave an overview of some of the requests that were made at the community meetings such as speed limit signs, street lights, and sidewalks. However, there were also a number of requests such as speed humps and stop signs that may not be authorized according to City standards.

Mayor Berkson suggested bringing this item back to consider what the residents requested and how much it would cost.

Bill Rattazzi, Invision Community Builders (applicant), addressed some of the previous comments. He stated that this item concerns the vacation of Kachina Drive and whether there are gates does not affect the vacation of Kachina. He stated that they have made an offer to help fund some of these improvements and they have to move forward at some point as this item has been in process for more than two years. He suggested that if Kachina is vacated they are willing to provide some funding in the future for many of the improvements. If it is not vacated, they plan to move forward with their alternate plans for two gates on private streets.

Further discussion followed.

Council Member Chris Barajas asked if the builder could designate the second gate for use as an emergency access only.

Bill Rattazzi, Invision Community Builders (applicant) clarified that the second gate cannot be designated as an emergency access only gate as the original traffic report and the Fire Marshall requires two points of access and egress.

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 No. 2019-96, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, VACATING PORTIONS OF KACHINA DRIVE, NORTHWESTERLY OF THE INTERSECTION OF VIRTUE VISTA DRIVE WITH CONDITIONS PURSUANT TO STREETS AND HIGHWAYS CODE SECTIONS 8320 THROUGH 8325 AND FINDING THE VACATION EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15061(B)(3) AND 15304

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

17. COUNCIL BUSINESS

A. INTRODUCTION TO RUBIDOUX COMMERCE PARK WAREHOUSE AND LOGISTICS PROJECT GENERAL PLAN AMENDMENT - APPROVAL OF AGREEMENT TO PREPARE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT OR DECLINE TO PROCEED WITH THE PROJECT AND RESCIND THE INITIATION OF THE GENERAL PLAN AMENDMENT (APPLICANT PROFICIENCY RUBIDOUX, LLC; LOCATION NORTH OF 28TH STREET, EAST OF AVALON STREET, AND SOUTH OF 25TH STREET; CASE NUMBER: MA17132)

Thomas Merrell, Planning Director, presented the staff report.

Jean Ward, Senior Planning Consultant, summarized the proposed development and the entitlements being sought by Proficiency Capital which include the General Plan Amendment for the Mira Loma Overlay Development Agreement, Tentative Parcel Map and the Site Development Permit.

Matt Englhard, representing Proficiency Capital, gave a brief PowerPoint presentation. He provided an overview of the proposed Rubidoux Commerce Park project, the current blighted conditions and the community benefits of the proposed project. He offered to answer any questions.

Laura Shultz voiced opposition to adding more warehouses as this is not what is best for the city and will contribute to negative health impacts for residents. She questioned what type of jobs will be added suggesting that they will be low wage temporary positions which will most likely be automated in the future. If the project is approved, she asked that the development agreement include fair labor agreements to provide good paying jobs.

Mayor Pro Tem Kelly asked Mr. Merrell to explain what would occur if the General Plan Amendment is not approved. Thomas Merrell, Planning Director, clarified
that if the applicant wanted to move forward with other kinds of industrial uses besides a warehouse they would not need a General Plan Amendment. He clarified that due to the economic demand for warehouse property the applicant has chosen to seek permission for a warehouse use. If the City denies the warehouse the applicant could still under the current zoning build industrial buildings which could be utilized for other uses.

Further discussion followed.

Council Member Chris Barajas stated that this is a sensitive area as it is located right between a park and residential housing. He suggested that due to the ongoing damage that a warehouse would cause, he would support a parcel tax to help mitigate the negative impacts.

Following discussion, Mayor Berkson clarified that the Council action tonight is whether or not to allow the developer at their own risk and expense to proceed with an Environmental Impact Report which will be either approved or not approved by the City Council.

Further discussion followed.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Chris Barajas, to approve the Agreement for Consulting Services with T & B Planning, Inc. for the completion of an Environmental Impact Report (EIR) for the proposed Rubidoux Commerce Park project in an amount not to exceed $303,293.70 to be funded entirely by an advance deposit made by Proficiency Rubidoux, LLC, the “applicant,” sufficient to cover completion of the EIR document and authorize the City Manager to sign the Agreement on behalf of the City.

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

B. INTRODUCTION TO AGUA MANSA ROAD WAREHOUSE AND LOGISTICS PROJECT GENERAL PLAN AMENDMENT - APPROVAL OF AGREEMENT TO PREPARE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT OR DECLINE TO PROCEED WITH THE PROJECT AND RESCIND THE INITIATION OF THE GENERAL PLAN AMENDMENT (APPLICANT CARSON-VA INDUSTRIAL II, LP; LOCATION HALL AVENUE AND AGUA MANSA ROAD; CASE NUMBER: MA18008)

Thomas Merrell, Planning Director, presented the staff report.

Further discussion followed.
Mike Dea, Business Manager, Laborers International Union Local 1184, stated that their union has negotiated project agreements with many of these developers. He stated that these industrial warehouse jobs provide good livable wages, benefits, and apprenticeship programs for individuals from this community. He offered to answer any questions.

A motion was made by Council Member Lorena Barajas, seconded by Mayor Pro Tem Anthony Kelly, to approve the Agreement for Consulting Services with T & B Planning, Inc. for the completion of an Environmental Impact Report (EIR) for the proposed “Agua Mansa Road Development” project in an amount not to exceed $235,371.15 to be funded entirely by an advance deposit made by Carson - VA Industrial II, LP, sufficient to cover completion of the EIR document and authorize the City Manager to sign the Agreement on the City Council’s behalf.

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

C. DISCUSSION OF FORMING AN AD HOC COMMITTEE ON HOMELESSNESS (REQUESTED BY MAYOR BRIAN BERKSON) (ORAL REPORT)

Mayor Berkson proposed forming a committee that would involve members of the public with input from neighboring agencies and local non-profits. The purpose of the committee is to address issues that revolve around homelessness in the community.

Further discussion followed.

By consensus, the City Council directed staff to bring back the structure for a Committee on Homelessness that would be open to the public and include representatives from non-profits and other local agencies.

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

Mayor Berkson reported on his attendance at the ribbon cutting for Crestmore Manor. He noted that is a beautiful historic landmark which is available for weddings and other types of events.

20. ADJOURNMENT

There being no further business before the City Council, Mayor Berkson adjourned the meeting at 9:56 p.m.

The next meeting of the Jurupa Valley City Council will be held November 7, 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: NOVEMBER 7, 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 October 17 and 23 as well as the payroll register dated October 23, 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:

10/17/19 $ 385,124.55
10/23/19 $ 64,678.99
10/23/19 $ 500.00
Payroll registers:

10/23/19       $   45,109.05
TOTAL          $  495,412.59

ALTERNATIVES

1. Not ratify the attached check registers.

Prepared by:  Submitted by:

Connie Cardenas  Alan Kreimeier
Interim Administrative Services  Interim City Manager
Director

Attachments:

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Grand Total All Checks: 385,124.55
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46 checks in this report.

Grand Total All Checks: 64,678.99
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Sub total for CHASE BANK: 500.00
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Grand Total All Checks: 500.00
# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS & OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 10/23/19: $45,109.05**

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## TRANSACTION DETAIL

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<td>Employee Deductions</td>
<td></td>
</tr>
<tr>
<td>401A Contributions</td>
<td>1,962.65</td>
</tr>
<tr>
<td>401a EE Pretax</td>
<td>3,271.15</td>
</tr>
<tr>
<td>457b EE Catch Up</td>
<td>230.75</td>
</tr>
<tr>
<td>457b EE Pretax</td>
<td>2,467.25</td>
</tr>
<tr>
<td>EE Pretax FSA</td>
<td>180.77</td>
</tr>
<tr>
<td>Med FSA EE Pretax</td>
<td>19.23</td>
</tr>
<tr>
<td>Total Deductions</td>
<td>8,132.00</td>
</tr>
<tr>
<td>Other Items</td>
<td></td>
</tr>
<tr>
<td>401a ER</td>
<td>3,682.89</td>
</tr>
</tbody>
</table>

**TOTAL EFT**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>45,109.05</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>
</tr>
</thead>
<tbody>
<tr>
<td>10/23/19</td>
<td>Refer to your records for account information</td>
<td></td>
<td>Payroll</td>
<td>Employee Deductions</td>
</tr>
</tbody>
</table>

**TOTAL**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,132.00</td>
</tr>
</tbody>
</table>

---

Cash Requirements

Page 1 of 2

0079 A790-3990 City Of Jurupa Valley
Run Date 10/21/19 12:16 PM
Period Start - End Date 10/08/19 - 10/19/19
Check Date 10/23/19
STAFF REPORT

DATE: NOVEMBER 7, 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. 14.C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR FEDERALLY FUNDED PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

RECOMMENDATION

1) That the City Council adopt Resolution No. 2019-97, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR FEDERALLY FUNDED PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

BACKGROUND

When local agencies seek Federal Highway Administration (FHWA) funded federal-aid or state funding, the grant funding is administered by the California Department of Transportation (Caltrans), in accordance with the Local Assistance Procedures Manual (LAPM). The LAPM was prepared to aid California local agencies scope, organize, design, construct and maintain their public transportation facilities. For the purposes of federal-aid authorization, the development of a project is broken into stages or phases: Preliminary Engineering, Right-of-Way, and Construction. Each of these phases are authorized separately, usually at different times in the development of a project, with the final phase obtaining authorization to advertise the project for bids.
“Right-of-Way” refers to the real property rights, which local agencies must possess to construct local assistance transportation projects utilizing federal funds. The Right-of-Way (ROW) certification procedure for federally assisted highway projects identifies the acquisition status of necessary ROW in order to advance a project into construction. It also addresses the status of any required relocation activities necessary on the project.

The majority of City transportation projects do not require additional ROW and the City would simply certify that it possesses all necessary property rights to complete the project. The state requires the governing body of a local agency to authorize execution of ROW certification. The required authorization can be done on a project-by-project basis, or alternatively the local agency may adopt a resolution authorizing certain City staff to execute certifications. If ROW were to be required to complete the project, a separate action would be presented to City Council for authorization to obtain the necessary ROW prior to construction. Under this scenario, the City would certify that all necessary property rights, prior to construction, have been obtained. This approval would not give staff authority to acquire, vacate, or transfer any property rights.

When a local agency performs ROW activities on a federally assisted local project, the local agency prepares the ROW Certification. The ROW Certification is necessary before a project can proceed to construction. A separate ROW Certification must be completed by local agencies for each local assistance project even if no ROW is required for the project. All Certifications can be prepared using Cal Trans Exhibit 13-C (Attachment C) or Cal Trans Exhibit 13-A (Attachment D) depending on the right-of-way activity required by the project.

ANALYSIS

The City of Jurupa Valley was awarded a federal grant (HSIP-5487(02)) for street improvements along Pedley Road. The scope of work entails the addition of left turn lanes at six (6) unsignalized intersections, storm drain modifications, the addition of guardrails, relocation of headwalls, and signing and striping modifications as shown in the project map (Attachment B). Prior to seeking Caltrans authorization for the construction of this project, the City is seeking the City Council’s approval of the subject resolution (Attachment A). This is a necessary step prior to requesting the authorization for construction. The Pedley Road project does not require the acquisition of any additional ROW.

FINANCIAL IMPACT

There is no fiscal impact associated with Right-of-Way certifications.
ALTERNATIVES

1. Elect not to adopt the resolution.

2. Provide alternative direction to staff.

Prepared by:

Chase Keys, P.E.
CIP Manager

Reviewed by:

Connie Cardenas
Deputy Director of Administrative Services

Approved as to form:

Peter Thorson
City Attorney

Attachments:

A. Resolution No. 2019-97
B. Pedley Road Improvements Project Map
C. LAPM Exhibit 13-B
D. LAPM Exhibit 13-A

Reviewed by:

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

Reviewed by:

George A. Wentz
Deputy City Manager

Submitted by:

Alan Kreimeier
Interim City Manager
ATTACHMENT ‘A’

Resolution No. 2019-97
RESOLUTION NO. 2019-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR FEDERALLY FUNDED PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

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

WHEREAS, the City of Jurupa Valley is eligible to receive Federal Funding for Transportation Projects, administered by the California Department of Transportation (Caltrans); and

WHEREAS, Caltrans requires right-of-way certifications to be approved regardless of the need for right-of-way acquisition prior to encumbering federal funds; and

WHEREAS, the right-of-way certification must be executed by an authorized official of the City of Jurupa Valley; and

WHEREAS, a resolution giving a responsible agency official blanket authority to execute Right of Way certifications must be adopted by the City Council; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Jurupa Valley, that the City Council does hereby authorize the City Manager and the Director of Public Works to execute the right-of-way certification for federally funded projects.

BE IT FURTHER RESOLVED that the City Clerk shall attest to the passage and adoption of this resolution and shall thereupon be in full force and effect.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Jurupa Valley on this 7th day of November, 2019.
Brian Berkson
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY  

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that foregoing Resolution No. 2019-97 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of November, 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 7th day of November, 2019

Victoria Wasko, City Clerk  
City of Jurupa Valley
ATTACHMENT 'B'

Pedley Road Improvements Project Map
- Headwall Adjustment
- Add Left-Turn Lanes
- Project Area
EXHIBIT 13-B RIGHT OF WAY CERTIFICATION
LOCAL ASSISTANCE PROJECT (Off State Highway System)

Local Agency: ____________________________

NOTE: This form is intended for use on local assistance projects, off the State Highway System (SHS), where federal funds are used and where Right of Way (R/W) or rights in real property are required. This form could also be used when work required for local agency projects is located primarily the SHS but may also encroach onto the SHS. (Eliminate this paragraph before submitting document to your DLAE).

Right of Way Certification No.: ____________________________  Project ID: ____________________________
(In Insert 1, 2, or 3 for the type of Certification being made)

Project Location: ____________________________________________

General Project Description: __________________________________

1. STATUS OF REQUIRED RIGHT OF WAY:

Right of Way (has been) (will be) acquired in accordance with applicable policy and procedure covering the acquisition of real property. Local Agency (has) (will have) legal and physical possession and right to enter on all lands as follows:

   A. Total number of parcels required¹:

   For items A 1-8 below and B on page 2, if total at time of completing certification is 0, enter 0 on the number line (or B line) and eliminate corresponding table/s.

   1. Parcels acquired (escrow closed or Final Order of Condemnation recorded):

   (To add table rows below, set cursor to right of last column in empty table set, then press enter, additional table rows will populate.)

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Project R/W Required²</th>
<th>Excess (Yes or No)</th>
<th>Close of Escrow/Final Order of Condemnation Date</th>
</tr>
</thead>
</table>

   2. Parcels covered by Order for Possession:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Project R/W Required²</th>
<th>Effective Date of OP</th>
</tr>
</thead>
</table>

   3. Parcels covered by executed Right of Way Contract with Possession Clause:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Project R/W Required²</th>
<th>Effective Date</th>
<th>Date Funds Made Available to Owner/Deposited into Escrow³</th>
</tr>
</thead>
</table>

¹ Parcels listed in items A1-A7 on pages 1 and 2 should total the number shown on line 1A above.
² Items A1-A7: List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.
³ Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor/s, as a condition of use of a possession clause in a Right of Way contact.
4. Parcels covered by Possession and Use Agreement only:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Project R/W Required</th>
<th>Effective Date</th>
<th>Date Funds Deposited into Escrow</th>
</tr>
</thead>
</table>

5. Parcels covered by Right of Entry only (Requires HQs R/W and FHWA pre-approval)⁵:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Project R/W Required</th>
<th>Effective Date</th>
<th>Date Funds Deposited into Escrow</th>
</tr>
</thead>
</table>

6. Parcels Covered by Resolution of Necessity only⁶:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Project R/W Required</th>
<th>Local Agency Resolution Date</th>
<th>Anticipated OP Service Date (all parties)</th>
<th>Anticipated OP Effective Date</th>
</tr>
</thead>
</table>

7. Parcels covered by other acquisition documents as follows⁷:

<table>
<thead>
<tr>
<th>Parcel Number or Location/(P.M.)</th>
<th>Owner</th>
<th>Project R/W Required</th>
<th>Type of Document</th>
<th>Effective Date</th>
<th>Expiration Date</th>
<th>Date Funds Deposited into Escrow⁸</th>
</tr>
</thead>
</table>

8. Number of Parcels with a value in excess of $500,000

   Dual Appraisal for each parcel (recommended but not required)?  Yes  No

B. Construction Permits, other required permits⁸:

<table>
<thead>
<tr>
<th>Location/(P.M.)</th>
<th>Owner</th>
<th>Type of Document</th>
<th>Effective Date</th>
<th>Expiration Date</th>
</tr>
</thead>
</table>

2. STATUS OF ACCESS CONTROL:

Select appropriate statement/s and remove those that do not apply:

Conventional Highway, a highway with no control of access. Abutting property owners have access rights.

(OR)

Freeway/Expressway, a highway with limited/restricted rights of access.

(OR)

Non-Interstate Access Controlled Highway (or other facility with full access control). Except as provided in the approved plans for the project, all rights of access to, or from the section of highway to be improved under the project and the abutting property either are prohibited by law, or have been acquired, or are being acquired in condemnation proceedings heretofore commenced and which will be prosecuted to completion.

---

⁴ Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor/s, as a condition of use.
⁵ Rights of Entry must only be used in emergencies, or extremely unusual/extraordinary circumstances. All Rights of Entry must be pre-approved by the Division of HQs RWA/LS and approved by FHWA. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor/s, as a condition of using a right of entry.
⁶ To be used only rarely in a Certification No 3; Resolution of Necessity must be adopted and the Order for Possession served, but is not yet effective.
⁷ This section covers acquisitions where the document is a license, permit etc., not otherwise covered by A1-4 above. Examples include Licenses from State Lands Commission, Flood Control Districts, and Letters of Consent from US Forest Service.
⁸ These permits are not counted as parcels, are not appraised, recorded, or require payment (e.g. Permits to Enter).
Except as provided in the approved plans for the project, all rights of access to, or from the section of highway to be improved under the project and the abutting property either are prohibited by law, or have been acquired under a previous project.

3. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES** - Select appropriate statement/s and remove what does not apply:

None affected.

(OR)

The ________________ Railroad has approved the proposed work, which is within their right of way but which does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

(OR)

The ________________ Railroad (and when needed, the Public Utilities Commission) has approved the proposed work, which is within the railroad right of way and does require the adjustment of railroad facilities. The railroad, or its contract forces, will provide the necessary labor, materials and/or equipment to adjust their facilities. The necessary clauses will be placed in the contract special provisions. The project may now be advertised.

CPUC Approval Type and Date: ________________

C&M Execution Date: ________________

4. **MATERIAL SITE(S)** - Select appropriate statement; remove those that do not apply:

None required.

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

<table>
<thead>
<tr>
<th>Parcel Agreement No.</th>
<th>Owner</th>
<th>Document Effective Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. **DISPOSAL SITE(S)** - Select appropriate statement; remove those that do not apply:

None required.

Commercial

Optional site(s) secured as follows:

Mandatory site(s) secured as follows:

<table>
<thead>
<tr>
<th>Parcel Agreement No.</th>
<th>Owner</th>
<th>Document Effective Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. **STATUS OF REQUIRED UTILITY RELOCATIONS**:

There are no Utility Relocations required on the project. Therefore, Buy America compliance does not apply to the utility portion of the project.

(OR)

All utility work has been or will be completed in accordance with applicable policy and procedure covering the adjustment of utility facilities. All utility notices have been issued and arrangements have been made with the owners of all conflicting utility encroachments remaining within the right of way, so that adequate control of the project right of way will be achieved. If applicable, federal participation has been determined.
(AND)

➤ All utility work has been completed.

☐ Project specific utility agreement(s) is (are) fully executed and include(s) the Buy America language.

☐ Buy America compliance is not applicable for utility relocations as Utility Agreements are not required.

(OR)

➤ All utility work will be completed by a stated date prior to award of the contract (see schedule below).

☐ Project specific utility agreement(s) is(are) fully executed and include(s) the Buy America language.

☐ Buy America compliance is not applicable for utility relocations as Utility Agreements are not required.

(OR)

➤ All necessary arrangements have been made for remaining utility work to be completed as required for proper coordination with project construction. The special provisions in the contract provide for the coordination (see schedule below).

☐ Project specific utility agreement(s) is(are) fully executed and include(s) the Buy America language.

☐ Buy America compliance is not applicable for utility relocations as Utility Agreements are not required.

(AND when applicable)

The following utilities are located within the project Rights of Way but require no relocation:

<table>
<thead>
<tr>
<th>Company</th>
<th>Type Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following utilities are in conflict with the project and require relocation as follows: (If applicable)

<table>
<thead>
<tr>
<th>R/W Notice and Notice Date Date</th>
<th>Company</th>
<th>Type of Facility</th>
<th>Liability % (Owner=O) (Local Agency=C)</th>
<th>Utility Agreement. Date</th>
<th>Federal Participation (yes/no)</th>
<th>Relocation Date &amp; End Concurrent with construction (or) Bid Item/s listed below</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9 A copy of Specific Authorization to Relocate Utility Facilities memorandum must be attached for each facility relocation item.
10 Additional information is required for each bid item if highway contractor will complete work as part of the highway contract.
(AND)

<table>
<thead>
<tr>
<th>Bid Item Number</th>
<th>Owner/Type Facility</th>
<th>Liability % (Owner/Local Agency)</th>
<th>Federal Participation (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7. **RIGHT OF WAY CLEARANCE:**

There were no improvements or obstructions located within the limits of this project.

(OR)

All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction.

(OR)

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Location/P.M.</th>
<th>Description</th>
<th>Salvable/Non Salvable</th>
<th>Method of Disposal(^{11})</th>
<th>Date Site Available to Construction Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. **AIRSPACE AGREEMENTS:**

There are no airspace lease properties within the limits of this project.

(OR)

All necessary arrangements have been made with airspace lessee(s) and/or special provisions in the contract to minimize conflicts between lessee’s activities and contractor’s operations.

(OR)

Airspace lease (describe) has been cancelled effective (date).

(OR)

Explanation of other: disposition of airspace lease area.

9. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS**

Compliance was no: required as there were no displacements for this project.

(OR)

The Local Agency has complied with the Federal Uniform Relocation Assistance and Real Property Acquisition Act, as amended. The Local Agency has also complied with all the steps relative to relocation advisory assistance and payments as required by applicable policies and procedures, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to a decent, safe and sanitary housing, or the Local Agency has made replacement housing available to the relocatees.

\(^{11}\) Demolition Contract, Construction Contract, or Owner.
Types of relocation involved on this project. Check all that apply.

☐ Personal property relocation
☐ Residential relocation
☐ Business, farm or nonprofit relocation

Exceptions:

Occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location/(P.M.) (Owner)/(Tenant)</th>
<th>Name of Occupant</th>
<th>Date to Vacate</th>
<th>Type of Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. **COOPERATIVE AGREEMENTS**

None required.

(OR)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Agreement Number or Document Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Attach a Copy of Each Cooperative Agreement.

11. **ENVIRONMENTAL MITIGATION**

No environmental mitigation parcels are required for this project.

(OR)

All environmental mitigation parcels for the project have been acquired.

(OR)

Acquisition of environmental mitigation parcels is ongoing. (Give detailed explanation)

12. **INDEMNIFICATION BY LOCAL AGENCY**

The Local Agency agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. The Local Agency shall pay from its own non-matching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to Local Agency for the orderly performance of the project work.

13. **CERTIFICATION (USE THE APPROPRIATE STATEMENT)**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(b) and (c)(1) or (c)(2). The project may be advertised with contract award being made at any time.

---

12 Residential, Business, Farm, Nonprofit Organization, or Personal Property only.
(OR)

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3)(i)(iii)(iv). The project may be advertised at any time. The project will be certified as conforming to 23 CFR 635.305 (b) and (c)(1) or (c)(2) by ______________________ (Date) ______.

(Attach letter explaining why a Conditional R/W Certification No. 3 is being used and substantiate that the Certification No. 1 or No. 2 date given above is realistic.)

(OR)

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3)(ii),(iii) and (iv) with Work-Around. The project may be advertised at any time. Appropriate notification has been included in the Bid Documents. An updated Certification will be provided by ______________________ (Date) ______.

(Attach letter explaining why a Special Certification No. 3 with Work-Around is being used.)

(When updating the Special Certification No. 3 with Work-Around, use the following statement. This statement is required no later than 15 days prior to bid opening. If able to upgrade to a Certification No. 1 or No. 2, use appropriate CFR certification statement referenced above.):

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3)(ii),(iii) and (iv) with Work-Around. The project has been advertised and the contract may be awarded. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said Work-Around.

Local Agency: ______________________

Project ID: ______________________ As Authorized by Resolution No.: ____________

By: ____________________________ Date __________________

________________________________

Title

The undersigned Caltrans Official has reviewed this Right of Way Certification as to form and content. Based on the review of the documents submitted, the Certificate is accepted on behalf of the local public agency.

Accepted as to form and content:

By: ____________________________ Date __________________

District Deputy Director/Office Chief – Right of Way (or person authorized in writing to sign)
(AND)

(HQ Right of Way signature required for Projects of Division Interest (PODI's) depending on delegations identified in the Project Oversight Agreement, Conditional R/W Certification No. 3 and Special R/W Certification No. 3 with Work-Around.)

ACCEPTED:

By: ____________________________ Date
Chief, Headquarters Division of Right of Way and Land Surveys

(AND)

(FHWA signature block is required for Projects of Division Interest (PODI's) depending on delegations identified in the Project Oversight Agreement (POA), and Conditional R/W Certification No. 3 and Special R/W Certification No. 3 with Work-Around for projects located on the Interstate system. FHWA concurrence and approval is not required for Certification No. 3 upgrades and Certification No. 3W updates.)

APPROVED:

By: ____________________________ Date
Realty Officer
Federal Highway Administration

Distribution: 1) Local Agency completes and sends to DLAE for approval.
2) DLAE approves and returns to Local Agency,
3) Local Agency retains approved original in project files.
Footnote Instructions

1. Parcels listed in items A1 – A7 on pages 1 and 2 should total the number shown on line A above.

2. For sections A1 – A7 list as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.

3. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor, as a condition of use of a possession clause in a right of way contact.

4. Funds must be deposited into an escrow account and be made available (able to withdraw) as legally permissible, to the grantor as a condition of use.

5. Rights of Entry must only be used in emergencies, or extremely unusual/extraordinary circumstances. All Rights of Entry must be pre-approved by the Division of HQs RW&LS and approved by FHWA. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor, as a condition of using a right of entry.

6. An adopted Resolution of Necessity (RON) is the minimum requirement for the use of both a Conditional R/W Certification #3 and/or a Special R/W Certification #3 with Work-Around, which are rarely used. The Resolution of Necessity must be adopted.

7. This section covers acquisitions where the document is a license, permit etc., not otherwise covered by A1 – A6 above. Examples include Licenses from State Lands Commission, Flood Control Districts, and Letters of Consent from the US Forest Service.

8. These permits are not Project R/W requirements and are neither appraised nor recorded. (e.g. Permits to Enter and Construct).

9. A copy of Specific Authorization to Relocate Facility Utilities Memorandum must be attached for each facility relocation item.

10. Additional information is required for each bid item if highway contractor will complete work as part of highway contract.

11. Demolition Contract, Construction Contractor, or Owner.

12. Residential, Business, Farm, Nonprofit Organization, or Personal Property only.
ATTACHMENT 'D'

LAPM Exhibit 13-A
EXHIBIT 13-A SHORT FORM RIGHT OF WAY CERTIFICATION
LOCAL ASSISTANCE PROJECT
(Off-State Highway System Project)

NAME OF THE LOCAL PUBLIC AGENCY

NOTE:
This form is intended for projects that do NOT require
R/W acquisition, relocation assistance, have NO railroad
involvement, and the ONLY Utility Relocation
involvement is limited to utility cover adjustments.

For each item below, except Item 5, select the ONE
option most suitable to your project. If the chosen
option directs you to use Exhibit 13-B, please stop. This
Short Form is not applicable to your project.

RIGHT OF WAY CERTIFICATION No. 1

1. STATUS OF REQUIRED PROPERTY RIGHTS
   □ No acquisition of right of way is required. All proposed work is within existing right of way.
   □ Right of way has been acquired in accordance with applicable policy and procedure covering the
     acquisition of real property. LPA has legal and physical possession, right to enter, and required permits.
     If this box is checked, please use Exhibit 13-B.

2. STATUS OF AFFECTED OPERATING RAILROAD FACILITIES
   □ None affected.
   □ The ___________ Railroad has approved the proposed work, which is within their
     Right of Way but does not require the adjustment of railroad facilities. The necessary clauses will be
     placed in the contract special provisions. If this box is checked, please use Exhibit 13-B.
   □ The ___________ Railroad (and when needed, the Public Utilities Commission) has
     approved the proposed work, which is within the railroad right of way and does require the adjustment
     of railroad facilities. The railroad, or its contract forces, will provide the necessary labor, materials
     and/or equipment to adjust their facilities. The necessary clauses will be placed in the contract special
     provisions. If this box is checked, please use Exhibit 13-B.

3. MATERIAL SITE(S)
   □ None required.
   □ Material site(s) required. If this box is checked, please use Exhibit 13-B.
4. DISPOSAL SITE(S)

☐ None required.
☐ Disposal site(s) required. If this box is checked, please use Exhibit 13-B.

5. STATUS OF REQUIRED UTILITY RELOCATION (Check all that apply)

☐ No relocation required, therefore Buy America requirements do not apply. Existing utilities located within project limits are shown on Project Plan.
☐ Project is not covered by NEPA document; therefore, Buy America requirements do not apply.
☐ Utility Agreements are not required on this project; therefore, Buy America requirements do not apply.
☐ Utility involvement is limited to adjusting UTILITY COVERS (manhole cover, water valve cover, and box lids) to grade and said work is compliant with all terms and conditions under MAP-21 including Buy America requirements. If this box is checked, please complete page 5 of this form entitled “Utility Cover Adjustment Summary” and provide a copy of the Specific Authorization if federally participating.
☐ All utility work (other than the adjustment of utility covers) has been completed. If this box is checked, please use Exhibit 13-B.
☐ All utility work (other than the adjustment of utility covers) will be completed by a stated date prior to award of the contract. If this box is checked, please use Exhibit 13-B.
☐ All necessary arrangements have been made for the completion of all remaining utility work (other than the adjustment of utility covers) required to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. If this box is checked, please use Exhibit 13-B.
☐ Utility facilities (other than the adjustment of utility covers) will be relocated by the Project’s Contractor under b.d items. If this box is checked, please use Exhibit 13-B.

6. RIGHT OF WAY CLEARANCE

☐ There are no improvements or obstructions located within the limits of this project.
☐ All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction. If this box is checked, please use Exhibit 13-B.
☐ All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule. If this box is checked, please use Exhibit 13-B.

7. AIRSPACE AGREEMENTS

☐ There are no airspace lease properties within the limits of this project.
☐ All necessary arrangements have been made with airspace lessee(s) and/or in Contract Provisions to minimize conflicts between lessee’s activities and contractor’s operations. If this box is checked, please use Exhibit 13-B.
☐ Airspace lease has been cancelled. If this box is checked, please use Exhibit 13-B.
☐ Other (If this box is checked, please use Exhibit 13-B)
8. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

☐ Compliance was not required as there were no displacements for this project.

☐ Occupants who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature. **If this box is checked, please use Exhibit 13-B.**

☐ LPA has complied with all the steps relative to the relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least a 90 day written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the LPA has made replacement housing available to the displaceses. **If this box is checked, please use Exhibit 13-B.**

9. COOPERATIVE AGREEMENTS

☐ None Required.

☐ Agency Agreement No. **(If checked, please attach a copy)**

10. ENVIRONMENTAL MITIGATION

☐ No environmental mitigation parcels are required for this project.

☐ All environmental mitigation parcels on this project have been acquired. **If this box is checked, please use Exhibit 13-B.**

☐ Acquisition of environmental mitigation parcels is ongoing. **If this box is checked, please use Exhibit 13-B.**
11. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(1) and all terms and conditions under MAP-21, including Buy America requirements. The project may be advertised with contract award being made at any time.

12. INDEMNIFICATION BY LOCAL AGENCY

This Local Public Agency agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. LPA shall pay from its own non-matching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to LPA for the orderly performance of the project work.

LOCAL PUBLIC AGENCY

Project ID: ________________________________
Authorized Resolution No.: ________________________________
Dated: ________________________________

CALTRANS ACCEPTANCE

The undersigned Caltrans Official has reviewed this Right of Way Certification as to form and content. Based on the review of the documents submitted, the Certificate is accepted on behalf of the local public agency. It remains the sole responsibility of the local public agency to ensure compliance with the Uniform Act.

Accepted as to form and content:

By: ________________________________
Title: ________________________________
Date: ________________________________

By: ________________________________
Title: ________________________________
Date: ________________________________

Distribution:
1) Local agency completes this form, signs and sends it to the DLAE.
2) DLAE sends a copy to District Right of Way Local Programs Coordinator, keeps a copy for his/her files, and sends the signed original back to the local agency.

Page 4 of 6
December 30, 2013

LPP 13-02
UTILITY COVER ADJUSTMENT SUMMARY

Items to be disclosed on this summary include: Covers of utility facilities, either publicly owned (by City/County and other public agencies, including the project sponsoring agency) or privately owned that services the general population. Utility covers of facility that directly services the street/roadway operation (such as an electric pull box, which services streetlight and traffic signals) do not require disclosure on this form.

a) PHYSICAL COVER ADJUSTMENTS PERFORMED BY OWNER

<table>
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<tr>
<th>Notice # &amp; Notice Date</th>
<th>Utility Agreement Date</th>
<th>Owner</th>
<th>Liability % Owner/LPA</th>
<th>Type of Facility</th>
<th>Encroachment Permit #</th>
<th>Federal Participation Yes (Y) No (N)</th>
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*Include copy of Specific Authorization

b) UTILITY COVER ADJUSTMENTS WILL BE PERFORMED BY PROJECT CONTRACTOR

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<th>Bid Item #</th>
<th>Notice # &amp; Notice Date</th>
<th>Utility Agreement Date</th>
<th>Owner</th>
<th>Liability % Owner/LPA</th>
<th>Type of Facility</th>
<th>Federal Participation Yes (Y) No (N)</th>
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*Include copy of Specific Authorization

c) FEDERAL PARTICIPATION

- ☐ Yes ☐ No The adjustments comply with the 23 CFR 645.119 and the R/W Utility Relocation process in Chapter 14 of the Local Assistance Procedures Manual (LAPM)

- ☐ Yes ☐ No These adjustments are required as the direct result of the proposed construction activities and the local agency is legally liable to pay for the adjustment

- ☐ Yes ☐ No Adjustments specified for Federal participation have received FHWA Specific Authorization (Exhibit 14-C, LAPM) approval? If “no”, not federally participating.
STAFF REPORT

DATE: NOVEMBER 7, 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. 14.D

AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND LOCKWOOD, ANDREWS & NEWMAN, INC. FOR DESIGN SERVICES FOR THE BAIN STREET PAVEMENT REHABILITATION AND SHOULDER IMPROVEMENTS PROJECT, CIP PROJECT NO. 16-A.2

RECOMMENDATION

1. That the City Council approve an agreement between Lockwood, Andrews & Newman, Inc. and the City of Jurupa Valley for Professional Design Services for the Bain Street Pavement Rehabilitation and Shoulder Improvements Project in an amount not-to-exceed $126,200 and 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; and

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

3. Appropriate $73,537 from the City’s 2019-2020 Pavement Rehabilitation Project to the Project account to fund the total project costs.

BACKGROUND

At its meeting of May 16, 2019, the City Council approved the FY 2019-2020 Capital Improvement Program (CIP). This CIP included the Bain Street Pavement Rehabilitation and Shoulder Improvements Project (Project). The Project will provide for the reconstruction/rehabilitation of Bain Street from Limonite to Bellegrave, improve the existing dirt shoulder, and address the drainage issues that currently exist.
On August 5, 2019 the City released a Request for Proposals for the design of the Bain Street Improvements as well as special provisions and engineer’s cost estimate for the Project.

ANALYSIS

On August 16, 2019 the City issued Q & A Set 1, which answered all questions received during the RFP process. On August 27, 2019 the City received eight (8) proposals:

- Anderson Penna
- CNC Engineering
- Engineering Resources of Southern California
- K&A Engineering
- KOA Corporation
- Lockwood, Andrews & Newman
- RKA Consulting
- Valued Engineering

All proposals were reviewed by members of the City’s public works staff in accordance with the selection process identified in the RFP. It was determined that Lockwood, Andrews & Newman, Inc. (LAN) was the most qualified firm to provide these services.

OTHER INFORMATION

Previous Actions:

- None

FINANCIAL IMPACT

A not-to-exceed fee proposal of $126,200 was negotiated with LAN for the Project and determined to be fair and reasonable.

The FY 2019-2020 CIP Project Budget for the Project is $76,463 funded by a combination of Measure ‘A’ and Gas Tax. The available funds are not sufficient for award of this contract. Award of a contract to LAN as recommended requires that the City Council appropriate $73,537 from the City’s 2019-2020 Pavement Rehabilitation Project, bringing the total project budget to $150,000. The new budget will be sufficient to cover the contract as well as the staff time to administer the contract.

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.
Prepared by:

Chase Keys, P.E.
CIP Manager

Reviewed by:

Connie Cardenas
Interim Administrative Services Director

Approved as to form:

Peter Thorson
City Attorney

Attachments:

1) Agreement, Project No. 16-A.2

Reviewed by:

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

Reviewed by:

George A. Wentz
Deputy City Manager

Submitted by:

Alan Kreimeier
Interim City Manager
ATTACHMENT 1

Agreement, Project No. 16-A.2
AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND LOCKWOOD, ANDREWS & NEWMAN, INC. FOR DESIGN OF BAIN STREET PAVEMENT REHABILITATION AND SHOULDER IMPROVEMENTS IN THE CITY OF JURUPA VALLEY

(PUBLIC WORKS PROFESSIONAL SERVICES)

THIS AGREEMENT is made and effective as of November 7, 2019, between the City of Jurupa Valley ("City") and Lockwood, Andrews & Newman, Inc. ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **Term**

   This Agreement shall commence on November 7, 2019, and shall remain and continue in effect until tasks described herein are completed in accordance with the Scope of Services, but in no event later than June 30, 2020, unless sooner terminated pursuant to the provisions of this Agreement.

2. **Services**

   Consultant shall perform the services and tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A.

3. **Performance**

   Consultant shall at all time faithfully, competently and to the best of his or her ability, 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 monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, Quotation for Service, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed one hundred twenty six thousand two hundred dollars ($126,200.00) 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 monthly for actual services performed. Invoices shall be submitted between the first and fifteenth business day of each month, for services provided in the previous month. 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 and shall pay all other fees not under dispute.

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 ten (10) 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 up to the time of termination, provided that the work performed is or would have been of value to the City had the agreement not been terminated. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City pursuant to Section 4.

6. **Default Of Consultant**

A. The Consultant’s failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause 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 his delegate 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 (10) 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.

7. **Prevailing Wages**

Consultant shall pay prevailing wages to the extent required by and in accordance with the requirements of Labor Code Sections 1720 et. seq. Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, the City Council has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of workman needed to execute by this Consultant from the Director of the Department of Industrial Relations. Copies may be obtained from the California Department of Industrial Relations Internet website at [http://www.dir.ca.gov](http://www.dir.ca.gov). Consultant shall provide a copy of prevailing wage rates to any staff or sub-contractor hired, and shall pay the adopted prevailing wage rates as a minimum. Consultant shall comply with the provisions of Sections 1773.8, 1775,
1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Consultant shall forfeit to the City, as a penalty, the sum of $50.00 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the stipulated prevailing rates for any work done under this contract, by him or by any sub-contractor under him, in violation of the provisions of the Agreement.

8. **Ownership Of Documents**

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 therefrom 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.

A. Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files containing data generated for the work, surveys, notes and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused or otherwise disposed of by the City without the permission of the Consultant. With respect to computer files containing data generated for the work, Consultant shall make available to the City, upon reasonable written request by the City Manager, the necessary computer software and hardware for purposes of accessing, compiling, transferring and printing computer files.

B. With respect to the design of public improvements, the Consultant shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A, without the written consent of the Consultant.

9. **Indemnification**

A. **Indemnity for Design Professional Services.** In connection with its design professional services, but subject to the limitations of Section 2 of this Agreement, Consultant shall hold harmless and indemnify 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 (collectively “Claims”), including but not limited to Claims relating to death or injury to any person and injury to any property which arise out of, pertain to, or relate in whole or in part to the negligence, recklessness, or willful misconduct of Consultant or any of its officers, employee, sub-consultants, or agents in the performance or its professional services under this Agreement.
B. Other Indemnities. In connection with any and all claims, demands, damages, liabilities, losses, costs or expenses, including attorneys’ fees and costs of defense (collectively, “Damages” hereinafter) not covered by Paragraph 9.A. above, but subject to the limitations of Section 2 of this Agreement, Consultant shall defend, hold harmless and indemnify the Indemnitees with respect to any and all Claims, including but not limited to, Claims relating to death or injury to any person and injury to any property, which arise out of, pertain to, or relate to acts or omissions of Consultant or any of its officers, employees, subcontractors, or agents in the performance of this Agreement, except for such loss or damage arising from the negligence or willful misconduct of the City, 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 with counsel of City’s choice, 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.B. shall apply independent of any prior, concurrent or subsequent misconduct, negligent acts, errors or omissions or Indemnitees.

10. Insurance Requirements

A. Consultant shall procure and maintain for the duration of the contract 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.

   d) Professional liability insurance shall be written on a policy form providing professional liability for the Consultant’s profession.

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.

d) Professional liability insurance in the amount of one million dollars ($1,000,000) per claim and in the aggregate.

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, designated volunteers and those City agents serving as independent contractors in the role City officials (“Additional Insured”) shall be covered as insured’s 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.

2) For any claims related to this project, the Consultant’s General or Automobile 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.

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 ordinances, laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such ordinances, 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.

   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.

14. **Assignment**

   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 sub-consultants described in Exhibit A to this Agreement provided the costs of such sub-consultants shall be borne by the Consultant and shall not exceed the costs described in Paragraph 5 of this Agreement.

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:**
      Lockwood, Andrews & Newman, Inc.  
      770 The City Drive South  
      Suite 8425  
      Orange, CA 92868  
      Attention: M. Cenk Yavas
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 municipal, superior, 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 sub-contractors, during his/her tenure or for one year thereafter. The Consultant hereby warrants and represents to the City that no officer or employee of the City Council or 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 sub-Consultants on this project. 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 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. **Time is of Essence.** In carrying out the provisions of this Agreement, both parties acknowledge and agree that time is of the essence.

G. **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 Kreimeier
Interim City Manager

ATTEST:

Victoria Wasko, CMC
City Clerk

APPROVED AS TO FORM

Peter M. Thorson
City Attorney

LOCKWOOD, ANDREWS & NEWMAN, INC.

By: __________________________
Name: _________________________
Title: __________________________

By: __________________________
Name: _________________________
Title: __________________________

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

SCOPE OF SERVICES
Project Understanding

The City of Jurupa Valley requires design services for the preparation of construction documents for the reconstruction of Bain Street between Limonite Avenue and Belgrave Avenue. The City has completed a pavement investigation, and the report provides recommendations for the reconstruction of the pavement section calculated for various traffic indexes.

The County’s San Sevaine flood control channel parallels Bain Street on the east. There is a total of eleven (11) existing storm drain inlets that collect the surface drainage from Bain Street and outlet to the channel. There is a wide unimproved area between the paved travel lanes and the channel that includes an equestrian trail adjacent to the channel property.

The proposed improvements will reconstruct the pavement section within the project limits to provide a 28-foot roadway consisting of two 12-foot travel lanes with 2-foot shoulders. The proposed shoulder improvements will provide a 2-foot paved buffer for the travel lanes and include re-grading beyond the paved shoulder to provide surface drainage from the roadway to the existing storm drain inlets. From our initial field review we have identified the following issues:

Profile for New Pavement Section

- There appears to be several sags in the longitudinal profile of the roadway.
- Segments of the existing surface drainage on the west side of Bain Street continue to flow west along the intersecting streets.
- The inlets on the east side are typically located in the sag areas to collect the surface flow.
- Surface drainage needs to flow across the unimproved area and equestrian trail to the existing inlets west of Bain Street.
- Providing access to the properties on the west side of Bain Street and maintaining adequate elevations on the east side to drain to the inlets will also need to be considered.

Correct Sump Conditions

- There appear to be sump areas that pond on the west side of the street that will need to be addressed.
- May be able to transition from a typical centerline crown to a tilt pavement section or provide a wide cross gutter to allow the surface flow across the roadway to the east.
- Localized sumps on east side will be corrected with new profile.

Erosion along Edge of Pavement

- There has been significant erosion along the edge of pavement from the surface drainage, which is impacting the edge of pavement.
- Edge of pavement treatment should be included in the design to reduce future erosion.
- Improvement for the surface drainage across the unimproved area, including the equestrian trail, should also be considered during the design phase of the project.

Images:
- Top Image: Storm drain inlet east of equestrian trail
- Bottom Image: Join existing AC driveway elevations
- Image: Edge of pavement damaged at existing sump on east side
- Left Image: Existing erosion on west side Bain Street n/o Limonite Avenue
- Right Image: Edge of pavement treatment will be considered during design
Impacts of Minor Widening

- The proposed minor widening of the paved surface will reduce the clearance to existing trees.
- Clearance to power poles and utility pedestals / cabinets will also be reduced.
- Consideration should be given to provide protection of the power poles and utility facilities and removal of trees.

Image: Minor pavement widening impacts existing trees

Design Work Plan

Upon receipt of the Notice to Proceed, a project kick-off meeting will be held to provide an opportunity for LAN and the City staff to discuss the City’s goals and the project requirements. We will discuss the project schedule, traffic index / pavement section, potential shoulder treatments, tilt section and/or mid-block cross gutters, and any other project issues. The outcome should be that everyone leaves the meeting with a good understanding of their required tasks and how they interact with the tasks to be performed by others.

The first phase of the project will be to perform a thorough review of the available record information for the existing improvements within the project area, including the electronic aerial survey. We anticipate our supplemental survey will include street cross sections at 25-foot intervals for 150 feet centered on each of the ten (10) existing storm drain inlet locations. Additionally, we have included topographic survey along twelve (12) properties where we may need to join existing paved points of access. The LAN team will review the available record information, along with the aerial survey and supplemental survey, to determine feasible solutions for the sump areas. We have assumed the existing electronic file for the aerial survey will provide sufficient data to prepare the project base mapping and design the street profiles.

After preparation of the base maps, LAN will complete a thorough field review of the project limits to gain a good understanding of the existing conditions and verify the accuracy of the base maps. The LAN team will identify potential locations for protection of existing power poles and above ground utility facilities, ADA ramp improvements, surface utilities to be adjusted to grade and locations of traffic signal loop detection to be added to the improvement plans for replacement after the pavement reconstruction. A working set of drawings will be submitted to the City for review of the locations and limits of the proposed improvements. If requested, LAN will walk the project with City staff to discuss the proposed improvements and locations shown on the working drawings.

The utility coordination services will also begin shortly after receipt of the Notice to Proceed from the City. LAN is a member of the USA Dig Alert Design services, from which we can obtain contact information for obtaining copies of existing utilities form each USA Dig Alert member with facilities within the project limits. Combined with additional information provided from the City, LAN will have a comprehensive list of contacts.

LAN will use the City’s standard utility letter format for each of the three (3) required submittals if available, otherwise we can submit sample letters we have used on previous projects for City’s review and approval. It will be important to gather the utility information as soon as possible to complete the base map for the project. Copies of all communication with the utility companies and the utility disposition matrix will be submitted to the City with our progress submittals.

After City approval of the proposed improvement locations, LAN will proceed with the 60% design of the project based on the latest version of the Riverside County Road Improvement Standards, Caltrans Standard Plans, and California MUTCD for striping and markings. The 60% electronic submittal will include a preliminary bid schedule with quantities and unit costs.

After receipt of the City’s comments on the 60% submittal, LAN will bring the contract documents to a 90% completion level. Additional details will be provided that the contractor will require to complete the construction. The electronic 90% submittal will include the draft technical specifications and an updated bid schedule with any additions and/or revisions to quantities and unit costs.

Any comments the City or utility companies may have on the 90% electronic submittal will be addressed and the 100% PS&E will be submitted for final
Client Communication

LAN utilizes Bluebeam Revu for all our electronic pdf files. Bluebeam allows anyone to download their Bluebeam Reader versions free of charge (Bluebeam Vu) which would allow the City to provide comments electronically on our pdf submittals.

It also allows us to set up Sessions which provides live interaction between everyone invited to the Session to add real time comments and responses.

Combined with a teleconference, we can conduct our review meetings in our offices to discuss any review comments with the City staff during the Session.

The LAN staff also are available via e-mail, cell phones, and land lines at our office. It is not unusual for our staff to photograph a potential issue in the field, e-mail it to the client and/or our office, and follow up with a telephone call to discuss the issue while on-site.

Any additional field information that may be needed can be obtained while our staff are still on site.

We will also attend meetings at City Hall when deemed necessary to resolve any issues that may arise. LAN’s policy is to be pro-active in our communications with our clients to address issues as they are identified.

Time Frame & Phases of Work

Our detailed schedule to complete the design of the City’s Bain Street Pavement Rehabilitation and Shoulder Improvement project is provided in the Schedule section of our proposal. It includes the following phases and durations, which include City review of submittals:

<table>
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<tr>
<th>Phase</th>
<th>Duration</th>
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<tr>
<td>Project Kick-off Meeting</td>
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<td>Construction Phase Support</td>
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EXHIBIT B

PAYMENT RATES AND SCHEDULE
# CITY OF JURUPA VALLEY

## BAIN STREET PAVEMENT REHABILITATION AND SHOULDER IMPROVEMENTS

### FEE SCHEDULE

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<th>Project Engineer</th>
<th>Project Designer</th>
<th>Design Engineer</th>
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STAFF REPORT

DATE: NOVEMBER 7, 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. 14.E

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ACCEPTING CERTAIN STREETS INTO THE CITY MAINTAINED STREET SYSTEM (TRACT MAP 32677 CANTERA NORTH OF GRANITE HILL DRIVE AND WEST OF SOTO AVENUE)

RECOMMENDATION:

That the City Council:

1. Adopt Resolution No. 2019-98, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING CERTAIN STREETS INTO THE CITY-MAINTAINED STREET SYSTEM (TRACT MAP 32677, CANTERA NORTH OF GRANITE HILL DRIVE AND WEST OF SOTO AVENUE) PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 1806

2. Authorize the Interim City Manager to record the Notice of Completion now that public improvements have been accepted by the City Engineer; and

3. Direct the City Engineer to release the Labor and Materials Bond for the street improvements and the Monument Bond 90 days after the recordation of the Notice of Completion unless the City receives a stop notice or other lien; and

4. Direct the City Engineer to reduce the Performance Bond for the street improvements to start the one-year warranty period; after which the City Engineer may fully release the bond.
BACKGROUND

Tract Map 32677, also known as the Cantera development, was approved by the City Council on December 17, 2015. The subdivision is a 105-lot single family residential development located on 101.44 acres. The owner dedicated to public use for street and public utility purposes streets designated as lettered lots on the map (A through F). Prior to recording the Final Map, Subdivision Agreements were executed and bonds were provided by the developer to secure required improvements.

ANALYSIS

The developer, Frontier Communities (FH II, LLC.), completed construction of the required improvements for Tract 32677. Staff inspected the improvements for compliance with the approved plans, adopted conditions of approval, the City’s Standard Plans and Specifications, and the Municipal Code. All improvements have been constructed and completed to the satisfaction of the City Engineer. The developer is ready to start the one-year warranty period and has requested the improvement bond be reduced to 10% during the warranty period.

The streets now being accepted by this action are shown on the attached map. The Performance Bond will be reduced to 10%. The Labor and Materials Bond will be released by the City Engineer 90 days after recording the Notice of Completion, unless the City receives a stop notice or other lien.

The developer provided street centerline ties and monument records. All monuments identified on the map are confirmed. Monument Bond will be released 90 days after recording of the Notice of Completion.

OTHER INFORMATION

Previous Actions:

- City Council meeting of December 17, 2015: City Council approved Final Tract Map 32677, subdivision agreements, and accepted offers of dedication and improvements bonds.

FISCAL IMPACT

The Public Works Department will maintain the public improvements on the streets dedicated to the City and accepted on the map for Tract 32677. Maintenance of the public streets is primarily funded with Gas Tax (revenue from State gas tax). Maintenance of the water and sewer line facilities are the responsibility of Jurupa Community Services District (JCSD) and the maintenance of the community trail is the responsibility of Jurupa Area Recreation and Park District. Right-of-way landscaping maintenance along internal roads and Granite Hill Drive, along with the water quality basins maintenance will be funded by CFD 2014-003.
ALTERNATIVES

1. Take no action.

2. Provide alternative direction to staff.

Prepared by:

Signed

Carolina Fernandez, E.I.T.
Assistant Engineer

Reviewed by:

Signed

Connie Cardenas
Interim Administrative Services Director

Reviewed by:

Signed

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

Reviewed by:

Signed

George A. Wentz
Deputy City Manager

Approved as to form:

Signed

Peter Thorson
City Attorney

Submitted by:

Signed

Alan Kreimeier
Interim City Manager

Attachments:

1. Resolution 2019-98
2. Tract Map 32577
RECORDING REQUESTED
BY AND WHEN RECORDED
MAIL TO:

City Clerk
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509-5183

EXEMPT FROM RECORDING FEE PER GOVT. CODE § 6103

RESOLUTION NO. 2019-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING CERTAIN STREETS INTO THE CITY-MAINTAINED STREET SYSTEM (TRACT MAP 32677 CANTERA, NORTH OF GRANITE HILL DRIVE, WEST OF SOTO AVENUE) PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 1806

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

Section 1. The City Council hereby finds, determines and declares that:

A. Tract Map 32677 was recorded by the Riverside County Recorder on December 28th, 2015 ("Tract Map").

B. Pursuant to Government Code Sections 66477.1 and 66477.2 and other applicable law, the Tract Map offered for dedication to the City certain land for streets, public utilities and associated drainage and public improvements as described on Exhibit A, attached hereto and incorporated herein by this reference ("Streets").

C. The City’s acceptance of the dedication of the Streets is conditioned on the completion of construction of the Streets and associated drainage and public improvements in accordance with City Standards and improvement plans approved by the City Engineer as provided in the Subdivision Improvement Agreement for the Streets entered into between the City and the owner of the tract.

D. The City Engineer has inspected the Streets and has determined that the Streets and the public improvements related thereto have been satisfactorily completed in accordance with the approved plans.

Section 2. The City Council hereby accepts the Streets and related drainage and public improvements as described and depicted on Exhibit A into the City-Maintained Street System pursuant to Streets and Highways Code Section 1806.
Section 3. The City Clerk shall cause this Resolution and its exhibits to be recorded in the Official Records of the County of Riverside.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 7th day of November, 2019.

__________________________
Brian Berkson
Mayor

ATTEST:

__________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY  

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-98 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on November 7, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, on November 7, 2019.

Victoria Wasko, City Clerk
City of Jurupa Valley
EXHIBIT A

STREETS AND RELATED PUBLIC IMPROVEMENTS FOR

TRACT 32677

BERYL WAY
ARGONITE WAY
GYPSUM DRIVE
ALMANDINE WAY
MICROLITE STREET
CACHE COURT
IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TRACT NO. 32677

POSAS RIVERSIDE
AUGUST, 2014

OWNERS STATEMENT

The following taxes are due and payable on the above described real property, to wit, 30% of the tax assessed when the subdivision is shown on the above map, and 20% of the tax assessed when the subdivision is shown on the above map:

The real property herein is located in the City of Jurupa Valley, County of Riverside, State of California. The present owner is Noella S. Burdick, residing at 24920 Tahitian Lane, Jurupa Valley, CA 92509. The owner's interest in the property is 100%. The property is subject to all encumbrances and liens of record. The property is located in a residential area.

NEVER BEFORE ASKED TO JURUPA VALLEY BOARD OF SUPERVISORS OR BOUNDARY COMMISSIONS OR AS "SURVEYOR'S ACKNOWLEDGEMENT," AS HEREIN DETERMINED, AND AS HEREIN DETERMINED, AS "SURVEYOR'S ACKNOWLEDGEMENT." AS THE SAME IS DETERMINED TO BE TRUE AND CORRECT.

The undersigned do hereby certify that the above is true and correct to the best of our knowledge.

Dated: DECEMBER 14, 2015
By: JAY JENDRUSZ, Notary Public

SIGNATURE OF PERSONS

The undersigned acknowledge the receipt of this instrument and agree to the terms thereof.

Dated: DECEMBER 14, 2015
By: JAY JENDRUSZ, Notary Public

TAX COLLECTOR'S CERTIFICATE

I hereby certify that according to the records of this office, as of this date, there are no taxing districts levying a tax or charge for the property shown on the above map, and that the property described therein is free of any liens or encumbrances.

Dated: DECEMBER 14, 2015
By: DON KENT
DEPUTY TOWN CLERK

TAX BOND CERTIFICATE

I certify that the above described property is exempt from the payment of a bond.

Dated: DECEMBER 14, 2015
By: DON KENT
DEPUTY TOWN CLERK

JURUPA AREA RECREATION AND PARK DISTRICT CERTIFICATE OF ACCEPTANCE

The Jurupa Area Recreation and Park District hereby accepts the dedication of the property shown on the above map, in accordance with the terms and conditions thereof, and agrees to accept the same for the purposes therein set forth.

Dated: DECEMBER 14, 2015
By: DON KENT
DEPUTY TOWN CLERK

NOTE: SEE SHEET 2 FOR ADDITIONAL NOTARIES

SEC 7, T7S, R5W SCHEDULE "A"
IN THE CITY OF JUJIPUA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TRACT NO. 32677
BEING A SUBSTITUTION OF A PORTION OF TRACT NO. 5 OF THE A.C. AMERTTEN ESTATE, AS SHOWN AND RECORDED IN Bk. 9, Pg. 99 OF RIVERSIDE COUNTY.


RATIONS ON FILE IN BOOK 9, PAGE 53 OF MAPS, BOTH BEING RECORDS OF RIVERSIDE COUNTY.

PONOSAS, RIVERSIDE
AUGUST, 2014

---

**SURVEYORS NOTES**
- Indicates Forward monuments as noted.
- Indicates points of 0.5' or less unknown, unless noted otherwise.
- Set #1 = Pipe with plastic flag. Points of 0.5' or less unknown, unless noted otherwise.
- Forward monuments are all marked with concrete pillars and are in 3D U.S. point lines, unless noted otherwise.
- In the discordance report, the name of an element will not be repeated in the same column.
- Set ID = A pipe flag "A 100" in top of clump (continued) SOUTHEASTERLY TO 72 feet, 277 points, NO. 10, Points, and corner cutbacks.

**Foundation Notes**
- 4.85515 SQ. FT. / 0.1208 ACRES
- HPM = Benchmark
- RMP = Reference marker

**MONUMENT LIST**
- FOUND AT 4TH PIPE, FOUR, UPRIGHT, IN A FLAT, IN THE CITY OF JUJIPUA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
- FOUND AT 1/4" IRON PIPE, ORNATE, FLAT, FITTED, IN THE CITY OF JUJIPUA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
- FOUND AT 1/4" IRON PIPE, ORNATE, FLAT, FITTED, IN THE CITY OF JUJIPUA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
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STAFF REPORT

DATE: NOVEMBER 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER

BY: STEVE R. LORISO, PE, CITY ENGINEER/DIRECTOR OF PUBLIC WORKS

SUBJECT: AGENDA ITEM NO. 14.F

RESOLUTIONS OF THE CITY COUNCIL ACCEPTING EASEMENT FOR FLOOD CONTROL FACILITIES AND CONVEYANCE OF EASEMENT FOR FLOOD CONTROL FACILITIES (PM 18810 – NORTH OF VAN BUREN BOULEVARD WEST OF BAIN STREET)

RECOMMENDATION

1. That the City Council adopt Resolution No. 2019-99, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING CERTAIN DRAINAGE EASEMENT FOR PARCEL MAP 18810 PURSUANT TO GOVERNMENT CODE SECTION 66477.2; and

2. That the City Council adopt Resolution No. 2019-100, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONVEYING CERTAIN DRAINAGE EASEMENT ON PARCEL MAP 18810 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BACKGROUND

Parcel Map 18810 (PM18810) was approved by the County of Riverside (County) on October 2, 1984 and recorded with the County Recorder’s Office on October 3, 1984. PM18810 is between San Sevaine Way on the north, Bain Street on the east and San Sevaine Channel on the south and west. Additionally, Parcel Map 36828 also known as Serrano Business Park was approved by the City on March 7, 2019 and lies in the southerly portion of PM18810.

At the time of recordation of PM18810, there was a drainage easement that was dedicated by the owner that was not accepted by the County. Subsequently, flood control
facilities were built in the easement and the Riverside County Flood Control and Water Conservation District (District) has requested that the City, successor to the County, accept the easement and convey it to the District.

ANALYSIS

The District will own, operate and maintain the flood control facilities within the easement. Construction of the required improvements within PM18810 have been completed. One (1) easement was not accepted by the County, however, pursuant to Government Code Section 66477.2, the City as successor to the County, is authorized to accept offers of dedication at a later date after initial rejection.

The second recommended action is for the conveyance of the newly accepted easement to the District in order for the District to maintain the flood control facilities constructed within PM18810. The conveyance of this one (1) easement to the District does not relinquish any other easements held by the City as it relates to Parcel 23 or part of the Map.

OTHER INFORMATION

Previous Actions:

- July 2018 – The City Council approved the agreement for Parcel Map 36828 between the City of Jurupa Valley, CRPF IV Bain, LLC and the Riverside County Flood Control and Water Conservation District

FINANCIAL IMPACT

There is no financial impact anticipated in the approval of these resolutions.

ALTERNATIVES

1. Take no action.
2. Provide alternative direction to staff.
Attachments:

1. Resolution No. 2019-99 (accepting an easement)
2. Resolution No. 2019-100 (conveying an easement)
3. Quitclaim Deed
RESOLUTION NO. 2019-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACCEPTING A CERTAIN DRAINAGE EASEMENT FOR PARCEL MAP 18810 PURSUANT TO GOVERNMENT CODE SECTION 66477.2

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

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

A. Parcel Map 18810 was recorded on October 3, 1984 as Document Number 215057 recorded in Book 124 of Parcel Maps at Pages 34-38 of the Official Records of Riverside County (“PM 18810”).

B. The owner of PM 18810 dedicated to the County of Riverside, the City’s predecessor in interest, a fifteen-foot wide drainage easement for construction and maintenance of drainage facilities (“subject drainage easement”).

C. The County did not accept the dedication of the subject drainage easement described in Section 1(b) of this Resolution pursuant to Government Code Section 66477.2.

D. The County’s land-use authority over zoning and subdivision transferred to the City upon incorporation.

E. Pursuant to Government Code Section 66477.2, the City is authorized to accept offers of dedication at a later date after initially rejecting offers of dedication.

F. The City now desires to accept the offer of dedication for the subject drainage easement described in Section 1(b) of this Resolution.

Section 2. Pursuant to the authority of Government Code Section 66477.2, the City Council hereby rescinds the rejection of the following offer of dedication for Parcel Map 18810
and accepts the following offer of dedication for Parcel Map 18810: a 15-foot drainage easement for the construction and maintenance of drainage facilities.

Section 3. The City Council of the City of Jurupa Valley authorizes and directs the City Clerk to cause a certified copy of this Resolution, attested to under her seal, to be recorded in the official records of the office of the County Recorder of the County of Riverside, State of California.

Section 4. This Resolution shall become effective immediately upon its passage and adoption.

Section 5. 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 7th day of November, 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. 2019-99 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on November 7, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, on November 7, 2019.

Victoria Wasko, City Clerk
City of Jurupa Valley
RESOLUTION NO. 2019-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CONVEYING A CERTAIN DRAINAGE EASEMENT ON PARCEL MAP 18810 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

Section 1. The City Council hereby finds and determines as follows:

(a) Parcel Map 18810 was recorded on October 3, 1984 as Document Number 215057 recorded in Book 124 of Parcel Maps at Pages 34-38 of the Official Records of Riverside County (“PM 18810”).

(b) The owner of PM 18810 dedicated to the County of Riverside, the City’s predecessor in interest, a fifteen-foot wide drainage easement for construction and maintenance of drainage facilities (“subject drainage easement”).

(c) The County did not accept the dedication of the subject drainage easement described in Section 1(b) of this Resolution pursuant to Government Code Section 66477.2.

(d) The County’s land-use authority over zoning and subdivision transferred to the City upon incorporation.

(e) Pursuant to Government Code Section 66477.2, the City is authorized to accept offers of dedication at a later date after the original dedication.

(f) Pursuant to City Council Resolution No. 2019-99 and in accordance with Government Code Section 66477.2, the City Council rescinded the rejection of the subject drainage easement and accepted the offer of dedication for the subject drainage easement made on Parcel Map 18810. The acceptance took effect upon recordation of Resolution No. 2019-99 accepting the subject drainage easement.

(f) The City Council now desires to convey the subject drainage easement described in Section 1(b) of this Resolution to the Riverside County Flood Control and Water Conservation District.

Section 2. The City Council hereby approves the Quitclaim Deed conveying the easement described in Section 1.(b) of this Resolution to the Riverside County Flood Control and Water Conservation District and authorizes the Mayor to execute the Quitclaim Deed conveying said easement in substantially the form set forth in Attachment A, attached hereto and incorporated herein as though set forth in full.

Section 3. The City Manager is hereby authorized, on behalf of the City, to take all actions necessary and convenient to carry out and implement the conveyance of the easement as
provided in this Resolution, and to administer the City’s obligations, responsibilities and duties to be performed for the conveyance.

Section 4. This Resolution shall become effective immediately upon its passage and adoption.

Section 5. 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 7th day of November, 2019.

____________________________
Brian Berkson
Mayor

ATTEST:

____________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA      
COUNTY OF RIVERSIDE    
CITY OF JURUPA VALLEY  

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-100 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 7th day of November, 2019, by the following votes, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 7th day of November, 2019.

______________________________
Victoria Wasko, CMC, City Clerk
City of Jurupa Valley
ATTACHMENT A

Quitclaim Deed
Recorded at request of, and return to:
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, California 92501

NO FEE (GOV. CODE 6103)

San Sevaine – Bain Street Storm Drain, Stage 2
Project No. 1-0-00058
Parcel Map 18810
APN 156-210-038

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF JURUPA VALLEY, does hereby remise, release, and forever quitclaim to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body politic, all right, title and interest in and to the 15 foot drainage easement for the purpose of the construction and maintenance of drainage facilities, situated in the city of Jurupa Valley, County of Riverside, State of California, described as:

See legal description attached hereto as Exhibit "A" and made a part hereof, to be referenced hereafter as RCFC Parcel No. 1058-502.

CITY OF JURUPA VALLEY

Date: ____________________________

By: ________________________________

BRIAN BERKSON, Mayor

ATTESTS:

VICTORIA WASKO
Clerk to the City of Jurupa Valley

By: ________________________________

City Clerk (SEAL)
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel No. 1058-502

That certain 15 foot wide Drainage Easement in the City of Jurupa Valley, County of Riverside, State of California, lying within Parcel 23 of Parcel Map No. 18810 filed in Book 124, Pages 34 through 38, inclusive, of parcel maps, records of said county.

Containing 7,903 square feet.

Date: 7-16-19

JAMES R. McNEILL

Land Surveyor No. 7752
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Quitclaim Deed, dated ________________, from CITY OF JURUPA VALLEY ("Grantor") to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("Grantee"), a body politic, is hereby accepted by the undersigned officer on behalf of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District pursuant to authority conferred by Resolution No. 474 of the Board of Supervisors of said District adopted on May 12, 1961, and the Grantee consents to the recordation thereof by its duly authorized officer.

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Date:_________________________  By: ________________________________

JASON E. UHLEY
General Manager-Chief Engineer
STAFF REPORT

DATE: NOVEMBER 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR

SUBJECT: AGENDA ITEM NO. 16.A

PUBLIC HEARING TO CONSIDER MASTER APPLICATION 19096 (MA19096) AND ZONING CODE AMENDMENT 19002 (ZCA19002) TO CHANGE SECTION 9.240.510 OF THE CITY OF JURUPA VALLEY ZONING CODE ADDING PROVISIONS AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS IN THE MANUFACTURING-MEDIUM (M-M) ZONE

RECOMMENDATION

1. That the City Council conduct a public hearing, receive public comment, close the public hearing; and

2. That the City Council conduct a first reading and introduce Ordinance No. 2019-10, entitled:

   AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 9.240.510 TO MODIFY THE PERMITTED ZONING AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS

BACKGROUND

On August 2, 2018, Mobile Modular Management Corporation submitted a letter to City staff requesting that the City Council initiate a zoning code text amendment (see Attachment 4) for the purposes of establishing that the present uses on the property are legally or conditionally permitted.

Mobile Modular Management Corporation currently operates a business at 11450 Mission Boulevard that leases and sells portable/modular units, and includes prefab buildings and customizable modular buildings for office trailers, portable classrooms, sales offices, etc., as well as “decommissioned” (no longer needed by the shipping industry) metal shipping containers that are modified for use as portable offices or storage for sale or lease.
Staff reviewed the zoning provisions for the property (M-M Zone) and for metal shipping containers (Section 9.240.510), and determined that the activity for *Mobile Modular Portable Storage* is not allowed on the site. Section 9.240.510 states that metal shipping containers are prohibited in any zone, due to their impact on the aesthetic appearance of the community. Mobile Modular Management Corporation has been cited for a code violation for the sale and lease of metal shipping containers on the site as a principal use. Mobile Modular Management Corporation staff have expressed interest in selling metal shipping containers as one of their products on the property for the purposes of refurbishing them to sell and lease as portable offices or storage.

The above issues were presented to the City Council at a public hearing on September 6, 2018. Because surplus shipping containers are increasingly being refurbished and used for other purposes, and allowing them as a principal use in one industrial zone with appropriate development standards to address aesthetics concerns may potentially allow for growth and expansion in some businesses, the City Council (Council) was amenable to considering the potential impacts of such an amendment. As such, at the September 6, 2018 hearing, Council initiated a code amendment for staff to research, study and prepare language for Planning Commission consideration that provides modifications to the permitted zoning and development standards for metal shipping containers.

The Planning Commission considered the amendment during a noticed public hearing on May 22, 2019 and voted 5-0 to recommend the Council’s adoption of the proposed amendments. Though this item was triggered by Mobile Modular, it is an amendment to the zoning code that affects all land in the City and should be evaluated in that light.

On August 1, 2019, the City Council held a public hearing on the proposed Code Amendment. Following the receipt of public testimony the City Council closed the public hearing and deliberated. Following deliberation, there was a motion and a second to introduce the Ordinance approving the proposed Code Amendment. However, the motion failed on a 2-2-1 vote, with Council Member Goodland absent.

At the September 19, 2019 meeting, Council Member Goodland made a motion that the Council reconsider the proposed Code Amendment, noting that he was absent during the Council’s consideration of the item on August 1, 2019. The City Council voted 5-0 to reconsider the item, and also directed staff to make certain additional revisions to the proposed Code Amendment that would further limit the areas in which shipping containers could be used as a principal use for the Council’s consideration during a future public hearing.

**ANALYSIS**

**Existing Zoning and Standards for Metal Shipping Containers**

Section 9.240.510 of the City of Jurupa Valley Zoning Code establishes minimum development standards for the placement of metal shipping containers within the City. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare. Pursuant to this Section:

1. Metal shipping containers shall not be allowed as a principal use in any zone.
(2) Metal shipping containers shall be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

(3) In commercial and industrial zones, placement of metal shipping containers as an accessory use is permitted provided a site development permit has been approved pursuant to the provisions of Section 9.240.330 or the placement has been approved as part of an approved site development permit, conditional use permit or public use permit.

As noted above, shipping containers are currently not allowed as a permitted principal use in any zone in the City.

Mobile Modular Management Corporation has indicated that the metal shipping containers on the site are not active shipping containers, but rather are units that have been modified and can no longer be used for shipping. These “decommissioned” units, which are no longer needed by the overseas shipping industry, are then substantially altered to become portable offices or other storage units. The modifications include installation of locking devices, and other modifications to insure the units are wind-and water-tight. Once the modifications are complete, the units then may be used as portable offices or other storage.

Notwithstanding the applicant’s statement that these shipping containers are no longer needed for their original purpose, the units are metal shipping containers that are being modified for another use. The metal shipping containers have previously been stacked and visible on the northeastern portion of the property.

Economic Development

Shipping containers are increasingly being refurbished and used for other purposes, and allowing them as a principal use may allow for growth and expansion in some businesses. The code amendment would be consistent with economic development goals to respond to changing industry needs -- so long as land use compatibility and aesthetic concerns associated with metal shipping containers are addressed.

Land Use Compatibility

Land use compatibility is of concern. Currently, shipping containers are not permitted as a principal use in any zone. They are permitted as an accessory use with standards in certain zones, and as a temporary use in all zones for construction. To address land use compatibility, the proposed code amendment has been modified, in response to Council direction, by restricting the location of such uses in the following ways:

- Allowing metal shipping containers as a principal use only when:
  - Used in part or in whole as a product or service to be leased or sold to end users for use off-site, including raw material for inventory and finished product when refurbished or modified,
  - Permitted only in the M-M Zone and
- Subject to a City Council approval of a Conditional Use Permit where further conditions of approval can be established.

- The M-M zone is located in two areas of the City – the northwest portion near Interstate 15 and SR 60, and the northeast portion adjacent to the Agua Mansa Industrial Corridor. Both areas are primarily bordered by other industrial zones. There are a limited number of M-M zoned sites in the City, and the majority are developed with industrial buildings and limited room for shipping containers as a principal use.

- The minimum site size shall be eighty (80) acres. This limits the potential M-M sites to only three: 1) Mobile Modular which is 89 acres; 2) 3401 Etiwanda Avenue, which is owned by BRE Space Mira Loma (Space Center), is 105 acres, which is completely built out with 9 warehousing and distribution warehouses and therefore unlikely to tear down buildings to make room to accommodate shipping containers, and 3) the Rubidoux Commerce Park (Proficiency) site in the Agua Mansa area that is 81 acres in size and is currently being reviewed as a logistics project with 1.3 million square of building area. Proficiency is not proposing to have shipping containers as a principal use.

- To further reduce potential incompatible land adjacency issues, metal shipping containers are prohibited from being located within one thousand (1,000) feet of an existing residential neighborhood or zone.

Also, for commercial cannabis uses, it should be noted, that per the regulations imposed by the State Bureau of Cannabis Control, all structures included as part of the licensed premises shall be permanently affixed to the land by a method that would cause the structure to ordinarily remain affixed for an indefinite period of time. Structures that will not be considered to be permanent structures include, but are not limited to, shipping containers that are not affixed to the land, modular buildings that are not affixed to the land, structures that rest on wheels, or any structure that can be readily moved. Therefore, shipping containers cannot be used in conjunction with commercial cannabis use and activity on any site in the City.

**Aesthetics**

As described previously, decommissioned shipping containers are increasingly being refurbished and used for other purposes, and may represent an area of growth in some manufacturing businesses. Nonetheless, shipping containers are considered unsightly and potentially represent ongoing and increasing visual blight in the city, even in an industrial zone. As such, the proposed ordinance includes the following development standards that would require screening to address aesthetics concerns:

- Metal shipping containers shall not be stacked more than two containers high, or a maximum of twenty (20) feet in height.
- Metal shipping containers that are not stacked and do not exceed ten (10) feet in height shall be located a minimum of twenty (20) feet from any public right-of-way.
- Metal shipping containers that are stacked shall be located a minimum of sixty (60) feet from any public right-of-way.
• Metal shipping container(s) shall be stored within a wholly enclosed building or fully screened by a ten (10) foot high solid decorative wall between any public street and the area where the metal shipping containers are to be located on the site, except that the Planning Commission may approve an alternative design if the applicant demonstrates that:

(i) The metal shipping containers shall be fully screened from public rights-of-way that are elevated less than 15 feet above the project site due to location on the site, topography, placement of other permanent facilities on the site, or any combination screening measures satisfactory to the Planning Commission; and

(ii) Such alternate method of screening is equivalent and will be maintained continuously for the life of the conditional use permit.

• Any wall constructed to satisfy this subsection shall be located a minimum of twenty (20) feet from the edge of the street or sidewalk, and a minimum twenty (20) foot wide landscaped buffer shall be provided in the area between the wall and the public street.

• In addition to the standards that address visual impact, an office building in a permanent structure for sales and administrative purposes shall be provided on the same parcel where the metal shipping container business is taking place, and shall meet the development standards of the underlying M-M Zone.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The adoption of the proposed amendment falls under the “general rule” that only applies to projects that have a potential for causing a significant effect on the environment (15061(b)(3)). The project is an administrative process of the City that will not result in any direct or indirect physical changes to the environment.

FINANCIAL IMPACT

There are no financial impacts associated with the code amendment as the Applicant has covered all associated costs for processing.

CONCLUSION

The intent of this amendment would be to allow for and regulate the location and nature of shipping containers as a principal use when they are used in part or in whole as a product or service to be leased or sold to end users for use off-site, including raw material for inventory and finished product when refurbished or modified. The limited zoning and development standards are intended to prevent blight and preserve the aesthetic quality of the City. Because shipping containers are increasingly being refurbished and used for other purposes, allowing them as a principal use may potentially allow for growth and expansion in some businesses and support economic development in the City. If adopted, the proposed amendment would prevent negative impacts by allowing shipping container uses (a) in only one manufacturing zone (M-M), (b) with a Conditional Use Permit that (c) must be approved by the City Council and (d) with appropriate development standards including a minimum site of 80 acres.
ALTENRATIVES

1. That the City Council conduct a first reading and introduce Ordinance No. 2019-10 amending Section 9.240.510 of the Jurupa Valley Municipal Code to modify the permitted zoning and development standards for metal shipping containers.

2. Elect not to approve the proposed Zoning Code Amendment and continue to regulate shipping containers under the existing code pursuant to Section 9.240.510.

3. Give staff input regarding appropriate policy for shipping containers and direct staff to return to the Council for further discussion.

4. Give staff input regarding appropriate policy for shipping containers to be incorporated into a draft Code Amendment and refer the matter back to the Planning Commission for recommendation to the City Council.

Prepared by:

Thomas G. Merrell, AICP
Planning Director

Submitted by:

Alan Kreimeier
Interim City Manager

Reviewed by:

Connie Cardenas
Interim Administrative Services Director

Reviewed by:

Peter M. Thorson
City Attorney

Reviewed by:

George A. Wentz
Deputy City Manager

Attachments:

1. Map of M-M Zoning
2. City Council Ordinance No. 2019-10
3. City Council Minutes September 19, 2019
ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA,
AMENDING THE JURUPA VALLEY MUNICIPAL CODE CONCERNING
METAL SHIPPING CONTAINERS, 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) At the September 6, 2018 regular City Council meeting, the City Council
initiated an amendment to Section 9.240.510 ("Metal Shipping Containers") of Chapter 9.240
("General Provisions") of Title 9 ("Planning and Zoning") of the Jurupa Valley Municipal Code,
concerning modifications to the permitted zoning and development standards for metal shipping
containers (the "Code Amendment") and requested that the Planning Commission study and report on
the proposed Code Amendment, as set forth in this Ordinance.

(b) On May 22, 2019, the Planning Commission of the City of Jurupa Valley held
a public hearing on the proposed Code Amendment set forth in this Ordinance, at which time all
persons interested in the proposed Code Amendment had the opportunity and did address the
Planning Commission on these matters. Following the receipt of public testimony the Planning
Commission closed the public hearing. At the conclusion of the Planning Commission hearings and
after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-
05-22-04 recommending that the City Council approve the proposed Code Amendment.

(c) On August 1, 2019, the City Council of the City of Jurupa Valley held a duly
noticed public hearing on the proposed Code Amendment, at which time all persons interested in the
Project had the opportunity and did address the City Council on these matters. Following the receipt
of public testimony the City Council closed the public hearing, duly considered the written and oral
testimony received, and deliberated. One Council Member was absent and the motion failed to pass,
with two ayes and two noes.

(d) At the September 19, 2019 meeting, Council Member Micheal Goodland
recommended that this item be brought back to the Council, noting that he was absent this item came
to a vote and the application was denied. The City Council voted to bring the item back to the Council
and directed staff to make certain additional revisions to the proposed Code Amendment to provide
stronger language to further limit the areas where shipping containers could be used as a principal use
where they would be undesirable for the Council’s consideration during a future public hearing.

(e) On November 7, 2019, the City Council of the City of Jurupa Valley held a duly
noticed public hearing on the proposed Code Amendment, at which time all persons interested in the
Project had the opportunity and did address the City Council on these matters. Following the receipt
of public testimony the City Council closed the public hearing and duly considered the written and oral
testimony received.

(f) 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, permitting metal shipping containers in the M-M Zone and adopting development standards for such containers, 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 applications for Conditional Use Permits for metal shipping containers on premises located within the M-M Zone 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. **Project Findings.** The City Council hereby finds, as required by the Jurupa Valley Ordinances and applicable state law, that the proposed Code Amendment should be adopted because:

(a) The proposed Code Amendment is consistent with Policy LU-3.12 of the Land Use Element of the City of Jurupa Valley General Plan in that it accommodates the continuation of existing industrial and manufacturing development in areas designated by the General Plan, specific plans, community and town center plans. It also supports goals ES-2 and ES-3 of the Economic Sustainability Element by helping to maintain a sustainable industrial base that supports skilled and professional employment and contributes to the local economy, and being a City with a diversity of commercial enterprises that meet local needs.

Section 4. **Amendment to Subparagraph B., Permitted Zoning and Development Standards, of Section 9.240.510., Metal Shipping Containers.** Subparagraph B., Permitted Zoning and Development Standards, of Section 9.240.510., Metal Shipping Containers, of Chapter 9.240, General Provisions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"B. **Permitted zoning and development standards.** Placement of metal shipping containers shall be subject to the following limitations:

(1) Metal shipping containers shall not be allowed as a principal use in any zone, except as provided in subsection B.(2) of this section.

(2) Metal shipping containers used in part or in whole as a product or service to be leased or sold to end users for use off-site, including raw material for inventory and finished product when refurbished or modified, shall be permitted in the M-M Zone, provided a conditional use permit has been approved under the provisions of Section 9.240.280, except that the City Council shall be the hearing body, and provided that the metal shipping containers comply with the following development standards:

(a) The minimum site size shall be eighty (80) acres. For purposes of this subsection B.(2)(a), a “site” shall mean a legal parcel or combination of parcels developed as a unified development."
(b) Metal shipping containers shall not be stacked more than two containers high, or a maximum of twenty (20) feet in height.

(c) Metal shipping containers that are not stacked and do not exceed ten (10) feet in height shall be located a minimum of twenty (20) feet from any public right-of-way.

(d) Metal shipping containers that are stacked shall be located a minimum of sixty (60) feet from any public right-of-way.

(e) Metal shipping container(s) shall be stored within a wholly enclosed building or fully screened by a ten (10) foot high solid decorative wall between any public street and the area where the metal shipping containers are to be located on the site, except that the Planning Commission may approve an alternative design if the applicant demonstrates that:

(i) The metal shipping containers shall be fully screened from public rights-of-way that are elevated less than 15 feet above the project site due to location on the site, topography, placement of other permanent facilities on the site, or any combination screening measures satisfactory to the Planning Commission; and

(ii) Such alternate method of screening is equivalent and will be maintained continuously for the life of the conditional use permit.

Any wall constructed to satisfy this subsection shall be located a minimum of twenty (20) feet from the edge of the street or sidewalk, and a minimum twenty (20) foot wide landscaped buffer shall be provided in the area between the wall and the public street.

(f) An office building in a permanent structure for sales and administrative purposes shall be provided on the same parcel where the metal shipping container business is taking place, and shall meet the development standards of the underlying M-M Zone.

(g) The minimum separation distance between metal shipping containers and buildings or on-site storage shall be per the requirements of the Fire Code of the City of Jurupa Valley, and shall be verified by annual inspections by the County Fire Department and designated city staff. Such inspections shall be subject to an inspection fee as adopted by resolution of the City Council.

(h) Metal shipping containers shall not be located within one thousand (1,000) feet of an existing residential neighborhood or zone.

(3) Metal shipping containers shall be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

(4) In commercial and industrial zones, placement of metal shipping containers as an accessory use is permitted provided a site development permit has been approved pursuant to the provisions of Section 9.240.330 or the placement has been approved as
part of an approved site development permit, conditional use permit or public use permit.

(5) In all zones, other than commercial and industrial zones, placement of metal shipping containers is allowed as an accessory use subject to the following development standards:

(a) The minimum lot size shall be five (5) acres.

(b) No more than one metal shipping container shall be permitted on any parcel.

(c) The setback from all property lines shall be a minimum of fifty (50) feet.

(d) Placement shall be to the rear of the main building on the rear half (\(\frac{1}{2}\)) of the property.

(e) The metal shipping container shall be fully screened by an opaque fence or fast-growing landscaping. Fencing may not be provided by any type of chain link fencing.

(f) The metal shipping container shall be painted a neutral color."

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

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

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of November, 2019.

______________________________
Brian Berkson
Mayor
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. 2019-10 was regularly introduced at a regular meeting of the City Council held on the 7th day of November, 2019 and thereafter at a regular meeting held on the 21st day of November, 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 21st day of November, 2019.

________________________________
Victoria Wasko, CMC
City Clerk
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 Michele 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&LMD 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 STRIPE 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 Stripping 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 Virture 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
(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

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 Micheal 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

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

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,

[Signature]

Victoria Wasco, CMC
City Clerk
MINUTES
OF THE REGULAR MEETING
OF THE JURUPA VALLEY CITY COUNCIL
August 1, 2019

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

1. 6:15 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 6:20 p.m. Council Member Michael Goodland was absent.

City Attorney Peter Thorson announced that Mayor Pro Tem Anthony Kelly will not participate in the Closed Session due to the fact that he lives close to the subject of the Closed Session.

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 – POTENTIAL LITIGATION.

The City Council met in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation involving the City. Based on existing facts and circumstances, the City Council will decide whether to defend or initiate litigation.

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

A. ANNOUNCEMENT OF ANY REPORTABLE ACTION IN CLOSED SESSION

Mayor Berkson announced that there were no reportable actions taken.
4. CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

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

Mayor Berkson called the regular meeting to order at 7:07 p.m. Council Member Michael Goodland was absent.

5. INVOCATION was given by Pastor Kermit R. Perry, 3Ps Christian Ministries.

6. PLEDGE OF ALLEGIANCE was led by Terri Rollings, Assistant to the City Manager/PIO.

7. APPROVAL OF AGENDA

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

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

8. PRESENTATIONS

A. JURUPA ROAD GRADE SEPARATION PROJECT STATUS AND DIRECTION TO STAFF

Jim Smith, Special Projects Advisor introduced Patrick Somerville, Project Manager representing HNTB, who gave a presentation on the Jurupa Road Grade Separation Project. It was noted that the project has been environmentally cleared and the project design is 65% complete. As all funds must be expended by June 30, 2023, this project is on a very tight schedule. The right-of-way acquisition has commenced and meetings have been held with the community and the stakeholders.

In response to Council Member Lorena Barajas, it was noted that the project has a very aggressive construction schedule due to the funding requirements. Mayor Berkson reviewed the additional improvements on Rutile Street, 52nd Street and Pedley Road. He also inquired about how long the intersection would be closed (approximately 24 months) and the improvements to the south side of Jurupa Road.

Council Member Chris Barajas spoke about the impact to the businesses affected by the project. He inquired if a community outreach meeting could be held with
the businesses sooner than the one planned in early 2020. Discussion was held regarding the types of assistance available to businesses and it was noted that additional outreach would be provided. Mr. Somerville confirmed that equestrians will be able to use the buttons at the new traffic signals. He also indicated to Council Member Chris Barajas that parking restrictions could be implemented along the detour routes.

Mayor Pro Tem Anthony Kelly reviewed the equestrian and pedestrian trails to be provided for the project. He also reviewed the planned landscaping, and inquired about the large piece of land owned by Union Pacific Railroad, which will be gated to restrict access to the property. Council Member Chris Barajas suggested that the landscaping design could be modified to help deter panhandlers from the intersections.

B. SOLID WASTE PROGRAM – PRESENTED BY WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

Kyle Rodriguez, Staff Analyst, WRCOG, presented an update on the work the Solid Waste Committee has been doing and the development of solid waste regulations on recycling by the State. He addressed the mandatory commercial recycling program in Assembly Bill 341, the mandatory organics recycling guidelines in Assembly Bill 1826 and the short lived climate pollutants identified in Senate Bill 1383. He noted that WRCOG and the Solid Waste Committee will continue to provide resources and assist member agencies in meeting California’s recycling goals.

Sean McGovern, Senior Management Analyst noted that the compliant numbers are being increased but there is still much work to do. He indicated the need to consider a more formal enforcement program to help the City remain in compliance with the State’s goals.

C. PRESENTATION FROM ONEBODY CHARITABLE ORGANIZATION

Pastor Kermit Perry and Pastor Calvin Belcher provided information about ONEBODY, which is an organized group of local congregations, community groups and businesses committed to the physical and spiritual well-being of families in the Inland Empire area. In response to Council Member Lorena Barajas, it was noted that funding for 500 pairs of shoes is needed.

D. PRESENTATION FROM HABITAT FOR HUMANITY RIVERSIDE

Matt Friedlander, Director of Resource Development provided information about Habitat for Humanity Riverside. He spoke about the construction of 26 energy efficient, single-family homes in Jurupa Valley for veterans. Mr. Friedlander announced the 4th Annual Over the Edge fundraiser on Saturday, August 24, 2019.
9. PUBLIC APPEARANCE/COMMENTS

Spencer Rogers appreciated the work of code enforcement in curbing the illegal food truck vendors. He supports the mobile food trucks that operate legally in the City.

Bernard Murphy spoke about the need for CalTrans to clean up the landscaping along Limonite and Van Buren. He also encouraged the use of drought resistant landscaping.

Eddie Torres was present representing Assembly Member Sabrina Cervantes. He reported that the State budget has been passed and outlined the projects in the budget that benefit the City.

Jennifer Snyder indicated that she owned poultry and spoke about her concerns with the California Department of Food and Agriculture. She stated that residents can bring their birds to the front gate to be inspected, with the understanding that someone will still need to conduct a security check on the back yard.

Dennis John White indicated that his birds are kept at his father’s home. As his father is illiterate, clarification was needed on the notification that was received from the California Department of Food and Agriculture. Mr. White expressed concerns with the actions of the CDFA, noting that they did not follow proper protocol when they inspected the property.

Scott Lewis expressed concerns with homeless individuals in the medians. He indicated that the police are not responsive to this concern, nor did they respond to calls regarding illegal fireworks in the City. In response Mayor Berkson noted that concerned residents can contact the Sheriff’s Department and obtain an update on their call for service.

10. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

Mayor Pro Tem Anthony Kelly reported on a Backpack Drive at the Rubidoux Missionary Baptist Church on Saturday, August 3, 2019 from 11:00 a.m. to 2:00 p.m.

Mayor Brian Berkson reported that National Night Out will be held on Tuesday, August 6, 2019 at Silverlakes. Also, he reported that the City of Jurupa Valley’s first annual parade will be on Saturday, November 2, 2019.

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

A. MAYOR BRIAN BERKSON

2. Mayor Brian Berkson provided an update on the Metrolink / Southern California Regional Rail Authority Board workshop meeting on July 26, 2019.

B. MAYOR PRO TEM ANTHONY KELLY, JR.


12. CITY MANAGER’S UPDATE

There was no report.

13. APPROVAL OF MINUTES

A. JULY 18, 2019 REGULAR MEETING

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Lorna Barajas, to approve the Minutes of the July 18, 2019 regular meeting and the Minutes of the July 18, 2019 special meeting.

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

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 $1,892,764.17

Requested Action: That the City Council ratify the check registers dated July 11, and 18 as well as the payroll registers dated July 17, 2019.

C. ORDINANCE NO. 2019-08

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-08, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 9.100.030 (“MINIMUM AREA FOR ZONE”) OF
D. ORDINANCE NO. 2019-09

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2019-09, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, 177-110-005) FROM ONE (1) FAMILY DWELLINGS (R-1) ZONE TO PLANNED RESIDENTIAL (R-4) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA (HIGHLAND PARK 2)

E. APPROVAL OF PARCEL MAP 37165 LOCATED ON THE SOUTHWEST CORNER OF SOTO AVENUE (PRIVATE) AND JURUPA ROAD INCLUDING ACCEPTANCE OF OFFERS OF DEDICATION, APPROVAL OF SUBDIVISION AGREEMENTS, AND ACCEPTANCE OF IMPROVEMENT BONDS (R&R ROSAS 2008 FAMILY TRUST)

1. Requested Action: That the City Council approve Parcel Map 37165 and accept the dedications as follows:

   a. Accept the real property described as an easement for public utility purposes together with the right of ingress and egress for emergency vehicles Lots “A” and “B”, inclusive as shown on Parcel Map 37165.

   b. Accept the real property described as an easement for public utility purposes within a five foot wide strip easement on Parcel 1 indicated as “sewer easement”, with the right of ingress and egress for maintenance purposes as shown on Parcel Map 37165.

2. Authorize the Mayor and City Clerk to sign Parcel Map 37165.

3. Approve and authorize the Mayor and City Clerk to execute the Survey Monument Agreement.

4. Accept the Survey Monumentation Bond as a cash deposit in the amount of $2,160.
F. APPROVAL OF PARCEL MAP 37125 BOUNDED BY VAN BUREN BOULEVARD ON THE NORTH, ETIWANDA AVENUE ON THE EAST, RIVERSIDE DRIVE ON THE SOUTH, AND DAY CREEK CHANNEL ON THE WEST INCLUDING ACCEPTANCE OF OFFERS OF DEDICATION, APPROVAL OF SUBDIVISION AGREEMENTS, AND ACCEPTANCE OF IMPROVEMENT BONDS (GREENS INV 6, LLC)

1. Requested Action: That the City Council approve Parcel Map 37125 and accept the dedications as follows:
   a. Accept the real property for streets and public utility purposes over all of Lots “A” and “B” as shown on Parcel Map 37125.
   b. Accept the easement for pedestrian access as shown on Parcel Map 37125.

2. Authorize the Mayor and City Clerk to sign Parcel Map 37125.

3. Approve and authorize the Mayor and City Clerk to execute the Subdivision Improvement Agreements.

4. Accept the Faithful Performance Bond No. SUR0055797 in the amount of $2,219,000 and Material and Labor Bond No. SUR0055797 in the amount of $1,109,500 from Argonaut Insurance Company for the construction of Improvements and Subdivision Monumentation Bond as a cash deposit in the amount of $2,160.

G. ADOPTION OF RESOLUTIONS REGARDING THE ANNEXATION OF ZONE L (PM 37125 FLABOB) TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&LMD 89-1-C”), 42ND STREET AT FORT DRIVE AND TWINING STREET, AND RUBIDOUX BLVD. SOUTH OF TILTON AND NORTH OF 42ND STREET

1. Requested Action: That the City Council adopt Resolution No. 2019-64, entitled:

CALIFORNIA STREETS AND HIGHWAYS CODE AND ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

2. That the City Council adopt Resolution No. 2019-65, entitled:


3. That the City Council adopt Resolution No. 2019-66, entitled:


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

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

15. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

16. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER MASTER APPLICATION 19096 (MA19096) AND ZONING CODE AMENDMENT 19002 (ZCA19002) TO CHANGE SECTION 9.240.510 OF THE CITY OF JURUPA VALLEY ZONING CODE ADDING PROVISIONS AND DEVELOPMENT
STANDARDS FOR METAL SHIPPING CONTAINERS IN THE MANUFACTURING-MEDIUM (M-M) ZONE

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

Jean Ward, Senior Planning Consultant presented the staff report.

Further discussion followed.

Jeff Heitmann, representing McGrath Rentcorp., spoke in support of the proposed Ordinance.

Spencer Rogers inquired if the proposed Ordinance would allow metal shipping containers to be used by the public. He noted that they could be modified to provide sleeping arrangements for the homeless or a secure place for hay and tack.

Betty Anderson expressed a concern with McGrath Rentcorp’s landscaping. She also pointed out the number of illegal metal storage containers that are all over the City. Ms. Anderson voiced opposition to the Ordinance as it would encourage everyone to keep their illegal metal shipping containers.

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

Further discussion followed.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Mayor Brian Berkson, to introduce Ordinance No. 2019-10, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 9.240.510 OF THE JURUPA VALLEY MUNICIPAL CODE TO MODIFY THE PERMITTED ZONING AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS

Ayes: B. Berkson, A. Kelly
Noes: C. Barajas, L. Barajas
Absent: M. Goodland
MOTION FAILED

B. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE N) 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; SOUTHEAST CORNER OF RUBIDOUX BOULEVARD AND 26TH STREET (MIDLAND CARRIERS)
Steve Loriso, City Engineer, presented the staff report.

Mayor Berkson opened the public hearing.

Debra McNay, Deputy City Clerk, reported that one owner cast one ballot. All votes cast were in favor of the annexation.

A motion was made by Council Member Chris Barajas, seconded by Mayor Pro Tem Anthony Kelly, to adopt Resolution No. 2019-67 entitled:


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

17. COUNCIL BUSINESS

A. ADOPTION OF COMMUNITY SERVICE GRANTS FUNDING POLICY AND AWARD OF COMMUNITY SERVICES GRANTS TO ONEBODY SHOE DRIVE AND HABITAT FOR HUMANITY

City Attorney Peter Thorson presented the staff report.

Council Member Lorena Barajas discussed a request made by the ONEBODY charitable organization for its OneShoe Campaign that would pay for 500 pairs of shoes.

Kim Johnson expressed a concern with the use of taxpayer dollars to fund non-profits in the City. She noted the many projects that the City should be funding. While she appreciated the work that these non-profits are doing, she opposed the approval of the Community Service Grant Policy and the award of the grants.

Further discussion followed about the possible use of Community Development Block Grant funding. As the CDBG funds have already been allocated, Council
Member Chris Barajas suggested that the Community Service Grants Funding policy be revised to include the CDBG rules.

Mayor Brian Berkson indicated that the revised policy should also provide for an application period, preferably prior to the adoption of the City’s budget. Also, the policy should provide a maximum dollar amount, reporting requirements and penalty for not adhering to the policy.

Further discussion followed.

By consensus, the City Council tabled the matter for 45 days so that the Community Service Grants Funding Policy could be revised.

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

B. ADOPTION OF A RESOLUTION AMENDING THE SCHEDULE OF PARKING FINES AND LATE PAYMENT PENALTIES FOR PARKING VIOLATIONS WITHIN THE CITY OF JURUPA VALLEY

Steve Loriso, City Engineer, presented the staff report.

Betty Anderson voiced concern that the truck drivers are ignoring the parking restrictions on Riverside Drive. Also, she stressed that the curbs should be thoroughly marked and enforced.

Further discussion followed.

In response to the City Council, City Attorney Peter Thorson clarified that the maximum fine provided by the County of Riverside is $1,000.00.

Mayor Pro Tem Anthony Kelly referenced Jurupa Valley Municipal Code Section 12.25.020, noting that providing a fine to the homeless population could be considered harassment. In response, City Attorney Peter Thorson stressed the need to enforce the regulations equally.

A motion was made by Council Member Chris Barajas, seconded by Mayor Pro Tem Anthony Kelly, to adopt Resolution 2019-68 as amended to list a $40.00 fine for Violating JVMC Section 12.25.020, a $1,000.00 fine for Violating JVMC Section 12.25.130 (Commercial Vehicle over 10K GVWR) and a $1,000.00 fine for Violating JVMC Section 12.25.130 (Commercial or Semi-Trailer in Residential Area), entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE SCHEDULE OF PARKING...
Penalties for Parking Violations and Late Payment Penalties Pursuant to the Authority of the California Vehicle Code Section 40203.5 and the Municipal Code of the City of Jurupa Valley; and

Repeal Resolution 2018-44.

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

C. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Market Street Bridge Replacement Project

Mike Myers, Assistant City Engineer, presented the staff report.

Further discussion followed.

Council Member Lorena Barajas left the meeting at 9:20 p.m.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Chris Barajas, to adopt Resolution 2019-69, entitled:

A Resolution of the City Council of the City of Jurupa Valley, California, Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Proposed Market Street Bridge Replacement Project

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

D. Western Community Energy Update - Reaffirmation of Participation in the Community Choice Aggregation Program

Tyler Masters, Western Community Energy Program Manager, presented the report.

Further discussion followed.

A motion was made by Council Member Chris Barajas, seconded by Mayor Pro Tem Anthony Kelly, to reaffirm the City’s membership in the Western Community Energy Community Choice Aggregation program.
18. **CITY ATTORNEY’S REPORT**

City Attorney Peter Thorson had no report.

19. **COUNCIL MEMBER REPORTS AND COMMENTS**

Mayor Brian Berkson requested an update in 30 days on the participation/cost sharing agreement to evaluate the feasibility of creating a Police Services Joint Powers Authority.

Mayor Pro Tem Anthony Kelly noted the need to perform traffic studies and improve the residential streets that will be affected by the Market Street Bridge project.

20. **ADJOURNMENT**

There being no further business before the City Council, Mayor Berkson adjourned the meeting at 9:45 p.m.

The next meeting of the Jurupa Valley City Council will be held August 15, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

Respectfully submitted,

[Signature]

Debra McNay, MMC
Deputy City Clerk
STAFF REPORT

DATE: AUGUST 1, 2019

TO: MAYOR BERKSON AND CITY COUNCIL

FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: JEAN WARD, AICP, SENIOR PLANNING CONSULTANT

SUBJECT: AGENDA ITEM NO. 16.A

PUBLIC HEARING TO CONSIDER MASTER APPLICATION 19096 (MA19096) AND ZONING CODE AMENDMENT 19002 (ZCA19002) TO CHANGE SECTION 9.240.510 OF THE CITY OF JURUPA VALLEY ZONING CODE ADDING PROVISIONS AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS IN THE MANUFACTURING-MEDIUM (M-M) ZONE

RECOMMENDATION

1) That the City Council conduct the public hearing, receive public comment, and close the public hearing; and

2) That the City Council conduct a first reading and introduce Ordinance No. 2019-10, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 9.240.510 OF THE JURUPA VALLEY MUNICIPAL CODE TO MODIFY THE PERMITTED ZONING AND DEVELOPMENT STANDARDS FOR METAL SHIPPING CONTAINERS

BACKGROUND

On August 2, 2018, Mobile Modular Management Corporation submitted a letter to City staff requesting that the City Council initiate a zoning code text amendment (see Attachment 4) for the purposes of establishing that the present uses on the property are legally or conditionally permitted.

Mobile Modular Management Corporation currently operates a business at 11450 Mission Boulevard that leases and sells portable/modular units, and includes prefab buildings and customizable modular buildings for office trailers, portable classrooms, sales offices, etc., as well as “decommissioned” (no longer needed by the shipping
industry) metal shipping containers that are modified for use as portable offices or storage for sale or lease.

Staff reviewed the zoning provisions for the property (M-M Zone) and for metal shipping containers (Section 9.240.510), and determined that the activity for Mobile Modular Portable Storage is not allowed on the site. Section 9.240.510 states that metal shipping containers are prohibited in any zone, due to their impact on the aesthetic appearance of the community. Mobile Modular Management Corporation has been cited for a code violation for the sale and lease of metal shipping containers on the site as a principal use. Mobile Modular Management Corporation staff have expressed interest in selling metal shipping containers as one of their products on the property for the purposes of refurbishing them to sell and lease as portable offices or storage.

The above issues were presented to the City Council at a public hearing on September 6, 2018. Because decommissioned shipping containers are increasingly being refurbished and used for other purposes, and allowing them as a principal use in one industrial zone with appropriate development standards to address aesthetics concerns may potentially allow for growth and expansion in some businesses, the City Council (Council) was amenable to considering the potential impacts of such an amendment. As such, at the September 6, 2018 hearing, Council initiated a code amendment for staff to research, study and prepare language for Planning Commission consideration that provides modifications to the permitted zoning and development standards for metal shipping containers.

The Planning Commission considered the amendment during a noticed public hearing on May 22, 2019 and voted 5-0 to recommend the Council's adoption of the proposed amendments. Though this item was triggered by Mobile Modular, it is a city-wide amendment and should be evaluated in that light.

ANALYSIS

Existing Zoning and Standards for Metal Shipping Containers

Section 9.240.510 of the City of Jurupa Valley Zoning Code establishes minimum development standards for the placement of metal shipping containers within the City. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare. Pursuant to this Section:

(1) Metal shipping containers shall not be allowed as a principal use in any zone.

(2) Metal shipping containers shall be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

(3) In commercial and industrial zones, placement of metal shipping containers as an accessory use is permitted provided a site development permit has been approved pursuant to the provisions of Section 9.240.330 or the placement has been approved as part of an approved site development permit, conditional use permit or public use permit.
As noted above, shipping containers are currently not allowed as a permitted principal use in any zone in the City.

Mobile Modular Management Corporation has indicated that the metal shipping containers on the site are not active shipping containers, but rather are units that have been modified and can no longer be used for shipping. These “decommissioned” units, which are no longer needed by the overseas shipping industry, are then substantially altered to become portable offices or other storage units. The modifications include installation of locking devices, and other modifications to insure the units are wind- and water-tight. Once the modifications are complete, the units then may be used as portable offices or other storage.

Notwithstanding the applicant’s statement that these shipping containers are decommissioned, the units are metal shipping containers that are being modified for another use. The metal shipping containers have previously been stacked and visible on the northeastern portion of the property.

Existing Sites with Code Violations Related to Metal Shipping Containers

Through Code Enforcement cases, Staff researched existing sites in the City where metal shipping containers may be a principal use. Based on the information provided, there are 16 code enforcement cases, including Mobile Modular, where businesses have code violations related to metal shipping containers. (Note that several of the addresses are adjacent and represent the same business). According to Code Enforcement, some of these properties were reported for having shipping containers as a primary use, while others have a combination of violations such as no CUP for the business; however, most of these code violations are related to the shipping containers.

### Table 1 - Code Enforcement Cases with Metal Shipping Containers

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Property Address</th>
<th>Zone</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-0387</td>
<td>11450 Mission Blvd.</td>
<td>M-M</td>
<td>Mobile Modular</td>
</tr>
<tr>
<td>18-0375</td>
<td>6999 Valley Way</td>
<td>C-P-S</td>
<td>N/A</td>
</tr>
<tr>
<td>18-0373</td>
<td>6991 Valley Way</td>
<td>C-P-S</td>
<td>N/A</td>
</tr>
<tr>
<td>18-0306</td>
<td>3739 Valley Way</td>
<td>A-1</td>
<td>Ramos Towing</td>
</tr>
<tr>
<td>17-2183</td>
<td>5190 Wilson St.</td>
<td>W-1</td>
<td>Rios Recycling Pallets</td>
</tr>
<tr>
<td>13-1382</td>
<td>2810 Rubidoux Blvd</td>
<td>C-1/C-P</td>
<td>AAA Recycling</td>
</tr>
<tr>
<td>16-0474</td>
<td>2725 Hall St.</td>
<td>M-SC</td>
<td>N/A</td>
</tr>
<tr>
<td>16-0468</td>
<td>2727 Hall St.</td>
<td>M-SC</td>
<td>N/A</td>
</tr>
<tr>
<td>16-0471</td>
<td>2785 Rubidoux Blvd</td>
<td>C-1/C-P</td>
<td>N/A</td>
</tr>
<tr>
<td>18-1555</td>
<td>5322 Etiwanda Ave.</td>
<td>C-1/C-P</td>
<td>N/A</td>
</tr>
<tr>
<td>18-0966</td>
<td>5150 Etiwanda Ave.</td>
<td>C-1/C-P</td>
<td>N/A</td>
</tr>
<tr>
<td>18-0754</td>
<td>10998 50th St.</td>
<td>C-1/C-P</td>
<td>Brighton Truck Group Inc.</td>
</tr>
<tr>
<td>16-0528</td>
<td>10450 Limonite Ave.</td>
<td>C-P-S</td>
<td>OC Hills Land Company</td>
</tr>
<tr>
<td>16-0772</td>
<td>10440 Limonite Ave.</td>
<td>C-P-S</td>
<td>OC Hills Land Company</td>
</tr>
<tr>
<td>17-1847</td>
<td>9885 Bellegrave Ave.</td>
<td>M-SC</td>
<td>Transport and Sales of Storage Containers</td>
</tr>
<tr>
<td>17-1848</td>
<td>9883 Bellegrave Ave.</td>
<td>M-SC</td>
<td>Transport and Sales of Storage Containers</td>
</tr>
</tbody>
</table>
The types of businesses with the code violations include transport and sale of storage containers, recycling businesses, a pallet yard, towing company, and truck storage and repair. According to Code Enforcement, the businesses identified with N/A under business name are, for the most part, businesses that are doing truck storage and repair. Mobile Modular is the only business with a code violation related to shipping containers that refurbishes them for other purposes.

There is only one business, Mobile Modular, which falls within the M-M Zone. The remaining businesses fall within a lighter industrial zone (M-SC), commercial zones, and agricultural and watercourse zones. Therefore, the proposed code amendment would only alleviate the code violation related to shipping containers as a principal use on the Mobile Modular site, and only permit shipping containers as a principal use on this site in the M-M Zone. Note that Mobile Modular also had code violations related to landscaping as part of their originally approved plot plan by the County. Mobile Modular submitted landscape plans to the City, and received approval to provide the required landscaping and screening to rectify the issue. Landscaping has been installed per the approved plans.

**Land Use Compatibility**

Land use compatibility is of concern. Currently, shipping containers are not permitted as a principal use in any zone. They are permitted as an accessory use with standards in certain zones, and as a temporary use in all zones for construction. To address land use compatibility, the proposed code amendment restricts the location of such uses in the following ways:

- Allowing metal shipping containers, used in part or in whole as a product or service, including raw material for inventory and finished product when refurbished or modified, to be permitted only in the M-M Zone and subject to a Conditional Use Permit where further conditions of approval can be established.
- The M-M zone is located in two areas of the City – the northwest portion near Interstate 15 and SR 60, and the northeast portion adjacent to the Agua Mansa Industrial Corridor. Both areas are primarily bordered by other industrial zones. There are a limited number of M-M zoned sites in the City, and the majority are developed with industrial buildings and limited room for shipping containers as a principal use.
- To further reduce potential incompatible land adjacency issues, metal shipping containers are prohibited from being located within one thousand (1,000) feet of an existing residential neighborhood or zone.

Also, for commercial cannabis uses, it should be noted that per the regulations imposed by the State Bureau of Cannabis Control, all structures included as part of the licensed premises shall be permanently affixed to the land by a method that would cause the structure to ordinarily remain affixed for an indefinite period of time. Structures that will not be considered to be permanent structures include, but are not limited to, shipping containers that are not affixed to the land, modular buildings that are not affixed to the land, structures that rest on wheels, or any structure that can be readily moved. Therefore, shipping containers cannot be used in conjunction with commercial cannabis use and activity on any site in the City.
Aesthetics
As described previously, decommissioned shipping containers are increasingly being refurbished and used for other purposes, and may represent an area of growth in some manufacturing businesses. Nonetheless, shipping containers are considered unsightly and potentially represent ongoing and increasing visual blight in the city, even in an industrial zone. As such, the proposed ordinance includes the following development standards that would require screening to address aesthetics concerns:

- The minimum lot size shall be ten (10) acres.
- Metal shipping containers shall not be stacked more than two containers high, or a maximum of twenty (20) feet in height.
- Metal shipping containers that are not stacked and do not exceed ten (10) feet in height shall be located a minimum of twenty (20) feet from any public right-of-way.
- Metal shipping containers that are stacked shall be located a minimum of sixty (60) feet from any public right-of-way.
- Metal shipping container(s) shall be stored within a wholly enclosed building or fully screened by a ten (10) foot high solid decorative wall between any public street and the area where the metal shipping containers are to be located on the site, except that the Planning Commission may approve an alternative design if the applicant demonstrates that:
  
  (i) The metal shipping containers shall be fully screened from public rights-of-way that are elevated less than 15 feet above the project site due to location on the site, topography, placement of other permanent facilities on the site, or any combination screening measures satisfactory to the Planning Commission; and
  
  (ii) Such alternate method of screening is equivalent and will be maintained continuously for the life of the conditional use permit.

- Any wall constructed to satisfy this subsection shall be located a minimum of twenty (20) feet from the edge of the street or sidewalk, and a minimum twenty (20) foot wide landscaped buffer shall be provided in the area between the wall and the public street.
- In addition to the standards that address visual impact, an office building in a permanent structure for sales and administrative purposes shall be provided on the same parcel where the metal shipping container business is taking place, and shall meet the development standards of the underlying M-M Zone.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
The adoption of the proposed amendment falls under the “general rule” that only applies to projects that have a potential for causing a significant effect on the environment (15061(b)(3)). The project is an administrative process of the City that will not result in any direct or indirect physical changes to the environment.
FINANCIAL IMPACT

There are no financial impacts associated with the code amendment as the Applicant has covered all associated costs for processing.

CONCLUSION

The intent of this amendment would be to allow for and regulate the location and nature of shipping containers as a principal use when they are used in part or in whole as a product or service, including raw material for inventory and finished product when refurbished or modified. The limited zoning and development standards are intended to prevent blight and preserve the aesthetic quality of the City. Because decommissioned shipping containers are increasingly being refurbished and used for other purposes, and allowing them as a principal use in one manufacturing zone (M-M) with appropriate development standards may potentially allow for growth and expansion in some businesses, the proposed amendment supports economic development in the City.

ALTERNATIVES

1. That the City Council conduct a first reading and introduce Ordinance No. 2019-10, amending Section 9.240.510 of the Jurupa Valley Municipal Code to modify the permitted zoning and development standards for metal shipping containers.

2. Elect not to approve the proposed Zoning Code Amendment and continue to regulate guest quarters under the existing code language in Section 9.240.510.

3. Give staff input regarding appropriate policy for shipping containers and direct staff to return to the Council for further discussion.

4. Give staff input regarding appropriate policy for shipping containers to be incorporated into a draft Code Amendment and refer the matter back to the Planning Commission for recommendation to the City Council.

Prepared by:
Thomas G. Merrell, AICP
Planning Director

Submitted by:
Alan Kreimeier
Interim City Manager

Reviewed by:
Connie Cardenas
Deputy Director of Administrative Services

Reviewed by:
Peter M. Thorson
City Attorney
Reviewed by:

[Signature]
George A. Wentz
Deputy City Manager

Attachments:

1. City Council Ordinance No. 2019-10
3. Letter from Mobile Modular Management Corporation dated August 2, 2018
RESOLUTION NO. 2019-05-22-04


THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Zoning Code Amendment.

(a) Section 9.285.010 (“Amendments to Chapter”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code provides that amendments to Title 9 may be initiated by either the Planning Commission or the City Council.

(b) At the September 6, 2018 regular City Council meeting, the City Council initiated an amendment to Section 9.240.510 (“Metal Shipping Containers”) of Chapter 9.240 (“General Provisions”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, concerning modifications to the permitted zoning and development standards for metal shipping containers (the “Code Amendment”), attached hereto as Exhibit “A”.

(c) Section 9.285.010 (“Amendments to Chapter”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code provides that amendments to Title 9 shall be made in accordance with the procedure set forth in Government Code Section 65800 et seq., as now enacted and hereafter amended, and the requirements of Chapter 9.285.

(d) Section 9.285.030 (“Regulations to be Amended”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code provides that amendments to Title 9 that propose to regulate the use of buildings, structures, and land as between industry, business, residents, open space, including recreation or enjoyment, and other purposes, and that propose to regulate the use of lots, yards, courts, and other open spaces, shall be adopted in the manner set forth in Section 9.285.040. Further, Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment proposes to impose any regulations listed in Government Code Section 65850 not theretofore imposed, must be adopted in the manner set forth in Government Code Sections 65854 to 65857, inclusive.

(f) Section 9.285.040 (“Adoption of Amendments”) of Chapter 9.285 (“Amendments and Change of Zone”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code and Government Code Section 65855 provide that after closing the public hearing the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which must contain the reasons for the recommendation. Such recommendation must include the reasons for the recommendation, the relationship of the proposed amendment to the general plan, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body. If the Planning Commission does not reach a decision due to a tie vote, that fact must be reported to the City Council and the failure to reach a decision shall be deemed a recommendation against the proposed amendment.

Section 2. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

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

(b) On May 22, 2019, the Planning Commission of the City of Jurupa Valley held a duly noticed public hearing on the proposed Code Amendment, at which time all persons interested in the proposed Code Amendment had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

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

Section 3. California Environmental Quality Act Findings and Recommendations for Determinations. The Planning Commission hereby recommends that the City Council of the City of Jurupa Valley make the following environmental findings and determinations in connection with the approval of the Project:

(a) 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, permitting metal shipping containers in the M-M Zone and adopting development standards for such containers, 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 applications for Conditional Use Permits for metal shipping containers on premises located within the M-M Zone 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 4. Findings for Recommendation of Approval of Code Amendment. The Planning Commission of the City of Jurupa Valley does hereby recommend that the City Council of the City of Jurupa Valley find and determine that the proposed Code Amendment should be adopted because:

(a) The proposed Code Amendment is consistent with Policy LU-3.12 of the Land Use Element of the City of Jurupa Valley General Plan in that it accommodates the continuation of existing industrial and manufacturing development in areas designated by the General Plan, specific plans, community and town center plans. It also supports goals ES-2 and ES-3 of the Economic Sustainability Element by helping to maintain a sustainable industrial base that supports skilled and professional employment and contributes to the local economy, and being a City with a diversity of commercial enterprises that meet local needs.

Section 5. Recommendation of Approval of Code Amendment. Based on the foregoing, the Planning Commission hereby recommends that the City Council of the City of Jurupa Valley adopt the proposed Code Amendment attached hereto as Exhibit “A”.

Section 6. Certification. The Planning Director shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 22nd day of May, 2019.

__________________________________
Corey Moore
Chair of Jurupa Valley Planning Commission

ATTEST:

__________________________________
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY  

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-05-22-04 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 22nd day of May, 2019, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

__________________________________
THOMAS G. MERRELL
PLANNING DIRECTOR
Via E-Mail

August 2, 2018

Mr. Gary Thompson
City Manager
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Re: 11450 Mission Blvd., Jurupa Valley ("Property")

Dear Mr. Thompson:

This letter is being submitted based upon direction we received from you, Tom Merrell, Peter Thorson and Keith Clarke at our recent meeting at City Hall. As we discussed, we hereby request that the City Council allow us to process a zoning text amendment to confirm that our present uses at the Property are legally or conditionally permitted. This text amendment will be narrowly and precisely drafted, to insure that it will apply solely to the Property.

As you know, we have been diligently working with City Staff to address the various alleged Municipal Code violations; because the approvals for the property primarily were issued by the County of Riverside, before the City incorporated, there have been challenges for the City and us to obtain all of the documentation concerning the Property.

Introduction

We are a company with operations throughout North America. We have five divisions; three of our five divisions have operations at the Property. Our three divisions operating at the Property are Mobile Modular; Mobile Modular Portable Storage; and Adler Tank Rentals. We currently have 20 units leased to customers in the City and more than 50 in the surrounding area. We employ 25 people at the Property, all local residents, who collectively receive salary and benefits of approximately $1,900,000 annually.

We are in the business of leasing or selling units for these three businesses (as described further below). Our business model is to lease or sell these units, rather than store them on the Property. We do not generate any revenue if the units are not being leased or sold, so we make every attempt to limit the inventory of our units on the Property, while maintaining a standing inventory for immediate leasing or sales. While onsite, these units are not used for storage purposes.
Mobile Modular Uses on the Property

Mobile Modular customizes a fleet of prefabricated buildings and customizable modular buildings, mobile office trailers, portable classrooms, portable sales office buildings, and portable restrooms for sale and lease. They are used by schools and businesses. These modular buildings are delivered to customer sites around Southern California. After leasing, customers do not keep these buildings on the Property. These buildings are not used for storage purposes.

We estimate that approximately 74.2 acres of the Property, or 90% of the Property is used for the refurbishment, leasing and sale of these modular offices.

Mobile Modular Portable Storage Uses on the Property

We obtain decommissioned containers, then modify them and then sell or lease them. This business unit sells and leases former containers for use as portable offices or storage. The modifications include installation of locking devices, and other modifications to insure the units are wind- and water-tight. Once the modifications are complete, the units then may be used as portable offices or other storage.

We do not store any materials in these containers while they are at the Property. We deliver these containers to our customers; the customers cannot keep the units at the Property once they are leased or sold.

Approximately 4.1 acres of the Property, or only approximately 5% of the Property, is used for the refurbishment, sale and lease of mobile storage units. Approximately 0.8 acre of the Property, or approximately 1% of the Property, is used for the refurbishment, sale and lease of portable offices.

Adler Tank Uses on the Property

We lease these tanks, which we receive directly from the manufacturer, to our customers, who use them off site. The customers cannot use the tanks on the Property.

At the Property, these tanks are clean and free of any liquid or solid material; no storage occurs on the Property. They are specifically designed as relocatable storage tanks. Clearly, the Adler tanks cannot be considered as "metal shipping containers," because they are tanks and are never used for shipping goods. There is no refurbishment of Adler Tanks, only minor repair.

1 These units are not active shipping containers, but rather are units that can no longer be used for shipping. These decommissioned units are then substantially altered to become portable offices or other storage units.
We estimate that approximately 3.3 acres of the Property, or 4% of the Property, is used for the leasing of Adler Tanks.

As we have previously discussed, we believe that our ongoing uses at the Property are legally permitted. However, in order to cooperate with the City, at the request of the City, we are submitting this letter regarding the Property. By our submission of this letter and all of our prior submissions to the City, we are not waiving our right to claim that our ongoing uses are legally permitted under the City Municipal Code.

We hope that this letter provides you with a better understanding of our businesses on the Property.

Please contact us with any questions or comments.

Very truly yours,

Jeff Heitmann
Regional Director

cc: Mr. Thomas Merrell
    Peter Thorson, Esq.
    Mr. Keith Clarke
    Ms. Tamara Campbell
    Romtin Parvaresh, Esq.
STAFF REPORT

DATE: NOVEMBER 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

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

SUBJECT: AGENDA ITEM NO. 16.B

PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE
AMENDING TITLE 8 OF THE JURUPA VALLEY MUNICIPAL CODE
CONCERNING GRADING REGULATIONS

RECOMMENDATION

1. That the City Council conduct a public hearing and receive public comment on the
   proposed Ordinance.

2. That the City Council conduct a first reading and introduce Ordinance No. 2019-17, entitled:

   AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA,
   AMENDING TITLE 8 OF THE JURUPA VALLEY MUNICIPAL CODE
   CONCERNING GRADING REGULATIONS, AND FINDING AN EXEMPTION
   FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

BACKGROUND

Since incorporation in 2011 the City has relied on many county ordinances for regulating
development and related activities until such time as more tailored development
regulations could be developed which are more appropriate for a city. County Ordinance
457 has provided the City’s development community general guidelines for grading sites
however staff recommends the City adopt its own grading ordinance to address a variety
of issues such as those described below.

1. The existing ordinance is specifically intended to regulate grading in
   unincorporated areas of the county and therefore does not adequately address the
   City’s needs related to grading;

2. The existing ordinance calls for the Building Official to oversee all grading
operations as part of the building permit process. Thus grading outside of the building footprint, which is often the case for subdivisions, commercial sites and road work is either unaddressed or relies on the Uniform Building Code (UBC) to attempt to address these situations. This does not align with Jurupa Valley’s (and most city’s) operations where Engineering/Public works is responsible for overseeing this work and relies on separate standards in addition to the UBC. The proposed ordinance remedies this by identifying the Public Works Director as responsible for overseeing grading work for mass grading of large development sites, within the public right-of-way and other areas where no building permit is required.

3. Generally, the existing ordinance is intended to address grading in rural areas of the county where agricultural practices may be ongoing rather than urbanized areas where greater protection is warranted to protect public safety. The proposed ordinance goes into much greater detail on hillside grading requirements, stockpiling of material, erosion and storm water protections requirements, grading requirements in setback areas and other urban settings.

4. The existing ordinance lacks specificity on requirements for such items as when a grading permit is required, requirements for soils studies and what constitutes illegal grading. The proposed ordinance provides much more detail on these areas and others which are often confusing for homeowners and developers unfamiliar with the County’s codes. The proposed ordinance would also add these requirements to the City’s municipal code in the same chapter as the building related codes making them easier for developers and the public to reference

ANALYSIS

In sum, the proposed ordinance clarifies the authority and responsibility for all grading operations consistent with standards adopted in most cities. By creating its own grading ordinance and tailoring it to its needs adoption of this ordinance will create a more transparent operation for developers and the community alike and will help curtail illegal grading on hillsides, dumping on public and private property and other grading violations that frequently occur in the City that may not be adequately addressed in the county ordinances. Additionally, by incorporating this into the municipal code rather than relying on the Riverside County to improve and update its ordinance, the City can more easily tailor it to meet its needs in the future.

OTHER INFORMATION

The City Attorney has reviewed and approved the grading ordinance and resolution as to form.

Previous actions:

1. The public hearing for the introduction of the grading ordinance was published 10-days prior to this meeting.
2. On September 25, 2019, the Planning Commission held a public meeting on the proposed Ordinance, and adopted Resolution No. 2019-09-25-02 recommending that the City Council approve the proposed Code amendment.

FINANCIAL IMPACT

None.

ALTERNATIVES

Provide Staff with further direction.

Prepared by:

[Signature]
Carolina Fernandez,
Assistant Engineer

Reviewed by:

[Signature]
Connie Cardenas
Interim Administrative Services Director

Reviewed by:

[Signature]
Steve R. Loris, P.E.
City Engineer/ Director of Public Works

Reviewed by:

[Signature]
George A. Wentz
Deputy City Manager

Approved as to form:

[Signature]
Peter M. Thorson
City Attorney

Submitted by:

[Signature]
Alan Kreimeier
Interim City Manager

Attachments:

1) Draft Ordinance No. 2019-17
ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY OF JURUPA VALLEY
ADDING CHAPTER 8.70, GRADING REGULATIONS, AND
FINDING THAT THE PROPOSED MUNICIPAL CODE
AMENDMENT IS EXEMPT FROM CEQA

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

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

A. On September 25, 2019, the Planning Commission of the City of Jurupa Valley held a public meeting on the proposed Ordinance, at which time all persons interested in the proposed Ordinance had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony, and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-09-25-02, recommending that the City Council approve the proposed Code Amendment set forth in this Ordinance, with modifications.

B. On November 7, 2019, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the proposed Ordinance, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

C. All legal preconditions to the adoption of this Ordinance have occurred.

Section 2. Adoption of Chapter 8.70, Grading Regulations. Chapter 8.70, Grading Regulations, is hereby added to the Jurupa Valley Municipal Code to read as follows:

“CHAPTER 8.70. - GRADING REGULATIONS

Sections:
8.70.010 General.
8.70.020 Definitions.
8.70.030 Grading permits.
8.70.040 Grading permit application.
8.70.050 Grading plans.
8.70.060 Erosion Control Plan.
8.70.070 Geotechnical reports.
8.70.080 Fees.
8.70.090 Issuance of grading permit.
8.70.100 Denial of grading permit.
8.70.110 Permit expiration, renewal and suspension.
8.70.120 Security.
8.70.130 Time of grading work.
8.70.140 Import and export of earth material.
Sec. 8.70.010. - General.

A. Name. This chapter shall be known as the "Grading Regulations."

B. Purpose. The purpose of this chapter is to establish standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground surface to protect and preserve the public health, safety and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive and corrosive soil conditions, erosion control and drainage; to establish criteria for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered; and to establish administrative procedures for the issuance of grading permits, the approval of plans and the inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to regulate grading work as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the city. The procedures established by this chapter and the conditions of approval imposed hereunder through discretionary approvals and permits are intended to accomplish this protection. Notwithstanding the above, in the event the city encounters situations that endanger any environmentally sensitive area or biological and wildlife resource, the Public Works Director is authorized to take all necessary action to protect the environment pursuant to this chapter and other applicable ordinances and laws.
D. Scope. This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, and to establish administrative requirements for the issuance of grading permits, the approval of plans and the inspection of grading construction in accordance with the requirements for grading and excavation as contained in California Code of Regulations, Title 24, Appendix Chapter 33 (Uniform Building Code) with deletions, modifications or amendments to meet local conditions, as adopted by Chapter 8.05 of this Code.

Sec. 8.70.020. - Definitions.

For purposes of this chapter, the words and phrases in this section shall have the following meanings, except where the context clearly indicates a different meaning.

Approval means a written professional engineering or geological opinion by the civil engineer of record, the engineering geologist of record or the soil engineer of record, whichever is applicable, concerning the satisfactory progress and completion of the work, unless the code is referring to approval by the Public Works Director.

Approved plans means the current plans and specifications for all grading or clearing, brushing and grubbing or other related work, which contains the Public Works Director’s signature of approval. The term approved plans includes, but is not limited to, any mass grading plan, rough grading plan, precise grading plan, erosion control plan and/or temporary stockpile plan as such plans are set forth and described in this chapter.

As-graded means the surface configuration upon completion of grading.

Bedrock means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, soil engineer or civil engineer as bedrock.

Bench means a relatively level step excavated into stable earth material on which fill is to be placed.

Borrow means earth material acquired from an off-site location for use in grading on a site.

CEQA means the California Environmental Quality Act.

Civil engineer means a professional engineer licensed in the State of California authorized to practice in the field of civil engineering, who is listed on the grading permit as the civil engineer of record and who is responsible for preparing, signing, stamping or approving all or a portion of the approved plans and the reports required by this chapter. (Civil engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition, see Rules of the State Board of Registration for Professional Engineers and Land Surveyors Section 404.)

Clearing, brushing and grubbing means the removal of vegetation (grass, brush, trees and similar plant types) by mechanical means.
Compaction means the densification of a earth by mechanical means.

Earth material means any rock, natural soil or fill and/or any combination thereof.

Engineering geologist means a geologist certified in the State of California to practice engineering geology, who is listed on the grading permit as the engineering geologist of record and who is responsible for preparing, signing, stamping or approving all or a portion of the approved plans and the reports required by this chapter. (Engineering geology is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition, see Rules of the State Board of Registration for Professional Engineers and Land Surveyors Section 404.)

Environmentally sensitive area means any land in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the city to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

Erosion means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

Erosion control system means a combination of desilting facilities and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities and receiving waters from deposits of sediment or dust.

Excavation means the mechanical removal of earth material.

Fault means a fracture in the earth's crust along which movement has occurred. A fault is considered active if movement has occurred within the last 11,000 years (Holocene geologic time).

Fill or filling means the deposit of earth material placed by artificial means.

Grade means the vertical elevation of the ground surface, and the following types of grade have the following specific meanings:

1. Existing grade means the ground surface prior to grading;
2. Finish grade means the final grade of the site, which conforms to the approved plans;
3. Natural grade means the ground surface unaltered by artificial means;
4. Rough grade means the stage at which the grade approximately conforms to the approved plans.

Grading means any excavation or filling or combination thereof.
Grading contractor means a contractor licensed and regulated by the State of California who specializes in grading or is otherwise licensed to do grading, and who is listed on the grading permit as the grading contractor of record.

Grading permit means the official document or certificate issued by the Public Works Director authorizing grading or clearing, brushing and grubbing or other related work as specified in the approved plans. The term grading permit includes any mass grading permit, precise grading permit or rough grading permit issued for the work described in the approved plans.

Grading plans means all the following, if required for the work by this chapter: mass grading plan, rough grading plan and/or precise grading plan, as such plans are set forth and described in Section 8.70.050.

Hillside site means a site with a natural slope of 10% or more.

Key means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Keyway means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

Mass grading means grading that is completed on a large scale over a large area prior to rough grading and which when completed is within two vertical feet of the final grade elevations of the site.

Mass grading permit means a grading permit issued to complete mass grading work.

Permittee means any property owner to whom a grading permit has been issued.

Precise grading permit means a grading permit issued on the basis of approved plans that show the precise location of structures, finish elevations and all on-site improvements.

Rough grading permit means a grading permit issued on the basis of approved plans that need not show the location of structures, but must show interim building pad drainage to the degree required by the Public Works Director.

Property owner means any person, partnership, corporation, or other legal entity having a legal or equitable interest in a given real property.

Public Works Director means the Public Works Director for the city. All references in Cal. Code of Regulations Title 24, Appendix Chapter 33 (Uniform Building Code) as adopted by Chapter 8.05 of the Jurupa Valley Municipal Code to "Building Official" shall mean the "Public Works Director" for purposes of this chapter.

Retaining wall means a wall designed to resist the lateral displacement of soil or other materials.

Site means any lot or parcel of land or contiguous combination thereof, under the same
ownership, where grading is performed or permitted.

*Slope* means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times 100.

*Slope stability - gross stability* means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

*Slope stability - surficial stability* means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

*Soil* means naturally occurring surficial deposits overlaying bedrock.

*Soil engineer* means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil engineering, who is listed on the grading permit as the soil engineer of record and who is responsible for preparing, signing, stamping or approving all or a portion of the approved plans and the reports required by this chapter. (“Soil engineering” is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials. For a complete definition, see Rules of the State Board of Registration for Professional Engineers and Land Surveyors Section 404.

*Stockpile* means storage for a period not exceeding 12 months for soil that is to be used for sale or a future site development.

*Terrace* means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

*Testing agency* means a facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the Public Works Director.

*Uniform Building Code (UBC)* means the California Code of Regulations Title 24 as adopted by Chapter 8.05 of this Code.

*Work* means any grading, clearing, brushing or grubbing or any other activity permitted under any approved plan.

**Sec. 8.70.030. - Grading permits.**

A.  *Grading permit required.*

   (1)  *Generally.* No person shall conduct any grading or clearing, brushing and
grubbing on natural or existing grade that is preparatory to grading or land development without first obtaining a grading permit. No person shall conduct any grading or clearing, brushing and grubbing in the following areas without first obtaining a grading permit:

(a) Previously undisturbed land;

(b) Land covered by native vegetation;

(c) Land which has not been used for agricultural purposes for three years immediately prior to the initiation of grading work that is for the purpose of conducting agricultural activities. This section shall not prohibit routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation to eliminate a potential fire hazard upon order of the Fire Marshall.

(2) Responsibility of land owners. No person shall stockpile, deposit or allow the placement or removal of earth material on or from any real property in excess of 100 cubic yards without first obtaining a grading permit.

(a) Borrow site permit. A grading permit which authorizes removal of soil from a site for use elsewhere is subject to conditions which may include, but not limited to, the following items: a plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding and other maintenance requirements. Other conditions may be established, even after the borrow site permit has been issued, in the interest of public health, safety or welfare, as determined by the Public Works Director.

(b) Stockpile permit. A grading permit authorizing temporary storage of soil that is to be used for the future development of the stockpile site where there is no current project for storage of soil, for current or future sale or for some other purpose as stated by the property owner. Stockpile permits shall be valid for a maximum of 12 months after issuance. Requests for stockpile permits shall be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other city departments. A stockpile permit is subject to erosion and dust control in compliance with all applicable laws.

(3) Pavement surfacing. No person shall construct pavement surfacing in excess of 6,000 square feet, on natural or existing grade, for the purpose of a private road or driveway or a commercial, industrial or multi-residential parking lot or travel-way without first obtaining a grading permit, unless the need for a grading permit is waived by the Public Works Director or a separate improvement plan for the pavement surfacing has been approved and signed by the Public Works Director. Resurfacing or maintenance of paved surfaces
is exempt from this requirement.

B. **Exemptions.** In addition to the city’s Capital Improvement Program construction projects the following types of work are exempt from the grading permit requirement in this section:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, swimming pool or other structure authorized by a valid building permit or construction permit. This exemption shall not include any fill made with the material from such excavation, any excavation having an unsupported height greater than five feet after the completion of such structure or any unsupported excavation with vertical banks more than two feet high. This exemption shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the Public Works Director, stability considerations warrant such inspection.

2. An excavation not exceeding 100 cubic yards on a single site that is less than two feet in vertical depth or that does not create a cut slope greater than five feet in vertical height and steeper than a two to one (2:1) horizontal to vertical ratio.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Earthwork construction regulated by federal, state, county or city governments or by a local agency. Pipeline or conduit excavation and backfill conducted by local agencies or public utilities. Earthwork construction performed by railway companies. This exemption applies only if the earthwork takes place on property under the control of, or dedicated rights-of-way or easements owned by, the aforementioned public agencies. The exemptions for local agencies described in this subsection shall apply only to the extent exempted by Government Code Sections 53090 through 53095.

6. Excavation and backfill for the installation of underground utilities by public utility companies operating under the authority of a franchise or rights-of-way agreement.

7. Mining, quarrying, excavating, processing or stock-piling of rock, sand, gravel, aggregate or clay authorized and conducted in accordance with applicable state and local laws, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property or alter the orientation of natural water courses which may result in adverse changes on adjoining property.

8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologist or paleontologist, provided all excavations are
properly backfilled and compacted or otherwise restored.

(9) A fill not exceeding 100 cubic yards on a single site that is less than one foot in depth, that does not obstruct a drainage course and that is placed on natural grade with a slope flatter than a five to one (5:1) horizontal to vertical ratio.

(10) A fill less than three feet in depth, not intended to support structures or mobile homes, that does not exceed 100 cubic yards on a single site and does not obstruct a drainage course.

(11) Clearing, brushing and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in the dumping of organic or hazardous waste not regulated by law. This exemption includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems and temporary stockpiling of fertilizer or other agricultural materials. Applicants must provide an approved Agricultural Grading/Clearing Certificate from the United States Department of Agriculture with the Building Official prior to commencing grading in order to qualify under this exemption.

C. Additional regulations. Unless otherwise exempt, all excavations and trenches are subject to the applicable sections of the State of California, Division of Safety or Cal-OSHA.

Sec. 8.70.040. - Grading permit application.

A. Contents. The application for a grading permit shall be made in a form and manner prescribed by the Public Works Director. A grading permit application shall consist of the following items completed and signed by the applicant or an authorized representative, unless otherwise specified by the Public Works Director:

(1) Application form;

(2) Four sets of approved grading plans as required by and set forth in Section 8.70.050;

(3) Two sets of erosion control plans as required by and set forth in Section 8.70.060;

(4) Two copies of the geotechnical reports as required by and set forth in Section 8.70.070;

(5) Copy of Notice of Intent (NOI) receipt from the State of California Regional Water Quality Control Board (if applicable);
(6) Additional reports or data as may be required by the Public Works Director;

(7) Payment of all applicable fees.

B. Environmental review. Any application for a grading permit shall comply with the requirements of the California Environmental Quality Act and implementing regulations and other applicable laws and ordinances, including without limitation, the Western Riverside County Multispecies Habitat Conservation Plan (“MSHCP”).

Sec. 8.70.050. - Grading plans.

A. Generally. Unless waived by the Public Works Director, all grading plans accompanying an application for a grading permit shall conform to the following requirements:

(1) Grading plans shall be approved and signed by the civil engineer, and if determined necessary by the Public Works Director, approved and signed by the soils engineer and the engineering geologist;

(2) Grading plans shall be prepared at a minimum 40:1 scale on standard D size (24 inch by 36 inch) sheets with a standard city title block and shall be drawn in ink;

(3) Grading plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within 100 feet of the common property lines;

(4) Grading plans shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and, to the extent applicable, documentation of compliance with the MSHCP;

(5) Grading plans shall be drawn to engineering scales as approved by the Public Works Director;

(6) The title sheet of the grading plans set shall contain the names, addresses and phone numbers of the property owner, the civil engineer responsible for preparation of the grading plans, the soil engineer and the engineering geologist, including registration numbers. The title sheet shall also contain a location map for the project site;

(7) A statement of quantities shall be furnished, giving the estimated cubic yards of excavation and fill. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work, as may be required by
the Public Works Director; and

(8) Grading plans shall show, if applicable, scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement recommended by the soil engineer. In addition, the soil engineer shall review and approve this portion of the plan.

B. **Mass grading plan & rough grading plan.** In addition to the information required by subsection (A) of this section, an application for a mass grading permit or rough grading permit shall include, but is not limited to, the following information:

(1) Vicinity map of the site;

(2) Property limits clearly labeled or otherwise identified, surveyed contours of existing ground and details of terrain and area of drainage a minimum of 100 feet beyond the property limits (spot elevations may be used on flatland sites);

(3) Prominent existing or natural terrain features;

(4) Location of all easements within the grading limits;

(5) Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices and related construction;

(6) Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as part of the proposed work;

(7) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent property owners which may be affected by the proposed grading work;

(8) If the grading project includes the movement of 500 cubic yards or more of earth material to or from the site, the permittee shall submit a haul route for review and approval by the Public Works Department. The haul route may be submitted at the pre-grading meeting; however, hauling on public streets shall not commence until approval of the haul route by the Public Works Department. The Public Works Department may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirements in consideration on the possible impact on the adjacent community or the environment or the effect on the public right-of-way itself;

(9) Additional plans, drawings, calculations, environmental impact information or other reports and information required by the Public Works Director.

(10) Stockpile or borrow grading plans shall include all items described above except for surveyed contours of existing and future ground elevations.
C.  **Precise grading plan.** In addition to the information required by subsections (A) and (B) of this section, an application for a precise grading permit shall include, but is not limited to, the following information: the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage, including spot elevations for the drainage swales, details for building footings and side yard swale relationship (including extra height of or deepened footings) and all proposed PCC flatwork and PCC/AC driveways.

D.  **Grading plan correction sheet.** A grading plan standards and correction sheet which is used as the basis for checking grading plans is available from the Public Works Department which identifies the items typically required on grading plans depending on site conditions.

E.  **Grading plan check and approval.** All grading plans submitted to the city shall be checked for conformance with, and no grading plans shall be approved unless the grading plans conform with, the following: the city’s General Plan, this chapter and other applicable provisions of the code, any applicable conditions of approval or specific plans, other rules and regulations of the city, all applicable federal and state requirements, Title 24 of the California Code of Regulations accessibility requirements, city technical requirements and grading plans requirements and any other requirements applicable to the development project.

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**Sec. 8.70.060. - Erosion control plan.**

A.  **Plan required.**

   (1)  Unless waived by the Public Works Director, all work requiring a grading permit shall be required to have an approved Erosion Control Plan. If the requirement for an Erosion Control Plan has been waived, the Public Works Director may still require the installation of temporary and/or permanent erosion control devices or methods to control erosion and provide safety during grading.

   (2)  No activity authorized under a grading permit shall be conducted between October 1 and May 31 unless an Erosion Control Plan has been approved or the Public Works Director has waived the requirement for an Erosion Control Plan.

   (3)  The requirement for an Erosion Control Plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the Public Works Director, is installed, placed, planted or constructed before October 1.

   (4)  An Erosion Control Plan is required for a project if the Public Works Director determines that erosion or sediment discharge from the project could adversely affect adjacent properties.
(5) An approved Erosion Control Plan from the previous year shall be updated and submitted for approval, if necessary, prior to October 1 to reflect any changed conditions where the grading or other land disturbance activity is continuing. Updating of the Erosion Control Plan will also be required for phases of construction not covered by any previously approved Erosion Control Plan.

(6) All Erosion Control Plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the civil engineer. Sediment control must be continuously maintained throughout the construction process.

B. Contents of Erosion Control Plans. An Erosion Control Plan shall include, but is not limited to, the following information:

(1) Details of all protective measures, including desiltation basins or other temporary drainage or control measures or both, necessary to implement and satisfy the applicable requirements and standards set forth in Section 8.70.280 and necessary to protect adjoining public or private property from damage by erosion, flooding or mud and/or debris deposits which may originate from the site or result from the grading work;

(2) A 24 hour telephone number of the person responsible for performing emergency erosion control work;

(3) The stamp and signature of the civil engineer who prepared the Erosion Control Plan;

(4) The erosion control general notes (copies available for the Public Works Department - Land Development Division);

(5) Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;

(6) Identification of the streets and drainage devices that will be completed and paved by October 1;

(7) Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;

(8) Provision for maintaining access to desilting facilities during wet weather;

(9) A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;

(10) Identification of discharge points where concentrated runoff occurs.
C. **Review and approval.**

(1) Erosion Control Plans shall be submitted for review to the Public Works Director concurrent with the grading permit application or with submittal of the grading plans, unless otherwise waived by the Public Works Director.

(2) All Erosion Control Plans submitted for review shall be accompanied by the following: payment of the plan-checking fees, two reproducible or digital copies of the Erosion Control Plan and bond estimate for security.

(3) No Erosion Control Plan shall be approved unless the Erosion Control Plan complies and implements all applicable standards and requirements set forth in this section and Section 8.70.280.

**Sec. 8.70.070. - Geotechnical reports.**

A. **Generally.** Each geotechnical report shall be prepared in accordance with this section and as well as the current County of Riverside’s Technical Guidelines for Review of Geotechnical and Geologic Reports, as may be revised by the City Council. Each geotechnical report shall be approved by the Public Works Director. The Building Official may also require a soil engineering report or additional information related to the building structure in accordance with the UBC. Recommendations contained in the approved reports shall be incorporated into the grading plans and shall become conditions of the grading permit.

B. **Soil engineering report.** Unless waived by the Public Works Director, a soil engineering report shall be prepared and submitted for any grading permit application associated with any residential, commercial, industrial or similar development project. The soil engineering report shall include information and data regarding the nature, distribution and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, detailed information for the location of recommended stabilization fills or buttress fills, foundation and pavement design criteria and shall provide other recommendations as determined necessary by the Public Works Director.

C. **Engineering geology report.** An engineering geology report shall be prepared and submitted for any grading permit application associated with any development on a hillside site where geologic conditions are determined by the Public Works Director to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the Public Works Director. The engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary: a geologic map; an opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent known or as reasonably should be known how instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect
of geologic conditions on the proposed project; and specific recommendations for modifications to the grading plans, corrective grading and/or special techniques and systems to facilitate a safe and stable development. The engineering geology report shall also provide other recommendations as necessary for the project grading and development. The engineering geology report may be combined with the soil engineering report.

D. **Seismicity report.** Unless waived by the Public Works Director, a seismicity report may be required for any grading permit application associated with any residential, commercial, industrial or similar development project. A seismicity report shall be required as a condition of development for all essential facilities, as defined in the Uniform Building Code, or as determined by the Public Works Director, Building Official or Planning Director. Additionally, grading permit applications for sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by an engineering geologist, a geophysicist or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The minimum acceptable pseudostatic slope stability factor of safety shall be 1.1 and the minimum acceptable surficial stability factor of safety shall be 1.5. The seismicity report may be combined with the soil and engineering geology reports.

**Sec. 8.70.080. - Fees.**

A. **Plan-checking fee.** Before accepting any grading plans, Erosion Control Plan or geotechnical reports for review and approval, the Public Works Director shall collect a plan-checking fee for each type of review and approval. Separate grading permits shall be issued and separate fees shall apply to retaining walls or major drainage structures. The amount of the plan-checking fee shall be established by resolution of the City Council. A per sheet plan-check fee is required for all minor plan-check revisions.

B. **Grading permit fee.** Before issuing a grading permit, the Public Works Director shall collect a grading permit fee. The amount of the grading permit fee shall be established by resolution of the City Council.

**Sec. 8.70.090. - Issuance of grading permit.**

A. **Other approvals required before issuance.** No grading permit for any development project requiring the approval of the Planning Commission, City Council or city staff shall be issued until the development project has been approved, and such approval includes approval of a grading concept. All discretionary approvals required by the code for the development project with which the grading permit application is associated must be obtained prior to issuance of the grading permit.
All approvals required for the development project or the grading work by other city departments or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit.

B. Environmentally sensitive areas. No grading permit for any work within 100 feet of an environmentally sensitive area shall be issued between October 1 to May 31 without prior approval by the Planning Director, except grading permits for the construction and maintenance of erosion control systems, as approved by the Public Works Director.

C. Grading security. No grading permit shall be issued unless and until the applicant posts the applicable security required under Section 8.70.120.

D. Terms of grading permit. The grading permit shall contain such terms, conditions and restrictions as are necessary to implement the applicable provisions of this chapter and the code and state or federal law applicable to the work to ensure the work is performed in accordance with the approved plans and geotechnical reports and to protect the public health, safety and welfare.

E. Responsibility of permittee. It shall be the responsibility of the permittee to be knowledgeable of and comply with the conditions and/or restrictions of the grading permit as outlined in applicable provisions of this chapter and as contained on the approved plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site and maintain an on-site copy of the approved plans bearing the stamp or signature of approval by the Public Works Director.

Sec. 8.70.100 - Denial of grading permit.

A. Generally. The grading permit shall be denied if the proposed work cannot be designed or performed in accordance with this chapter and any other applicable ordinances, rules, regulations or conditions.

B. Creation of hazard. The grading permit shall be denied if the proposed work may constitute a hazard to property, result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Public Works Director that the hazard can be sufficiently mitigated by the construction of retaining structures, buttress fills, drainage devices or by other means, the Public Works Director may issue a grading permit with the condition that such mitigation measures be performed.

C. Geologic or flood hazard. The grading permit shall be denied if the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property.

Sec. 8.70.110 - Permit expiration, renewal and suspension.
A. **Issuance and completion of work.** Every grading permit shall be valid for a period of 180 days from the date of issuance. The Public Works Director may extend the 180 day time period for up to three successive periods of 180 days each, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the grading.

B. **Suspension of construction or abandonment of work.** Every grading permit shall expire by limitation and become null and void if the work authorized by the grading permit is not commenced within 180 days from the original date of issuance. Every grading permit shall expire if the work authorized by such permit is suspended for a continuous period of 180 days or if the site is abandoned at any time after work has commenced.

C. **Renewal.** If a grading permit expires, upon written request and justification from the permittee within 30 days of the expiration, the Public Works Director may renew the grading permit provided that the total elapsed time has not exceeded the time limits allowed for a grading permit under subsection (A) of this section.

D. **Changed conditions.** The Public Works Director may order the suspension of any work authorized by a grading permit upon determination that the weather, soil, slope or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site. Any suspension of work ordered by the Public Works Director shall toll the time limits applicable to the grading permit.

E. **Change of ownership.** Grading permits shall automatically be suspended upon a change of ownership, until such time as the new owner obtains a new permit with the revised ownership information or until such time as the applicant provides new ownership information and a letter of consent for the grading operations from the new owner. There shall be no additional fee for the grading permit issued to the new owner, provided no changes to the approved plans are requested that generate additional staff work.

**Sec. 8.70.120. - Security.**

A. **Requirement for security.** Prior to issuance of a grading permit, the security required by this section shall be posted with the city. The security shall guarantee, and the city shall have the right to draw upon such security to satisfy, the following:

1. Compliance with all applicable provisions of this chapter and the code, state and federal law and other applicable ordinances, rules and regulations of the city;

2. Compliance with any and all terms and conditions of the grading permit and all approved plans;

3. Completion of the work authorized under the grading permit and the erosion control system(s) to the satisfaction of the Public Works Director and in
accordance with the approved plans;

(4) Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the Public Works Director and as may otherwise be required by this chapter;

(5) Restoration and repair of public streets or other public property adversely impacted or damaged or the mitigation of any hazardous condition created by any activity of the permittee or agent of the permittee or any erosion from any site associated with the grading work.

B. Amount and form of security. The amount of the security shall be equal to 30% of the total estimated cost of the work authorized by the grading permit, plus 100% of the total estimated cost of the erosion control system(s) required by the Erosion Control Plan. The permittee’s estimate of the cost shall be based on the established unit costs available from the city and shall be subject to the review and approval by the Public Works Director. At least 25% of the required security shall be in cash and shall be deposited with the Public Works Director. The remainder of the erosion control security shall be subject to the approval of the Public Works Director and City Attorney and consist of one or more of the following:

(1) Cash deposit;

(2) Surety bond;

(3) Certificate of deposit;

(4) Letter of credit, in city format, from one or more local financial institution(s) subject to regulation by the state or federal government.

C. Failure to maintain security. If a permittee fails to maintain the security required by this section, the Public Works Director may revoke the permittee’s grading permit without prior notice to the permittee. Any such revocation shall be in writing.

D. Replenishment of cash deposit. The Public Works Director shall notify the permittee of any withdrawal from the permittee’s cash deposit. If the costs exceed the balance of the permittee’s funds on deposit, the Public Works Director shall cause an invoice to be sent to the permittee demanding payment of the amount by which the costs exceed the permittee’s deposit. The permittee shall, within ten days of receipt of such invoice, deposit with the Public Works Director that amount of cash necessary to bring the permittee’s deposit up to its original balance. If the permittee fails to pay such amount in full within 30 days from the date of the invoice, the permittee’s grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the city imposed pursuant to this subsection (D).
Additionally, no further construction permits, including, but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

E. Release of security.

(1) On June 1 of each year, or at the end of the actual rainy season (as determined by the Public Works Director), whichever occurs later in time, the Public Works Director may release the amount of security posted to guarantee erosion control system(s), upon receipt of a written request for such release by the permittee.

(2) The Public Works Director may require the security posted for permittee’s erosion control system(s) to remain on deposit with the city throughout the grading of the project and not be released until completion of the landscaping improvements for the associated development project if the Public Works Director determines that due to the nature, configuration or location of the development project it is in the best interest of the city to retain the erosion control security until the landscaping improvements are complete.

(3) Security posted to guarantee all work authorized under the grading permit, other than the erosion control system(s), shall be released upon inspection and approval of the work by the Public Works Director, except where the work is performed in conjunction with a subdivision or parcel map approval, in which case the security shall be released upon receipt of the warranty surety and acceptance of the final subdivision or parcel map by the City Council.

(4) The Public Works Director shall not release a permittee’s security if the permittee has an outstanding monetary obligation to the city or if cleanup or repair of public streets or other public property for which the permittee is responsible has not been completed to the satisfaction of the Public Works Director.

Sec. 8.70.130. - Time of grading work.

Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, excluding holidays. No work will be permitted on Sundays and City holidays. Grading work or equipment operations may be permitted before or after the allowable hours of operation if the Public Works Director determines that such operations are not detrimental to the health, safety or welfare of residents or the general public. Permitted hours of operations may be shortened if the Public Works Director determines that the grading work or equipment operations have an adverse effect on the health, safety or welfare of the surrounding community.

Sec. 8.70.140. - Import and export of earth material.

Where an excess of 500 cubic yards of earth material for a project site is transported over public roadways to or from the project site as part of the grading work shall be in accordance with

Sec. 8.70.150. - Reserved.

Sec. 8.70.160. - Reserved.

Sec. 8.70.170. - Dust control.

Any person conducting any grading work or moving any earth material shall be responsible for controlling the dust from such activities at all times. The property owner, grading contractor and permittee shall all be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

Sec. 8.70.180. - Protection of adjoining property.

A. Each adjacent property owner is entitled to the lateral and subjacent support which his or her land receives from the adjoining land. Any person making an excavation shall use ordinary care and skill in making the excavation and shall take all necessary steps to protect the adjacent property from possible damage resulting from the excavation.

B. Any property owner or lessee intending to permit or to make an excavation greater than ten feet in depth within 15 feet of his or her property line(s) shall give reasonable notice to the property owner(s) of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

Sec. 8.70.190. - Cuts.

A. Cut slopes shall be no steeper than a two to one (2:1) horizontal to vertical ratio. In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the Public Works Director, slopes may be constructed to a maximum one and one-half to one (1.5:1) horizontal to vertical ratio. In no case shall slopes steeper than a 2:1 slope ratio be approved if a 2:1 slope ratio or flatter is required as a condition of approval for the development project with which the slope is associated.

B. A slope stability analysis shall be included in all soil engineering reports for all slopes steeper than a 2:1 slope ratio and for all slopes exceeding 20 feet in height regardless of the slope ratio. The soil engineer shall consider slope stability (both gross and surficial stability) and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial slope stability.

Sec. 8.70.200. - Fills.
A. Fill slopes.

(1) Fill slopes shall not be constructed steeper than a two to one (2:1) horizontal to vertical ratio, or where the base (toe) of the fill slope would be within 12 feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer or the engineering geologist which indicates the stability of the slope is adequate and the proposed slope is approved by the Public Works Director.

(2) In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the Public Works Director, slopes may be constructed steeper than a 2:1 slope ratio.

(3) In no case shall slopes steeper than a 2:1 slope ratio be approved if a 2:1 slope ratio or flatter is required as a condition of approval for the development project with which the slope is associated.

(4) A slope stability analysis shall be included in all soil engineering reports for all slopes steeper than a 2:1 slope ratio and for all slopes exceeding 20 feet in height regardless of the slope ratio. The soil engineer shall consider slope stability (both gross and surficial stability) and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial slope stability.

B. Preparation of ground.

(1) The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than a five to one (5:1) horizontal to vertical ratio, the ground shall be prepared by benching into sound bedrock or other competent or formational material, as determined by the soil engineer and approved by the Public Works Director. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff or an appropriate drainage system shall be provided. French drains may also be required at the toe of fill slopes if determined necessary by the Public Works Director.

(2) Where fill is to be placed over a cut slope, the bench under the toe of the fill shall meet the approval of the soil engineer or the engineering geologist as suitable foundation for the fill. Unsuitable soil is soil that is not dense, firm or unyielding; soil that is highly fractured; or soil that has a high organic content; and in the opinion of the soil engineer or the engineering geologist the soil is not competent to support other soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

C. Fill material. Detrimental amounts of organic material shall not be permitted in
fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills. The Public Works Director may permit the placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement and approves the fill stability and competency. The following conditions shall also apply to the placement of all fill material:

(1) Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plans;

(2) Rock sizes greater than 18 inches shall be placed a minimum of six feet below grade, measured vertically or ten feet measured horizontally, from any slope face except rocks placed in a proposed public right-of-way, which shall be placed a minimum of 20 feet below grade or as approved by the Public Works Inspector, but in no case shall be in conflict with future utility lines;

(3) Rocks sizes greater than 12 inches shall be placed so as to be completely surrounded by soil. No nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of 90% of the maximum density as determined by ASTM D1557. Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading work to verify that the maximum density curves used are representative of the material placed throughout the fill. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the Public Works Director. At least 25% of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results. The location of the field density tests shall be determined by the soil engineer or the testing agency, but shall be sufficient in both horizontal and vertical placement to provide a representative testing of all fill placed. Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling. At least 20% of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer 12 inches of the finished slope face for every 5,000 square feet of slope area. “ASTM D1557” and “ASTM D1556” shall mean the most current versions of such standards and any successors to such standards.

E. Buttress/stabilization fills. Recommendations for buttress/stabilization fills by the soil engineer shall be included in the soil engineering report and shall set forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than 12 degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plans showing the location of the buttress/stabilization fill a scaled section of the buttress/stabilization fill and recommendations with details of subdrain requirements.
F. **Utility line backfill.**

(1) Backfill for utility line trenches in the public right-of-way, including, but not limited to, water, sewer, gas, electrical, telephone and cable television utility line trenches shall be compacted to a 95% relative density. Backfill for on-site utility line trenches that affect the stability of foundations or other structures are located in parking lots or areas used by the general public or are in sloping surfaces steeper than a ten to one (10:1) horizontal to vertical ratio and which utilize onsite material as backfill shall be compacted and tested in accordance with this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the Public Works Director prior to backfilling.

(2) Utility line trench backfill for on-site areas other than those stated above do not need specific placement method or compaction criteria, but shall be sufficiently compacted to preclude differential settlement. In no case shall this subsection be construed to mean utility line trench backfill within any public rights-of-way.

(3) The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements set forth in this section.

Sec. 8.70.210. - Hazardous conditions.

A. A hazardous condition exists when any earth material, natural slope, excavation, fill or drainage device is situated on private property in such a manner that creates a risk of injury to persons or property, creates a danger to public safety or endangers the safety, usability or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

B. The Public Works Director, or any official authorized to enforce this code, may examine, or cause to be examined, every reported or alleged hazardous condition.

C. Upon determining the existence of a hazardous condition, the Public Works Director or other official authorized to enforce the code shall provide written notification to the property owner describing the hazardous condition and requiring mitigation of the hazardous condition within a reasonable time given the risks created by the hazardous condition. The property owner shall comply with the mitigation requirements set forth in the notice. In the event that the required mitigation is not completed within the period specified in the notice, the city may exercise any available legal remedy to correct the hazardous condition.

Sec. 8.70.220. - Setbacks.

A. *General.* The setbacks and other restrictions specified by this section are minimum
and may be increased by the Public Works Director or Building Official or by the recommendation of the civil engineer, the soil engineer or the engineering geologist, if necessary for safety and stability, to prevent damage to adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the Public Works Director. All setbacks required by this section shall comply with all applicable zoning requirements under Title 9 of the code. If the zoning setback requirements exceed the setback requirements in this section, the zoning setbacks shall govern.

B. **Design standards for setbacks.**

(1) The tops and toes of slopes shall be setback from the outer boundaries of the grading permit area, including easements, in accordance with Figures A and B of this section.

(2) Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B of this section.

(3) A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the Public Works Director.

(4) Lot lines shall be located at the top of slopes whenever possible.

**FIGURE A**

![Diagram](image)

**TABLE A-1** | **MINIMUM SETBACK FROM ADJACENT SLOPE**
---|---|---|---|---|---
| H (Height-Ft) | a | b | c | d | e |
| 0<6 | 2' | 5' | 3' | 5' | 3' |
| 6' to 14' | H/2 or 5' (max) | 5' | H/2 | H/2 (5' min) | 3' |
| 14' to 30' | 5' | H/2 (10' max) | H/2 | H/2 (10' max) | 6' |
Notes:
1. PL means property line. PB means permit boundary. MS means manufactured surface.
2. Table A-1 applies to manufactured slopes and 2:1 (or steeper) natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the Public Works Director.
3. "b" may be reduced to a five foot minimum if an approved drainage device is used; roof gutters and downspouts may also be required.
4. "b" may be reduced to less than five feet if no drainage is conveyed on one side and if roof gutters are included.
5. If the slope between "a" and "b" is replaced by a retaining wall, "a" may be reduced to zero and "b" shall remain as shown in Table A-1. The height of the wall shall be governed by zoning regulations.
6. "b" shall be measured from the face of the structure to the top of the slope.
7. "d" is measured from the lower outside edge of the footing, along a horizontal line to the face (daylight) of the slope. Under certain circumstances, "d" may be reduced as recommended in a soils report and approved by the Building Official.

FIGURE B

<table>
<thead>
<tr>
<th>TABLE B-1</th>
<th>MINIMUM SETBACKS FROM RETAINING WALLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>H (Height - Feet)</td>
<td>Hw (Height of wall)</td>
</tr>
<tr>
<td>0 to 6'</td>
<td>3' maximum</td>
</tr>
<tr>
<td>6' to 8'</td>
<td>4'</td>
</tr>
<tr>
<td>8' to 10'</td>
<td>5'</td>
</tr>
<tr>
<td>10' to 12'</td>
<td>6' (see note 3)</td>
</tr>
<tr>
<td>12’ to 30’</td>
<td>6’ (see note 3)</td>
</tr>
<tr>
<td>30’+</td>
<td>6’ (see note 3)</td>
</tr>
</tbody>
</table>

Notes:

1. The use of a retaining wall to reduce setbacks must be approved by the Public Works Director.
2. In limited situations, "f" may be reduced to zero feet if allowed by the Planning Director and if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from a registered Civil Engineer or Structural Engineer and after the Public Works Director approves any necessary drainage devices.
3. "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall. The maximum height of retaining walls for developer initiated projects shall be four feet unless otherwise approved by the Planning Department. Wall heights greater than six feet may also be approved on a case-by-case basis as approved by the Public Works Director.

Sec. 8.70.230. - Drainage and terracing.

A. General. Unless otherwise noted on the approved plans, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted city design standards and to the city’s Standard Plan No. 220-4.

B. Terraces.

(1) Terraces at least eight feet in width shall be established at not more than 30 foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer based upon recommendations of the soil engineer and approved by the Public Works Director. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

(2) Terrace drains shall have a minimum gradient of 2% unless waived by the Public Works Director. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the soil engineer or the engineering geologist.

D. Storm water discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the Public Works Director and any other appropriate jurisdiction as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters or other
devices approved by the Public Works Director.

E. **Interceptor drains.** Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the Public Works Director. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the Public Works Director.

F. **Storm water runoff.** Storm water runoff shall not be allowed to flow over cut or fill slopes which are greater than a five to one (5:1) vertical to horizontal ratio, but shall be provided for as follows:

1. Wherever practicable, each lot shall be graded so that storm water will drain from the backyard through the side yard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than 1%. Wherever practicable, drainage shall not be directed across other lots or over cut or fill slopes;

2. When the provisions in the above subsection are not practicable, as determined by the Public Works Director, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters and/or French drains (gravel filled trench or trench with perforated pipe) and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of 18 inches deep;

3. Where slopes are terraced at 30 foot intervals, drainage shall be provided in paved ditches a minimum of 36 inches wide and 12 inches deep. Construction of the ditches shall be as described below and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the Public Works Director may waive the drainage ditch requirements, if a satisfactory surety bond or other means to guarantee the improvement is posted with the city;

4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of Portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the Public Works Director. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material approved by the Public Works Director. Anchor lugs or collars may be required by the Public Works
Director if the pipe slope is equal to or greater than a two to one (2:1) horizontal to vertical ratio. Pipe specifications shall be approved by the Public Works Director. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains;

(5) The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials approved by the Public Works Director.

G. **Maintenance of drainage facilities.** Where the continuous functioning of a drainage facility is essential to the protection and use of more than one lot within the site of a development project, a mutual and reciprocal covenant or deed restriction, reviewed and approved by the Public Works Director, shall be recorded by the owner of the lots on which the drainage facility is located, imposing on each such lot owner the responsibility for maintaining that portion of the drainage facility located on each lot owner’s respective lot.

H. **Off-site drainage easements.** All easements necessary for the construction of permanent off-site drainage facilities shall be acquired by the permittee. The easements shall be subject to the approval of the Public Works Director and the City Attorney and recorded prior to the issuance of the grading permit.

**Sec. 8.70.240. - Golf course standards.**

Notwithstanding anything to the contrary in this chapter, the following provisions shall be applicable to all golf course development projects:

A. The property owner or developer may submit to the Public Works Director a request for deviation from the requirements of this chapter for golf course development projects. The request shall be in writing and shall include the reasons for the requested deviation(s). Documentation supporting the requested deviation shall include grading plans and erosion control plans, specifications and supporting data consisting of a soil engineering report, an engineering geology report and any hydraulic data necessary to evaluate the request. The Public Works Director shall evaluate the request and provide written response for approval, denial or approval subject to certain conditions;

B. If the Public Works Director approves the requested deviation(s), the property owner or developer shall submit, upon completion of the work, a final soil engineering report and an as-built precise grading plan to the Public Works Department.

**Sec. 8.70.250. - Retaining walls.**

A. Retaining walls constructed in connection with grading plans shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric or a combination of the aforementioned materials. Retaining
walls constructed in connection with grading plans shall be designed to resist all earth pressures acting upon them, including embankment or structure/vehicle surcharge loads. Retaining walls constructed in connection with grading plans shall be designed by a registered civil or structural engineer and submitted to the Public Works Department for review and approval prior to installation. All retaining walls shall be shown on the grading plans, including appropriate structural calculations. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

B. Retaining walls not constructed in connection with grading plans shall be designed by a registered civil engineer or structural engineer and shall be submitted to the Building Department with appropriate structural calculations for review and approval.

Sec. 8.70.260. - Expansive soils.

Expansive soil is any soil with an expansion index greater than 20, as determined by the Expansion Index Tests (Uniform Building Code Standard 29-2) and as listed in the Uniform Building Code Table 29-C. Whenever expansive soils are encountered within four feet of the finish grade of an area intended or designed as a location for a building, then one of the following shall apply.

A. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Non-expansive, properly compacted soil shall be installed in the area where the expansive soil was removed.

B. If sufficient non-expansive material is not readily available on site, the permittee may at his or her option import non-expansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils for the project. The soil engineer, however, shall make recommendations for the design of footings, foundations, slabs and other load bearing features or other special procedures to alleviate any potential problem created by the remaining expansive soils.

C. Based on recommendations of the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and non-expansive materials shall be reserved and stockpiled for placement as a cap over the expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

Sec. 8.70.270. - Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat and seal coat shall meet all current material specification standards of the city for public road construction or receive the approval of the Public Works Director.
B. **Subgrade compaction.** Compaction of subgrade materials shall be in accordance with the requirements of Section 8.70.200.

C. **Soil sterilization.** Unless otherwise approved by the Public Works Director, subgrade earth materials shall be sterilized to preclude plant growth.

D. **Pavement structural section.** The soil engineer or the civil engineer shall determine the pavement structural section(s) for private parking areas, access lanes, driveways, public and private streets. The structural section(s) shall be based on:

1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of Test Method Number California 301 and anticipated traffic and/or loading conditions;

2. The design shall be determined by R-value testing in accordance with CalTrans Design Method with recommended safety factors.

E. **Alternative design method.** In lieu of the recommended structural section from the soil engineer or the civil engineer, the following standards may be used for private parking areas, access lanes, driveways and private streets:

<table>
<thead>
<tr>
<th>INDUSTRIAL AND COMMERCIAL DEVELOPMENTS</th>
<th>MINIMUM STRUCTURAL SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking areas</td>
<td>.25' AC/.33' AB</td>
</tr>
<tr>
<td>Driveways and perimeter drives for industrial development</td>
<td>.25' AC/.83' AB</td>
</tr>
<tr>
<td>Driveways and perimeter drives for commercial development</td>
<td>.25' AC/.67' AB</td>
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<table>
<thead>
<tr>
<th>HIGH DENSITY RESIDENTIAL</th>
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<tbody>
<tr>
<td>Parking areas and access lanes</td>
<td>.25' AC/.33' AB</td>
</tr>
<tr>
<td>Drives and areas subject to heavy truck use</td>
<td>.25' AC/.67' AB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIVATE STREETS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural roadway section for private streets</td>
<td>.25' AC/.50' AB</td>
</tr>
</tbody>
</table>

Notes:
1. AC means asphalt concrete pavement.
2. AB means class II aggregate base material.

   F. **Dedicated streets.** Minimum structural sections for dedicated city streets shall conform with the current addition of the city’s standard plans.

   G. **Exceptions.** The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project for which a grading permit has been issued or to commercial, industrial or high-density residential developments where all pavement areas are constructed of Portland Cement Concrete (PCC) pavement.

Sec. 8.70.280. - Erosion control systems.
A. **Design and development standards.** All erosion control systems required by the Erosion Control Plan shall be designed and developed in accordance with the following standards:

1. Erosion control systems shall be designed and developed in conformance with the Erosion Control Plan unless otherwise approved by the Public Works Director;

2. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by beans, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading work and shall be maintained throughout the development process;

3. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge;

4. Desilting facilities shall be provided at drainage outlets from the graded site;

5. Desilting basins shall be designed to provide a desalting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles;

6. Desilting basins shall be constructed around the perimeter of development projects. Basins should be located where maintenance access is provided from paved roads during wet weather;

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of 90% of maximum density. A soil engineering report including the type of field-testing performed and the location and results of testing shall be submitted to the Public Works Director for approval upon completing the desalting basin(s);

8. Equipment and workers for emergency work shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed;

9. Unless otherwise approved by the Public Works Director, erosion control systems shall include effective planting on all slopes in excess of three feet in height. Slopes exceeding 15 feet in height may require an adequate sprinkler system, as determined by the Public Works Director;

10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to November 1. If the permanent landscaping is not installed and sufficiently established prior to November 1, the slope(s) shall be covered with protective materials and soil stabilizers
approved by the Public Works Director;

(11) All slope planting which is to be completed after September 15 will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding;

(12) All disturbed slopes shall be planted and protected within 45 days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including, but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability;

(13) Erosion control systems shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season;

(14) Graded areas around the perimeter of the development project must drain away from the face of slopes at the conclusion of each working day;

(15) If a development project includes grading or construction within 100 feet of any environmentally sensitive area, additional erosion control systems may be required within all disturbed areas in order to minimize the impacts to the environment. The erosion control systems shall be completed, inspected and operational no later than October 1. The additional erosion control measures may include, but are not limited to, installing protective materials and stabilizers along banks and within waterways and over all disturbed areas. The additional erosion control systems may also require a 24-hour on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any 24-hour period. The precipitation forecast shall be as established by the National Weather Service;

(16) If construction of an erosion control system outside of the boundaries of the development project is necessary, permission to construct such system from the affected property owner(s) shall be obtained. Erosion control plans for off-site erosion control systems shall be included with the on-site erosion control plans submitted to the Public Works Director. The Erosion Control Plan for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities;

(17) The faces of cut and fill slopes and the project site shall be prepared and maintained to control erosion. Slope protection may be waived by the Public Works Director for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

B. Construction and installation of erosion control systems. All erosion control systems required by the Erosion Control Plan shall be constructed and installed in
accordance with the following:

(1) Erosion control systems shall be constructed and installed in conformance with the Erosion Control Plan unless otherwise approved by the Public Works Director;

(2) The construction and installation of all erosion control systems shall be approved by the Public Works Director and approved and certified by the civil engineer. All erosion control system(s) shall be constructed, installed, approved and certified no later than October 1;

(3) All erosion control systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days;

(4) All erosion control systems shall remain in place until May 31. The May 31 date may be extended by the Public Works Director upon determination that there is a substantial likelihood of significant precipitation after May 31. The Public Works Director shall use information as provided by the National Weather Service to make such determination;

(5) All erosion control systems required to retain sediment on-site and to safely discharge any accelerated runoff generated by the associated development project shall be installed during the initial construction phase of the development project;

(6) All removable protective devices shall be in place at the end of each working day when the five day rain probability forecast exceeds 40%. The forecast shall be as determined by the National Weather Service.

C. Maintenance of erosion control systems. All erosion control systems required by the Erosion Control Plan shall be maintained in accordance with the following:

(1) Erosion control systems shall be maintained in conformance with the Erosion Control Plan unless otherwise approved by the Public Works Director;

(2) The performance of all erosion control systems shall be evaluated by the Public Works Director and revised and replaced as ordered;

(3) Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any 12 hour period, or upon direction of the Public Works Director, silt and debris shall be removed from check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition;

(4) The grading contractor, permittee and property owner shall be responsible for and shall take all necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions
may include, but are not limited to, appropriate perimeter fencing or a 24 hour

guard;

(5) Any sprinkler system controlled by timers and used with an erosion control

system shall be inspected every 30 days to ensure proper functioning of the
timer device;

(6) Paved streets, sidewalks and other improvements shall be maintained in a neat

and clean condition, free of loose soil, construction debris and trash. Street
sweeping or other equally effective means shall be used on a regular basis to
control erosion that has been deposited on streets or sidewalks. Watering shall
not be used to clean streets except for the removal of fine material not
otherwise removed by sweeping or other mechanical means.

D. **Failure of erosion control system.** The grading contractor, permittee or property

owner shall be responsible for construction, installation, inspection, modification
and proper maintenance of all erosion control systems. If the grading contractor,
permittee or property owner fails or refuses to properly construct, install or maintain
an erosion control system, the Public Works Director may order emergency
maintenance work to be done in order to protect public or private property or to
protect the public health, safety and welfare. The cost of such emergency work,
including initial mobilization, performance of the work and applicable
administrative costs shall be charged to the permittee or the property owner
pursuant to the procedures set forth in this chapter. The Public Works Director may
also suspend or revoke the grading permit as provided in this chapter. The grading
permit shall not be reinstated or renewed until all required erosion control system(s)
have been properly constructed, installed and maintained as approved by the Public
Works Director.

Sec. 8.70.290. - National Pollution Discharge Elimination System (NPDES).

A. All development projects requesting a grading permit shall comply with Chapter

6.05 (Storm Water/Urban Runoff Management and Discharge Controls) and all
applicable requirements of the State Water Resources Control Board (SWRCB) and
the Santa Ana Regional Water Quality Control Board (SARWQCB). In general, for
all development projects that disturb one or more acres the SARWQCB requires
compliance with the General Construction Activity Storm Water Permit (general
permit), and the SARWQCB may require compliance with individual permits it has
issued under the NPDES program. The general permit and individual permits
typically require an applicant to file a Notice of Intention (NOI), prepare a Storm
Water Pollution Prevention Plan (SWPPP) and implement a Monitoring Program.

B. Prior to issuance of a grading permit, each applicant shall provide evidence of
compliance with the appropriate storm water standards, and if applicable, a copy of
the required NPDES permit to the Public Works Director. Such information shall
be maintained on-site during construction and shall be presented upon demand by
SWRCB, SARWQCB, the city or any member of the public.
Sec. 8.70.300. - Grading inspection.

A. Pre-grading and pre-paving meeting. Prior to any grading or clearing, brushing and grubbing there shall be a pre-grading meeting held on the site unless waived by the Public Works Director. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the Public Works Director. The permittee shall notify the Public Works Director and request the meeting(s) at least two working days prior to the meeting(s) and shall notify all principals responsible for grading or paving operations.

B. Pre-work inspection. Prior to the commencement of any work authorized by a grading permit, the Public Works Director may inspect the site of the work to determine that the approved plans are current and reflect existing conditions. If the Public Works Director finds the soil or other conditions do not reflect the conditions shown on the approved plans or stated in the geotechnical reports, the Public Works Director may issue a stop work order until revised grading plans or modified geotechnical reports that reflect the actual site conditions have been submitted and approved by the Public Works Director.

C. Site inspections. All work authorized under a grading permit shall be subject to the following inspections, where applicable, and the permittee shall provide notice to the Public Works Director at least one working day prior to the work being ready for the inspection.

   (1) Excavation and fill inspection. All excavation and fill work shall be inspected as follows:

      (a) Canyon clean out. After all brush and unsuitable material is removed and an acceptable base is exposed, but before any fill is placed;

      (b) Toe bench and key. After the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed;

      (c) Over excavation. After the area is excavated but before fill is placed;

      (d) Excavation. After the excavation is started, but before the vertical depth of the excavation exceeds ten feet and every ten foot interval thereafter.

      (e) Fill. After the fill is started, but before the vertical height of the fill exceeds ten feet and every ten foot interval thereafter;

   (2) Concrete or gunite drainage device inspection. All concrete of gunite drainage devices shall be inspected as follows:

      (a) Alley gutter or concrete drainage device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;
(b) *Terrace drains, down drains, brow ditches.* After grade is established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunite.

(3) *Other drainage devices.* Any subdrains, city storm drain or inlets or any earth swales shall be inspected as follows.

(a) *Subdrains.* After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill.

(b) *City storm drains and inlets.* After installation of form work and placement of reinforcement, but before concrete placement and then again after placement of concrete and removal of form work, but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain.

(c) *Earth swales.* Prior to rough grading approval and then again prior to final grading approval.

(4) *Siltation control facilities (October 1 to May 31).* All siltation control facilities shall be inspected as follows:

(a) After excavation of desilting basins but prior to fill placement. Prefabricated drainage devices shall be available on-site for inspection;

(b) After fill placement of desilting basins but prior to placement of concrete or other non-erosive materials (if applicable);

(c) After completion of an erosion control system in accordance with the approved Erosion Control Plan and any requirements of the Public Works Director.

(5) *Rough grade inspection.* All rough grading work shall be inspected when all rough grading is complete. Inspection shall occur after the Public Works Director has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on city approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading inspection.

(6) *Paving inspection.* All paving work shall be inspected as follows:

(a) *Subgrade.* After subgrade is established, tested and approved by the soil engineer. The soil engineer may leave a field memo of compaction test results on site. The civil engineer shall provide approval of line and grade;
(b) **Base.** After base course is in place, tested and approved by the soil engineer, but prior to prime coat and asphalt placement. The soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

(c) **Asphalt concrete.** During asphalt placement to verify compliance with the approved plans. Material invoices or weight tickets shall be required. Prior to application of seal coat, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

(7) **Special inspections.** For special cases involving grading or paving related operations, the Public Works Director may establish special inspection requirements in accordance with the Uniform Building Code, latest Edition, Section 1701, as amended. Special cases may apply to work where, in the opinion of the Public Works Director, it is necessary to supplement the resources or expertise available for inspection.

(8) **Final inspection.** All work shall undergo final inspection when all work, including the installation of all drainage structures and other protective devices, is complete and all written professional approvals and the required reports are submitted.

D. **Enforcement of inspections.**

(1) Whenever any work for which inspection is required, is covered or concealed by additional work without first being inspected, the Public Works Director may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such non-inspected work shall be at the permittee’s sole cost and expense.

(2) The provisions of the Uniform Building Code (UBC), Section 104.2.4, Stop Orders, shall apply, whenever the Public Works Director determines that any work does not comply with the terms of the grading permit, the approved plans, any applicable provisions of this chapter or the code or state or federal law or that the soil or other conditions are not as stated on the grading permit, approved plans or geotechnical reports. Pursuant to such authority, the Public Works Director may order the work stopped by notice in writing served any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the Public Works Director to proceed with the work.

E. **Inspections by professionals of record.**

(1) The soil engineer shall be responsible for the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required and incorporating data supplied by the engineering geologist.
(2) The certified engineering geologist or professional geologist shall be responsible for the professional inspection and approval of the stability of cut slopes with respect to geological matters and the needs for subdrains or other ground water drainage devices. The certified engineering geologist or professional geologist shall report all findings to the soil engineer for engineering analysis.

(3) When preliminary soil engineering reports are not required by the Public Works Director, inspection and testing may be required by a testing agency. The testing agency shall be responsible for the professional inspection and approval of cleared areas and benches to receive fill and the compaction of fills.

(4) The Public Works Director, or his or her designee, shall inspect the project at various stages of work requiring approval and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans.

F. Noncompliance; notification; corrective measures. If the civil engineer, the soil engineer, the engineering geologist or the testing agency finds during any inspection conducted pursuant to this chapter that the work is not being completed in conformance with the grading permit, the approved plans, any applicable provisions of this chapter or the code or state or federal law, the nonconformance shall be immediately reported in writing to the permittee, any contractor performing the work, the property owner and the Public Works Director. The civil engineer, the soil engineer, the engineering geologist or the testing agency shall submit recommendations for corrective measures to the Public Works Director for review and approval. The Public Works Director may require additional or revised soil engineering reports or engineering geology reports for approval of the corrective measures.

G. Incorporation of corrective measures. The civil engineer shall incorporate any corrective measures approved by the Public Works Director into the approved plans, and the changes shall automatically be deemed to be made a part of the grading permit. The civil engineer of record during construction shall be responsible for establishing line and grade for the grading and drainage improvements and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the grading contractor and the Public Works Director. The civil engineer of record during construction shall also be responsible for preparing revised grading plans for review and approval, if required by the Public Works Director. Upon completion of the work, the submission of an as-built precise grading plan shall incorporate all corrective measures, changes and additions made during construction.

Sec. 8.70.310. - Changes in professional of record.
A. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record is changed during the course of the work, the work may be stopped by the Public Works Director until:

(1) The permittee submits a letter of notification to the Public Works Director verifying the change of the responsible professional or the civil engineer who prepared the approved plans submits a letter indicating that he or she is not the engineer of record for construction of the project; and

(2) The new responsible professional submits in writing that he or she has reviewed all prior reports and approved plans (specified by date and title) and work performed by the prior responsible professional and that he or she concurs with the findings, conclusions and recommendations and is satisfied with the work performed. The new responsible professional must also state that he or she assumes all responsibility within his or her purview as of the specified date.

B. All exceptions to the requirements of this section must be justified to the satisfaction of the Public Works Director.

C. Where clearly indicated that a corporation, partnership, limited liability partnership or limited liability corporation, not the individual engineer and/or geologist, is the responsible professional, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the corporation, partnership, limited liability partnership or limited liability corporation may assume responsibility without the requirement for written notification to the Public Works Director.

Sec. 8.70.320. - Completion of work.

A. Final reports. Upon completion of the rough grading work and at the final completion of all work authorized under the grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the Public Works Director shall require:

(1) An as-built precise grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities, location with scaled sections of all buttress/stabilization fill and location and depth of all areas of unsuitable soil;

(2) Written approval by the civil engineer that the grading conforms with the approved plans and that specifically identifies the following items as conforming with the approved plans:

(a) Construction of line and grade for all engineered drainage devices and retaining walls (both rough and final grading);
(b) Staking of property corners for proper building locations (rough grading only);

(c) Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading only);

(d) Location and inclination of all manufactured slopes (both rough and final grading);

(e) Construction of earthen berms and positive building pad drainage (both rough and final grading);

(3) A final soil engineering report (compaction report) prepared by the soil engineer, including the type of field testing performed, the stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and the effect of the same on recommendations and changes incorporated in the approved plans. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown and the method of obtaining the in-place density described (either ASTM 1556-78 or the approved equal shall be noted). The final soil engineering report shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors, and a statement of compliance to finish grade;

(4) A final engineering geology report prepared by the engineering geologist, including a final description of the geology of the site, including any new information discovered during the grading and the effect of the same on recommendations and changes incorporated in the approved plans. The engineering geologist shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the Public Works Director, shall submit an as-built geologic map;

(5) The Public Works Director may require a statement of compliance prepared by the grading contractor that all work was completed in accordance with the grading permit and approved plans.

B. Notice of completion. The Public Works Director shall give final approval of the work and a notice of completion shall not be issued until all work, including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the approved plans and undergone final inspection, the required final reports and statements of compliance have been submitted and approved by the Public Works Director and all fees and costs incurred by the permittee have been paid or satisfied by the security.
Sec. 8.70.330. - Issuance of building permits.

A. Building permits may be issued for a site graded under an approved plan and valid grading permit upon completion, inspection, approval of rough grade and inspection as required by this chapter. Only building permits for construction of model homes may be issued prior to completion of rough grading for the site, provided that rough grading is completed and inspected for the model home sites.

B. Building permits shall not be issued for a site graded under a rough grading permit until a new precise grading plan is approved, a grading permit issued and the provisions noted above are satisfied.

Sec. 8.70.340. - Penalties for violation.

A. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of law, shall be punishable by a fine of not more than $1,000 or imprisonment for not more than six months, or by both. Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter, including any physical condition created in violation of this chapter, is continued or permitted to continue and shall be punishable as provided for in this chapter.

B. Violations of this Chapter may also be enforced through the provisions of Chapter 1.20, Administrative Citations, Chapter 1.25, Public Nuisance Injunctions, or other applicable law.

C. Any lot, street, alley, road or driveway constructed contrary to the provisions of this chapter shall constitute a public nuisance.

Section 3. California Environmental Quality Act Findings for Determination of Exemption. The City Council of the City of Jurupa Valley hereby makes the following environmental findings and determinations in connection with the approval of the proposed Grading Ordinance (“Project”):

(a) The proposed Grading Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Grading Ordinance will have a significant effect on the environment. The proposed Grading Ordinance establishes a detailed administrative process for approval of grading on a site. The proposed Grading Ordinance itself will not result in direct or indirect physical changes in the environment. Basic grading standards are established by the building codes adopted by Chapter 8.05 of the Jurupa Valley Municipal Code. The evaluation of grading on the site will follow CEQA review of the development project proposed for the site. The grading permit is conditioned on the completion of the review and analysis of potential impacts on habitat and species under the Western Riverside County Multi-Species Habitat Conservation Plan. The proposed Grading Ordinance does not regulate traffic on streets and highways. The City Council has reviewed the administrative record concerning the proposed Grading Ordinance and the proposed CEQA exemption, and based on its own independent judgment, finds that the Municipal Code amendment
set forth in this proposed Grading Ordinance is exempt from the requirements of the CEQA and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3). The Director of Public Works shall file a Notice of Exemption with the County Clerk.

**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 21st day of November, 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. 2019-17 was regularly introduced at a regular meeting of the City Council held on the 7th day of November, 2019 and thereafter at a regular meeting held on the 21st day of November, 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 21st day of November, 2019.

________________________________
Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: NOVEMBER 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: PETER M. THORSON, CITY ATTORNEY

SUBJECT: AGENDA ITEM NO. 17.A

APPROVAL OF CITY MANAGER EMPLOYMENT AGREEMENT WITH ROD BUTLER

RECOMMENDATION

1. That the City Council adopt Resolution No. 2019-101, entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPOINTING ROD BUTLER AS CITY MANAGER

2. Approve the Employment Agreement between the City and Rod Bradley Butler for the position of City Manager, dated as of November 7, 2019 and authorize the Mayor to execute the Employment Agreement on behalf of the City.

ANALYSIS

On October 17, 2019 the City Council selected Rod Butler to be the next City Manager of the City of Jurupa Valley, subject to the adoption of an employment agreement.

The significant terms of the proposed Employment Agreement between the City and Mr. Butler are:

1. Term. December 9, 2019 to June 30, 2023. Mr. Butler's start date will be December 9, 2019.

2. Salary. Mr. Butler's salary would be $198,000 per year which is $16,500 per month. This salary would rank Jurupa Valley 10 out of 11 cities on the city manager salary survey of nearby cities and cities of comparable size prepared by Pat Grob of the City's Human Resources Department. The salary survey is attached.

3. Paid Leave. Mr. Butler would receive five weeks (200 hours) per fiscal year of paid leave that he may use for vacation, illness, personal business, or other absences.
from employment. Additionally, he would receive an additional 96 hours of paid leave per fiscal year as compensatory leave.

A. Mr. Butler may schedule and use paid leave time at his discretion, with due regard for the demands of his position and the needs of the City. However, Mr. Butler shall not use more than five (5) consecutive working days of paid leave time, or otherwise be voluntarily absent from work for such period, without prior approval of the City Council.

B. Mr. Butler may accrue paid leave time up to a cap of one and one-half times his annual accrual. Once Mr. Butler reaches the cap, Mr. Butler will accrue no additional paid leave time until his accrued balance is below the cap.

C. Mr. Butler may elect to be paid for up to eighty (80) hours of properly accrued and unpaid leave time in June of each year.

4. **Automobile Reimbursement**  Mr. Butler would not receive a monthly automobile allowance, but would be reimbursed for automobile travel on City-related business at the IRS rate, which for 2019 is $.58 per mile.

5. **Health/Cafeteria Plan.**  Mr. Butler would receive the health and cafeteria plan benefits the same as other City employees under the City Council approved employee benefits.

6. **Retirement Plan.**  The City provides a retirement plan through PARS for which the City contributes 7% of gross salary and the employee may contribute from zero to 20%. City and Employee will each make their respective contributions to Medicare, as required by law.

7. **Severance Payment.**  If Mr. Butler is terminated “without cause,” he would receive six months’ salary as severance pay or the amount of time left on his agreement, whichever is less. If Mr. Butler is terminated “for cause,” he would not receive any severance pay. “For cause” is specifically defined in Paragraph 9.B. of the proposed agreement to include:

   A. Conviction of a felony;

   B. Conviction of a misdemeanor arising out of Employee’s duties under this Agreement and involving a willful or intentional violation of law;

   C. Willful abandonment of duties;

   D. A pattern of repeated, willful and intentional failure to carry out materially significant and legally constituted policy decisions of the City Council made by the City Council as a body, or persistent and willful violation of properly established rules and procedures following notification to Employee; or
E. Any grossly negligent action or inaction by Employee that materially and substantially impedes or disrupts the performance.

FINANCIAL IMPACT

$198,000 per year, plus the costs of benefits for the term of the Agreement

ALTERNATIVES

Provide comments to Staff and request changes to the Employment Agreement.

Prepared by:

[Signature]

Peter M. Thorson
City Attorney

Attachments:

1. Resolution Appointing Rod Bradley Butler as City Manager
2. Proposed Employment Agreement for Rod Bradley Butler as City Manager
3. City Manager Salary Survey
RESOLUTION NO. 2019-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPOINTING ROD BUTLER AS CITY MANAGER

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

Section 1. The City Council hereby appoints Rod Bradley Butler to the position of City Manager of the City of Jurupa Valley with the full powers and duties of the position of City Manager as set forth in the Jurupa Valley Municipal Code, State Law, and other applicable ordinances, rules, regulations, directives, and agreements of the City and the City Council.

Section 2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this 7th day of November, 2019.

___________________________________________
Brian Berkson
Mayor

ATTEST:

___________________________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY  

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-101 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of November, 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 7th day of November, 2019.

Victoria Wasko, CMC City Clerk
City of Jurupa Valley
CITY MANAGER EMPLOYMENT AGREEMENT BETWEEN
CITY OF JURUPA VALLEY AND ROD BRADLEY BUTLER

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into as of November 7, 2019, by and between the City of Jurupa Valley, a California municipal corporation, ("City") and Rod Bradley Butler, an individual ("Employee"). In consideration of the mutual covenants and conditions herein contained, City and Employee agree as follows:

1. **RECEITALS.** The parties agree that this Agreement is made with respect to the purposes and facts set forth below:

   A. Employee represents that Employee has the requisite specialized skills and training and is otherwise qualified to serve as City Manager.

   B. The City Council desires to have Employee serve as City Manager and Employee desires to accept employment as City Manager.

   C. City and Employee wish to enter into an Employment Agreement that sets forth the rights and obligations of the parties and that will supersede all prior negotiations, discussions or agreements.

2. **TERM.** Unless sooner terminated, as provided in this Agreement, the term of this Agreement shall be from December 9, 2019 to June 30, 2023.

3. **DUTIES AND AUTHORITY.** Employee shall exercise the full powers and perform the duties of the position of City Manager of the City of Jurupa Valley, as set forth in the Jurupa Valley Municipal Code ("Municipal Code"); other applicable ordinances, rules, regulations and procedures; the City Manager job description; and under state law, as each of them currently or may in the future exist. Employee shall exercise such other powers and perform such other duties as City, by the City Council, may from time to time assign. As determined by the City Council, Employee shall serve as representative to any agency or organization to which the City Council may make appointments. Employee may also be appointed by the City Council to serve as Executive Director to any agency, authority or similar entity staffed by City, if any.

4. **EMPLOYEE'S OBLIGATIONS.** Employee shall devote Employee’s full energies, interest, abilities and productive time to the performance of this Agreement, and utilize his best efforts to promote City's interests. Employee shall not engage in any activity, consulting service or enterprise, for compensation or otherwise, which is actually or potentially in conflict with or inimical to, or which materially interferes with his duties and responsibilities to City. Employee shall obtain prior authorization from the City Council for any outside employment, consulting, teaching or other enterprise.
5. **SALARY AND BENEFITS.**

   A. **Salary.** City shall pay Employee a monthly salary of sixteen thousand five hundred dollars ($16,500), subject to legally permissible or required withholding, prorated and paid twice per month on City’s normal paydays. Employee’s salary is compensation for all hours worked. Employee shall be exempt from the overtime pay provisions of California law (if any) and federal law.

   B. **Employment Benefits.** In addition to base salary, City shall provide fringe benefits to Employee in addition to any other fringe, group insurance or employee benefits, provided to other City employees by Council action as follows:

      1) **Holidays.** Employee shall be entitled to the scheduled holidays designated by City Council resolution. Employee’s salary includes holiday pay. Accordingly, Employee shall not be entitled to any additional salary or compensation for working on a holiday.

      2) **Paid Leave.** Employee shall receive five weeks (200 hours) of paid leave time annually during each fiscal year that he may use for vacation, illness, personal business or other absences from employment. Additionally, consistent with the City’s Personnel Policies and Practices Manual, Employee shall receive an additional ninety-six (96) hours of PTO per fiscal year as compensatory leave in addition to the annual PTO leave earned annually based on years of service. Employee may schedule and use paid leave time at his discretion, with due regard for the demands of his position and the needs of the City. However, Employee shall not use more than five (5) consecutive working days of paid leave time, or otherwise be voluntarily absent from work for such period, without prior approval of the City Council. Employee may accrue paid leave time up to a cap of one and one-half times his annual accrual. Once Employee reaches the cap, Employee will accrue no additional paid leave time until his accrued balance is below the cap. Employee may elect to be paid for up to eighty (80) hours of properly accrued and unpaid leave time in June of each year. Employee will be paid for all properly accrued and unused paid leave time at the time of termination.

      3) **Automobile.** Employee will maintain a personal vehicle available for use on City business. City will reimburse Employee for such business use at the IRS standard mileage rate, applicable at the time of vehicle use. Employee shall be authorized to use City vehicles.

      4) **Expenses.** City recognizes that Employee may incur certain expenses of a non-personal and job related nature. City agrees to reimburse or to pay such business expenses which are incurred and submitted according to City’s reasonable requirements. To be eligible for reimbursement, all expenses must be supported by documentation meeting City’s reasonable requirements and must be submitted within time limits established by City.

      5) **Retirement Plan.** The City provides a retirement plan through PARS for which the City contributes 7% of gross salary and the employee may contribute from zero to
20%. City and Employee will each make their respective contributions to Medicare, as required by law.

6) Bonding. City shall bear the full costs of any fidelity or other bonds required of Employee under any law or ordinance by virtue of his employment as City Manager.

C. Except as provided in this Agreement, all applicable provisions of the City Personnel Policies and Procedures Manual, personnel ordinances and resolutions, Council approved benefits for City employees, as they now exist or may be amended, shall apply to Employee.

6. EVALUATIONS. Employee shall report to and shall be evaluated annually by the City Council. Employee shall schedule the annual evaluations.

7. INDEMNIFICATION. City will defend and indemnify Employee, using legal counsel of City’s choosing, against legal liability for acts or omissions by Employee occurring in the course and scope of employment under this Agreement, in accord with California Government Code Sections 825, 995, and 995.2 – 995.8 and other applicable provisions of California law. In the event independent counsel is required for Employee, City may select and will pay the reasonable fees of such independent counsel.

8. AT-WILL EMPLOYMENT RELATIONSHIP. Consistent with Municipal Code Sections 2.10.010, 2.10.100, and California Government Code § 36506, the City Council shall be appointing authority for Employee and Employee is employed at the pleasure of the City Council. Except as otherwise provided in the Municipal Code, either the City Council or Employee may terminate this Agreement and the employment relationship at any time, for any reason, without cause on thirty (30) days prior written notice. City Council, at its sole option, may place Employee on paid administrative leave for all or any portion of the notice period. No prior notice shall be required and this Agreement may be terminated immediately if City terminates this Agreement with cause, as defined below (See section 9.B). Except as otherwise expressly limited in this Agreement, City shall pay Employee for all services through the effective date of termination and for all properly accrued but unused paid leave time.

9. SEVERANCE.

A. If City terminates this Agreement (thereby terminating Employee’s Employment), without cause, City shall pay Employee a lump sum severance benefit equal to six (6) months of Employee’s then applicable salary. The applicable salary shall be Employee’s salary in effect on the effective date of termination.

B. If City terminates this Agreement (thereby terminating Employee’s Employment) with cause, Employee shall not be entitled to any severance. As used in this Agreement, cause shall mean any of the following:

1) Conviction of a felony;

2) Conviction of a misdemeanor arising out of Employee’s duties under this Agreement and involving a willful or intentional violation of law;
3) Willful abandonment of duties;

4) A pattern of repeated, willful and intentional failure to carry out materially significant and legally constituted policy decisions of the City Council made by the City Council as a body, or persistent and willful violation of properly established rules and procedures following notification to Employee; or

5) Any grossly negligent action or inaction by Employee that materially and substantially impedes or disrupts the performance of City or its organizational units, or is detrimental to employee safety or public safety.

C. If Employee resigns, retires, terminates this Agreement or gives notice of his intent not to renew this Agreement (thereby terminating all of Employee’s Employment), Employee shall not be entitled to any severance.

D. Any other term of this Agreement notwithstanding, the maximum severance that Employee may receive under this Agreement shall not exceed the limitations provided in Government Code Sections 53260 – 53264, or other applicable law. Further, in the event Employee is convicted of a crime involving an abuse of office or position, Employee shall reimburse City for any paid leave or cash settlement (including severance), as provided by Government Code Sections 53243 -- 53243.4.

10. INTEGRATION OF AGREEMENT. This Agreement contains the entire Agreement between the parties and supersedes all prior oral and written agreements, understandings, commitments, and practices between the parties concerning Employee’s employment as City Manager with the City. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, oral or written, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding on either party.

11. METHOD OF AMENDMENT. No amendments to this Agreement may be made except by a writing signed and dated by the parties.

12. NOTICES. Any notice to City under this Agreement shall be given in writing to City, either by personal service or by registered or certified mail, postage prepaid, addressed to the Mayor and City Council at City's then principal place of business. A courtesy copy shall be given to the City Attorney in a like manner. Any such notice to Employee shall be given in a like manner and, if mailed, shall be addressed to Employee at his home address then shown in City's files. For the purpose of determining compliance with any time limit in this Agreement, a notice shall be deemed to have been duly given (a) on the date of delivery, if served personally on the party to whom notice is to be given, or (b) on the third calendar day after mailing, if mailed to the party to whom the notice is to be given in the manner provided in this section.

13. GENERAL PROVISIONS.

A. If any provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall nevertheless remain in full force and effect. If any provision is held
invalid or unenforceable with respect to particular circumstances, it shall nevertheless remain in full force and effect in all other circumstances.

B. This Agreement sets forth the final, complete and exclusive agreement between City and Employee relating to the employment of Employee by City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The foregoing notwithstanding, Employee acknowledges that, except as expressly provided in this Agreement, his employment is subject to City’s generally applicable rules and policies pertaining to employment matters.

C. This Agreement shall be interpreted and construed pursuant to and in accordance with the local laws of the State of California and all applicable City Codes, Ordinances and Resolutions.

D. Employee acknowledges that he has had the opportunity and has conducted an independent review of the financial and legal effects of this Agreement. Employee acknowledges that he has made an independent judgment upon the financial and legal effects of this Agreement and has not relied upon any representation of City, its officers, agents or employees other than those expressly set forth in this Agreement.
IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and executed personally or on its behalf by its duly authorized representative.

EMPLOYEE

___________________________
ROD B. BUTLER

CITY
CITY OF JURUPA VALLEY,
A California Municipal Corporation

___________________________
BRIAN BERKSON
Mayor

ATTEST:

__________________________
VICTORIA WASKO, CMC
City Clerk

APPROVED AS TO FORM:

__________________________
PETER M. THORSON
City Attorney
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**MEDIAN** $2,492,348.00 1,228,042

**Average** $226,577.09 111,640
STAFF REPORT

DATE: NOVEMBER 7, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
BY: KEITH CLARKE, CHIEF BUILDING OFFICIAL

SUBJECT: AGENDA ITEM NO. 17.B


RECOMMENDATION

1) That the City Council set the public hearing on the adoption of the Building Codes Ordinance and Fire Code Ordinance for December 5, 2019 and direct the City Clerk to publish notice of this public hearing and the proposed adoption of these codes in the manner required by law.

2) That the City Council conduct a first reading and introduce Ordinance No. 2019-18, entitled:

FIRE CODE, TOGETHER WITH CERTAIN AMENDMENTS AND DELETIONS TO SUCH CODE

DISCUSSION

Building Codes

The California Building Standards Commission recently adopted the 2019 Edition of the California Building Codes, which is also known as the California Code of Regulations, Title 24 (California Code of Regulations, Title 24). The 2019 California Building Codes include the California Building Code, the California Historical Building Code, the California Existing Building Code the California Mechanical Code, California Plumbing Code, the California Electrical Code, the California Energy Code, the California Green Building Code, the California Reference Standards Code, the California Residential Code and the International Property Maintenance Code. The accompanying ordinance will adopt these Building Codes and bring the City’s building regulations into compliance with the latest codes adopted by the California Building Standards Commission. The 2016 State Building Codes have been in effect in the City since January 1, 2017 and will be superseded by these new 2019 State Building Codes.

Under State statute, specific referenced model codes must be adopted by the local jurisdictions within 180 days of the publication date of the model codes. The effective date for local enforcement of the new California Building Codes will be January 1, 2020.

Additionally, any modifications made by local agencies to the technical regulations adopted by the California Building Standards Commission may only become effective if the local jurisdiction makes express findings of needs for changes due to local conditions. Further, these modifications must be directly related to local climatic, geological, or topographical conditions in the form of a Resolution, and must be filed directly with the Building Standards Commission after its adoption.


It should be noted that the amendments to the administrative provisions and regulations, addressing elements of construction that are not regulated by the California Building
Standards Commission, do not need to meet the test of being necessary due to climatic, geological or topographical conditions.

No new fees or changes to the current building permit fee structures are proposed as part of this building code adoption process. The City adopted the Riverside County building permit fee resolution upon incorporation.

Fire Code

A new California Fire Code has been adopted by the State Building Standards Commission which will become effective January 1, 2020. State law allows local governments to amend California Codes, provided that the amendments are more restrictive and are necessary in order to provide a higher level of safety. The proposed ordinance will adopt and amend the 2019 edition of the California Fire Code (CFC) which is based on the 2018 edition of the International Fire Code (IFC) published by ICC.

Procedures

The proposed resolution is required by State law as part of the approval process for adoption of the Building Codes and the Fire Codes. It provides for a noticed public hearing to be held before the City Council on December 5, 2019 prior to the adoption of the Building Codes and Fire Code ordinance.

FINANCIAL IMPACT

None. The proposed ordinance adopts the new Building Codes and Fire Code.

ALTERNATIVES

Provide additional comments to the City Manager and Chief Building Official, and if necessary, schedule the matter for further consideration at the next Council Meeting.

Prepared by:                              Submitted by:

Keith Clarke  Alan Kreimeier  
Chief Building Official  Interim City Manager
Reviewed by:

[Signature]

Peter M. Thorson
City Attorney

Attachment:

1. Ordinance No. 2019-18

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

Section 1. Recitals. The City Council hereby finds, determines, and declares as follows:

A. Government Code Section 50022.1 *et seq.* authorizes the adoption by reference of the 2019 California Building Standards Codes, including the 2019 California Fire Code specified in this Ordinance.

B. A duly noticed public hearing, as required by Government Code Section 50022.3, was held by the City Council on ____, 2019, at which time the City Council heard and considered all public comments on these codes prior to the adoption of this Ordinance.

C. At least one copy of each code adopted by this Ordinance certified as full, true and correct by the City Clerk of the City of Jurupa Valley have been filed in the Office of the City Clerk at least 15 days preceding the public hearing on ________, 2019, in accordance with the provisions of Government Code Section 50022.6.

D. All legal prerequisites to the adoption of this Ordinance have occurred and been fulfilled.

Section 2. Section 8.05.010 (“Adoption of Construction Codes”) of Chapter 8.05 (“Adoption of Construction Codes”) of Title 8 (“Buildings and Construction”) of the Jurupa Valley Municipal Code is hereby amended to read as follows:
“Sec. 8.05.010. - Adoption of construction codes.

Except as hereinafter provided in this Chapter, the City of Jurupa Valley adopts the following codes by reference as the “Construction Codes” of the City of Jurupa Valley:

(1) California Building Code, 2019 Edition, Volumes 1 and 2 (Part 2 of Title 24 of the California Code of Regulations), including Division II of Chapter 1 and Appendices I and J, but excluding Appendices A, B, C, D, E, F, G, H, K, L, M, N, and O from adoption;

(2) California Historical Building Code, 2019 Edition (Part 8 of Title 24 of the California Code of Regulations);

(3) California Existing Building Code, 2019 Edition (Part 10 of Title 24 of the California Code of Regulations), excluding Sections 103 through 117 from adoption;

(4) California Electrical Code, 2019 Edition (Part 3 of Title 24 of the California Code of Regulations), including the Tables and Annexes thereto, but excluding Annexes E, F, G, and H from adoption;

(5) California Mechanical Code, 2019 Edition (Part 4 of Title 24 of the California Code of Regulations), excluding Sections 103 through 107 and Appendices A, B, C, E, F, and G from adoption;


(7) California Energy Code, 2019 Edition (Part 6 of Title 24 of the California Code of Regulations);

(8) California Green Building Standards Code, 2019 Edition (Part 11 of Title 24 of the California Code of Regulations);

(9) California Reference Standards Code, 2019 Edition (Part 12 of Title 24 of the California Code of Regulations);

(10) California Residential Code, 2019 Edition (Part 2.5 of Title 24 of the California Code of Regulations), including Appendices H and J, but excluding Sections R103 through R114 and Appendices A, B, C, D, E, F, G, I, K, L, M, N, O, P, Q, R, S, T, U, V, and W from adoption; and

A copy of each of the above referenced Construction Codes shall be maintained in the office of City Clerk and the Building Official, and shall be made available by the City Clerk for public inspection while such codes are in force. All fees set forth in the Construction Codes adopted by this chapter shall be established by resolution of the City Council or ordinances of the County of Riverside adopted by the City Council pursuant to Chapter 1.35 of the Jurupa Valley Municipal Code.”

Section 3. Section 8.05.020 (“California Building Code Amendments”) of Chapter 8.05 (“Adoption of Construction Codes”) of Title 8 (“Buildings and Construction”) of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 8.05.020. - California Building Code amendments.

The following amendments, additions and deletions are made to the California Building Code, 2019 Edition, as adopted by this chapter:

(1) Division II of Chapter 1 of the 2019 California Building Code is hereby adopted as amended in Section 8.05.030.

(2) Includes the adoption of Appendix I.

(3) Appendices A, B, C, D, E, F, G, H, J, and K are not adopted.”

Section 4. Section 8.05.030 (“Administrative Provisions for Title 8”) of Chapter 8.05 (“Adoption of Construction Codes”) of Title 8 (“Buildings and Construction”) of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 8.05.030. - Administrative provisions for Title 8.

This chapter shall be cited as the Administrative Provisions to Title 8 of the Jurupa Valley Municipal Code, and shall apply to all referenced and adopted codes in Title 8, including the Construction Codes, unless otherwise provided. Division II of Chapter 1 of the 2019 California Building Code is hereby adopted, subject to the particular additions, amendments, and deletions as set forth below.

(1) Amendment—Section 101.1—Title.

Section 101.1 is hereby amended in its entirety to read as follows:

101.1 Title. These regulations shall be known as the Administrative Provisions to Title 8 of the Jurupa Valley Municipal Code and shall apply to all of the referenced and adopted codes in Title 8, including the Construction Codes, unless otherwise provided.

(2) Amendment—Section 101.4—Referenced codes.

Section 101.4 is hereby amended in its entirety to read as follows:
101.4 Referenced codes. The other codes listed in sections 101.4.1 through 101.4.11 and referenced elsewhere in this code shall be considered part of the requirements of this code.

101.4.1 The 2019 California Building Code as adopted and amended by Chapter 8.05.

101.4.2 The 2019 California Green Building Standards Code as adopted and amended by Chapter 8.05.

101.4.3 The 2018 International Property Maintenance Code as adopted and amended by Section 8.05.040.

101.4.4 The 2019 California Residential Code as adopted and amended by Chapter 8.05.

101.4.5 The 2019 California Mechanical Code as adopted and amended by Chapter 8.05.

101.4.6 The 2019 California Fire Code as adopted and amended by Chapter 8.10.

101.4.7 The 2019 California Plumbing Code as adopted and amended by Chapter 8.05.

101.4.8 The 2019 California Electrical Code as adopted and amended by Chapter 8.05.

101.4.9 The 2019 California Energy Code as adopted and amended by Chapter 8.05.

101.4.10 The 2019 California Existing Building Code, as adopted and amended by Chapter 8.05.

101.4.12 The 2019 California Historical Building Code, as adopted and amended by Chapter 8.05.

101.4.13 The 2019 California Reference Standards Code, as adopted and amended by Chapter 8.05.

(3) Addition—Section 104.11.5—Application for request to use alternative materials, design, or methods of construction and equipment.

Section 104.11.5 is hereby added to read as follows:

104.11.5 Application for request to use alternative materials, design, or methods of construction and equipment. Requests for the use of alternative materials, design, or methods of construction or equipment
must be made on the City of Jurupa Valley application form and an application fee must be paid at the time of request submittal. Applications shall be specific to a project address and approval for a specific project shall not constitute approval for use at any other locations.

(4) Addition—Section 105.1.3—Permits required.

Section 105.1.3 is hereby added to read as follows:

105.1.3 Permits required. No person, firm, or corporation shall erect, re-erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or other structure in the city, without obtaining a valid building permit prior to commencement of any work. A Building permit is also required for the following specified items:

1. Retaining walls over two feet in height (measured from the top of the footing) and walls of any height if supporting a surcharge or any superimposed load other than the natural fill of level earth. Retaining walls are required for any unsupported excavation with vertical banks more than two feet high or unsupported excavations of any height if supporting a surcharge or any superimposed load other than the natural fill of level earth.

2. Fence or fences over three feet in height constructed or made of any material including, but not limited to, wood, plastic, metal, chain link, wrought iron, masonry, block, brick, or stone.

3. Any sign which requires a Planning Department sign permit as specified in the Jurupa Valley Municipal Code, except signs painted directly onto an existing building, or sign structure or sign board, or the refacing of a previously approved sign canister with Plexiglas, flexible sign face, or similar material provided no structural changes are made to the sign structure or canister.

(5) Amendment—Section 105.2—Work exempt from permit.

Section 105.2 is hereby amended in its entirety to read as follows:

Work Exempt from Permit. Exemptions from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or any other laws or ordinances of this jurisdiction. A building permit shall not be required for the following:

Building:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.

2. Fences not over three (3) feet high.

3. Oil derricks.

4. Retaining walls that are not over two (2) feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or any superimposed load other than the natural fill of level earth or impounding Class I, II, or IIIA liquids.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

6. Platforms, sidewalks, and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.

8. Temporary motion picture, television, and theater stage sets and scenery.

9. Prefabricated swimming pool accessory to a Group R-3 Occupancy that are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. In Group R-3 and U occupancies, window awnings that do not project more than 54 inches from the exterior wall, when supported by an exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches in height.

14. Residential decks not exceeding 200 square feet in area, with a walking surface that is not more than 30” above grade at any point, is not attached to a dwelling, and does not serve as a required path of egress or required path of accessibility. Decks located in a front
yard setback will require approval from the Planning Department of the City of Jurupa Valley.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus. A temporary electrical service is not exempt from permit requirements.

Gas:

1. Portable heating appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water,
soil, waste, or vent pipe become defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

3. The installation of water-conserving plumbing fixtures as replacements for existing plumbing fixtures shall not require a permit or inspection from the Building Department. The replacement plumbing fixtures shall comply with the requirements of Chapter 8.05 of the Jurupa Valley Municipal Code.

Grading:

1. Grading requirements and permits shall be as required by the Jurupa Valley Municipal Code.

(6) Amendment—Section 105.3.2—Time limitation of application.

Section 105.3.2 is hereby amended in its entirety to read as follows:

105.3.2 Time limitation of application or plan check. An application for a permit or a plan check submittal for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time, for additional periods not exceeding 180 days each. The extension shall be requested in writing and shall demonstrate justifiable cause for the requested extension. Extensions will not be approved until all applicable fees have been paid to the City Jurupa Valley.

(7) Amendment—Section 105.5—Expiration.

Section 105.5 is hereby amended in its entirety to read as follows:

105.5 Expiration and Renewal. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 365 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and shall demonstrate justifiable cause for the requested extension.
Extensions will not be approved until all applicable fees have been paid to the City of Jurupa Valley.

Renewal: Extensions will only be granted prior to the expiration of a permit. When a permit has expired, work cannot be recommenced prior to obtaining a new permit. Requests to renew an expired permit shall be submitted to the Building Official, in writing, demonstrating justifiable cause and subject to the approval of the Building Official. If approved by the Building Official the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that the suspension or abandonment has not exceeded one year. To renew a permit after more than a year of suspension or abandonment the permittee shall pay a new full permit fee.

(8) Amendment—Section 105.6—Suspension or revocation.

Section 105.6 is hereby amended in its entirety to read as follows:

105.6 Suspension or revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code if construction noise is generated in violation of the Jurupa Valley Municipal Code Chapter 11.10.010.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code if dust is generated in excess of local, state or federal standards or conditions of project approval.

(9) Amendment—Section 105.7—Placement of permit.

Section 105.7 is hereby amended in its entirety to read as follows:

Section 105.7 Placement of permit. The required permits and approved plans shall be maintained in good condition and be posted or otherwise made available such as to allow the Building Official to conveniently make the required entries regarding the inspection of work.

(10) Addition—Section 105.8—Transferability.

Section 105.8 is hereby added to read as follows:

105.8 Transferability. No permit issued pursuant to Title 8 of the Jurupa Valley Municipal Code shall be transferable to any other person or apply to any location other than that stated in the permit.

(11) Amendment—Section 109.2—Schedule of permit fees.

Section 109.2 is hereby amended in its entirety to read as follows:
109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the current fee schedule as adopted by ordinance or fee resolution of the City Council. The Building Official shall apply the applicable fee from the fee schedule to the proposed project, including, where applicable, an hourly rate using the billable hourly rates established by the fee schedule.

(12) Amendment—Section 109.4—Work commencing before permit issuance.

Section 109.4 is hereby amended in its entirety to read as follows:

109.4 Investigation fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be determined by the currently adopted fee schedule and shall not be less than the actual costs as determined by the Building Official.

(13) Amendment—Section 109.6—Refunds.

Section 109.6 is hereby amended in its entirety to read as follows:

109.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80 percent of the permit inspection fee paid when no work has been started under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee is paid is withdrawn or canceled before any plan reviewing is started.

The Building Official shall not authorize refunding of any fee paid except on a written request for refund submitted by the original applicant or original permittee not later than 180 days after the date of the fee payment.

(14) Addition—Sections 110.3.3.1—Roof sheathing and shear inspection.

Section 110.3.3.1 is hereby added read as follows:
110.3.3.1. Roof sheathing and shear inspection. Roof sheathing and shear inspections shall be performed after roof sheathing and all structural shear panels or walls are in place and secured by nailing or other approved methods.

(15) Addition—Sections 110.3.7.1—Plaster inspection.

Section 110.3.7.1 is hereby added to read as follows:

110.3.7.1. Plaster inspection. Plaster inspections shall be performed after the application of the scratch coat.

(16) Addition—Section 110.7—Re-inspections.

Section 110.7 is hereby added to read as follows:

110.7 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections previously called for are not made. The amount of the fee shall be the minimum building inspection fee or as set forth in an established fee schedule.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record permit card is not posted or otherwise available on the work site, the approved plans are not readily available for the City of Jurupa Valley building inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from the plans requiring the approval of the Building Official.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the established fee schedule.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(17) Amendment—Section 111.2—Certificate issued.

Section 111.2 is hereby amended in its entirety to read as follows:

111.2 Certificate issued. A Certificate of Occupancy shall not be issued until all applicable fees have been paid to the City of Jurupa Valley. After the Building Official inspects the building or structure and finds no
violation of the provisions of this code or other laws that are enforced by the City of Jurupa Valley, the Building Official shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use, occupancy group, and division, in accordance with the provisions of Chapter 3 of the 2019 California Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

(18) Addition—Section 112.3.1—Authority to disconnect service utilities.

Section 112.3.1 is hereby added to read as follows:

112.3.1 Authority to disconnect service utilities. The Building Official shall have the authority to order disconnection of utilities when a structure, building, or property is in violation of Section 111 or when the continued use of utilities creates or contributes to the existence of a “public nuisance” as defined in this code or as determined by a court ordered action to abate such public nuisance.

When the Building Official has determined that approval for a temporary use of utilities or temporary occupancy per sections 108, 111, or 112 has
terminated or violated the conditions of approval, the Building Official shall have the authority to order disconnection of utilities

(19) Amendment—Section 113—Board of Appeals.

Sections 113.1, 113.2, and 113.3 are hereby deleted in their entirety.

(20) Amendment—Section 114.4—Violation penalties.

Section 114.4 is hereby amended in its entirety to read as follows:

114.4 Violations, Penalties and Enforcement.

1. No person, firm, partnership, association or corporation shall violate any provisions of this chapter and any provisions of the codes, rules or regulations adopted in Title 8 of the Jurupa Valley Municipal Code.

2. Any person, firm, partnership, association, or corporation violating any of the provisions adopted in Title 8 of the Jurupa Valley Municipal Code by reference, shall be guilty of an infraction, except where otherwise provided in this Title 8 or otherwise provided in the Jurupa Valley Municipal Code. Any person violating a stop work order issued pursuant to section 115 of Division II of Chapter 1 of the 2019 California Building Code shall be guilty of a misdemeanor. Any person who continues to occupy or any person who enters a structure which has been posted “unsafe” by the Building Official pursuant to section 116 of Division II of Chapter 1 of the 2019 California Building Code or Title 8 of the Jurupa Valley Municipal Code shall be guilty of a misdemeanor.

3. Every person, firm, association, or corporation violating any of the provisions of this chapter or provisions of the codes, rules, or regulations adopted in this chapter by reference is guilty of a separate offense for each day or portion thereof during which the violation continues and shall be punishable thereof as provided in this code.

4. It is unlawful for any person, firm, partnership, corporation, association, or joint venture, either as owner, architect, contractor, artisan, or otherwise, to do or to cause or permit to be done any work, as described in the California Building Standards Code as adopted by reference in Title 8 of the Jurupa Valley Municipal Code, in such a manner that such work does not conform to all the provisions of Title 8 of the Jurupa Valley Municipal Code and the provisions of said California Building Standards Code, as so adopted by reference.
5. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy, or maintain any building, structure, equipment, or portion thereof, in the city or cause the same to be done contrary to or in violation of any provision of this title or any provisions of the codes, rules, or regulations adopted in this title. No person shall violate any of the provisions or fail to comply with any of the requirements of this title. Unless a different penalty is prescribed for violation of a specific provision of this title, any person violating any of the provisions or failing to comply with the requirements of this title is guilty of an infraction; provided, however, that any person who violates any of the provisions or fails to comply with any of the requirements of this title and has previously been convicted two or more times during any continuous 12 month period for any crime made punishable by this title shall be guilty of a misdemeanor.

6. It shall be the duty of the Jurupa Valley Police Department (Riverside County Sheriff), the Fire Code Official, the Building Official, and the Code Enforcement Officer of the City of Jurupa to enforce the provisions of this title.

7. Violations of any of the provisions of Title 8 of the Jurupa Valley Municipal Code are also subject to any or all of the provisions of Chapter 1 Jurupa Valley Municipal Code.

Section 5. Section 8.05.040 ("International Property Maintenance Code amendments") of Chapter 8.05 ("Adoption of Construction Codes") of Title 8 ("Buildings and Construction") of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"Sec. 8.05.040. - International Property Maintenance Code amendments.

The International Property Maintenance Code, 2018 Edition, is hereby adopted, subject to the particular additions, amendments, and deletions as set forth below.

(1) Amendment—Section 101—General.

Section 101 is amended in its entirety to read as follows:

CHAPTER I

SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1. Title.
These regulations shall be known as the International Property Maintenance Code of Jurupa Valley, hereinafter referred to as “this code.”

101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for the premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators, and occupants and the occupancy of existing structures and premises.

101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Administration, Enforcement, and Penalties.

Administration, enforcement, and penalties shall be as set forth in the Section 8.05.030 of the Jurupa Valley Municipal Code.

101.5 Maintenance.

Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. An owner, owner’s authorized agent, operator, or occupant shall not cause any service, facility, equipment, or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner, or the owner’s authorized agent shall be responsible for the maintenance of buildings, structures, and premises.

101.6 Referenced codes and standards.
The International codes referenced in this code shall mean the versions as adopted and amended in Chapter 8.05 of the Jurupa Valley Municipal Code.

(2) Amendment—Section 302.4—Weeds.

Section 302.4 is hereby amended in its entirety to read as follows:

302.4 Weeds.

Premises and exterior property shall be maintained free from weeds or plant growth in excess of 4 inches in height. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.”

Section 6. Section 8.05.050 (“Uniform Code for the Abatement of Dangerous Buildings amendments”) of Chapter 8.05 (“Adoption of Construction Codes”) of Title 8 (“Buildings and Construction”) of the Jurupa Valley Municipal Code is hereby deleted in its entirety.

Section 7. Sections 8.05.060, 8.05.070, and 8.05.080 are hereby renumbered Sections 8.05.050, 8.05.060, and 8.05.070, respectively.

Section 8. Chapter 8.10 (“Adoption of Fire Code”) of Title 8 (“Buildings and Construction”) of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“CHAPTER 8.10. - ADOPTION OF FIRE CODE

Sec. 8.10.010. - Fire Code adopted.

Except as stated in this Section or as amended below in Section 8.10.020, the City of Jurupa Valley adopts all of the inclusions and appendices of the California Fire Code, 2019 Edition, adopted by the State Fire Marshal, as set forth in each chapter’s matrix, and the entirety of Chapters 3 and 25 and Sections 403.12, 503, 510.2, and 1103.2, but excluding Sections 103.2, 103.4.1, and 110.3 of Division II of Chapter 1. The 2019 California Fire Code shall be known as the Fire Code of the City of Jurupa Valley.

Sec. 8.10.020. - Amendments to Fire Code.

The following amendments, additions, and deletions are made to the California Fire Code, 2019 Edition, as adopted by this chapter:

(1) Amendment—Section 101.4—Severability.

Section 101.4 is hereby amended in its entirety to read as follows:
101.4 Severability. If any provision, clause, sentence, or paragraph of this code or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other this code which can be given effect without the invalid provision or application, and to this end, the provisions of this code are hereby declared to be severable.

(2) Amendment—Section 102.5—Application of residential code.

Section 102.5 is hereby amended in its entirety to read as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.

2. Administrative, operational, and maintenance provisions of this code shall apply.

3. Automatic fire sprinkler system requirements of this code shall apply to detached accessory buildings 3,600 square feet or greater and in accordance with Section 903.2. The provisions contained in Section 903.2.18 of the California Fire Code or Section R309.6 of the California Residential Code, 2019 Edition, may be used for the design of the automatic fire sprinkler system for detached private garages.

(3) Amendment—Section 103.4—Liability.

Section 103.4 is hereby amended in its entirety to read as follows:

103.4 Liability. Any liability against Riverside County or the City of Jurupa Valley or any officer or employee for damages resulting from the discharge of their duties shall be as provided by law.

(4) Addition—Section 104.1.1—Authority of the Fire Chief and Fire Department.

Section 104.1.1 is hereby added to read as follows:

104.1.1 Authority of the Fire Chief and Fire Department.
1. The Fire Chief is authorized and directed to enforce all applicable state fire laws and provisions of this code and to perform such duties as directed by the City Council.

2. The Fire Chief is authorized to administer, interpret, and enforce this code. Under the Fire Chief’s direction, the Riverside County Fire Department is authorized to enforce ordinances of the City of Jurupa Valley pertaining to the following:

   2.1. The prevention of fires.
   2.2. The suppression or extinguishment of dangerous or hazardous fires.
   2.3. The storage, use, and handling of hazardous materials.
   2.4. The installation and maintenance of automatic, manual, and other private fire alarm systems and fire extinguishing equipment.
   2.5. The maintenance and regulation of fire escapes.
   2.6. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures, and other property, including those under construction.
   2.7. The maintenance of means of egress.
   2.8. The investigation of the cause, origin, and circumstances of fire and unauthorized releases of hazardous materials.

3. The following persons are hereby authorized to interpret and enforce the provisions of this code and to make arrests and issue citations as authorized by law:

   3.1. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
   3.2. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
   3.3. The Riverside County Sheriff and any deputy sheriff.
   3.4. The Police Chief and any police officer of any city served by the Riverside County Fire Department.
3.5. Officers of the California Highway Patrol.

3.6. Code Officers of the City of Jurupa Valley Code Enforcement Department.

3.7. Peace Officers of the California Department of Parks and Recreation.

3.8. The law enforcement officers of the Federal Bureau of Land Management.

(5) Addition—Section 104.12—Authority of the Fire Chief to close hazardous fire areas.

Section 104.12 is hereby added to read as follows:

104.12 Authority of the Fire Chief to close hazardous fire areas. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Riverside County Board of Supervisors and/or the City Council within fifteen (15) calendar days of the Fire Chief’s original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel. For the purpose of this section, “hazardous fire area” shall mean public or private land that is covered with grass, grain, brush, or forest, and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

(6) Amendment—Section 106.2—Schedule of permit fees.

Section 106.2 is hereby amended in its entirety to read as follows:

106.2 Schedule of permit fees. Fees for services and permits shall be as set forth in the fee schedule established by the City of Jurupa Valley.

(7) Addition—Section 106.6—Cost recovery.

Section 106.6 is hereby added to read as follows:
106.6 Cost recovery. Fire suppression, investigation, rescue, or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person who negligently, intentionally, or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150 et seq., as may be amended from time to time. Any expense incurred by the Riverside County Fire Department for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County in the same manner as in the case of an obligation under contract, express or implied.

(8) Amendment—Section 109.1—Board of appeals established.

Section 109.1 is hereby amended in its entirety to read as follows:

109.1 Board of appeals established. The Board of Appeals shall be defined and held in conformance with Section 8.10.030 of the Jurupa Valley Municipal Code.

(9) Amendment—Section 110.4—Violation penalties.

Section 110.4 is hereby amended in its entirety to read as follows:

110.4 Violation and penalties. It shall be unlawful for any person, firm, corporation, or association of persons to violate any provision of this code, or to violate the provisions of any permit granted pursuant to this code. Punishments and penalties for violations shall be in accordance with the City of Jurupa Valley ordinances, any applicable fee schedule and Health and Safety Code Sections 17995, et seq.

(10) Amendment—Section 202—Fire Chief definition.

The following definition in Section 202 is hereby amended in its entirety to read as follows:

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief’s designee.

(11) Amendment—Section 308.1.6.3—Sky lanterns.

Section 308.1.6.3 is hereby amended in its entirety to read as follows:

308.1.6.3 Sky lanterns or similar devices. A person shall not release or cause to be released a sky lantern or similar device.
(12) Amendment—Section 503.2.1—Dimensions.

Section 503.2.1 is hereby amended in its entirety to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). For additional requirements or alternatives see Riverside County Fire Department Standards and Policies, as may be amended from time to time and the same are hereby incorporated by reference and may be reviewed in the Office of the County Fire Department.

(13) Amendment—Section 503.2.2—Authority.

Section 503.2.2 is hereby amended in its entirety to read as follows:

503.2.2 Authority. The fire code official shall be the only authority authorized to designate fire apparatus access roads and fire lanes and to modify the minimum fire lane access widths for fire or rescue operations where the widths are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

(14) Addition—Section 503.6.1—Automatic opener.

Section 503.6.1 is hereby added to read as follows:

503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department Standards and Policies, as may be amended from time to time and the same are hereby incorporated by reference and may be reviewed in the Office of the County Fire Department.

Exception: Gates serving individual one- and two-family dwelling parcels.

(15) Addition—Section 503.7—Loading areas and passenger drop-off areas.

Section 503.7 is hereby added to read as follows:

503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.
(16) Addition—Section 507.5.7—Fire hydrant size and outlets.

Section 507.5.7 is hereby added to read as follows:

507.5.7 Fire hydrant size and outlets. As determined by the fire code official, fire hydrant sizes and outlets shall be based on the following:

1. Residential Standard – one (1) four (4) inch outlet and one (1) two and half (2 ½) inch outlet.

2. Super Hydrant Standard – one (1) four (4) inch outlet and two (2) two and one half (2 ½) inch outlet.

3. Super Hydrant Enhanced – two (2) four (4) inch outlet and one (1) two and one half (2 ½) inch outlet.

(17) Addition—Section 507.5.7—Fire hydrant street marker.

Section 507.5.8 is hereby added to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Technical Policy 06-11, as may be amended from time to time. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for removal or damage.

(18) Amendment—Section 508.1—General.

Section 508.1 is hereby amended in its entirety to read as follows:

508.1 General. Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, in buildings greater than 300,000 square feet in area, and in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and comply with Sections 508.1.1 through 508.1.8.

(19) Amendment—Section 508.1.1—Location and access.

Section 508.1.1 is hereby amended in its entirety to read as follows:

508.1.1 Location and access. The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the fire code official. The room shall have direct access from the building exterior at the lowest level of fire department access.
(20) Amendment—Section 508.1.3—Size.

Section 508.1.3 is hereby amended to add the following exception:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438 mm).

(21) Amendment—Section 508.1.6—Required features.

Section 508.1.6 is hereby amended to add the following exception:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall comply with NFPA 72 and contain the features set forth in Section 508.1.6 subsections 5, 8, 10, 12, 13, and 14. The features set forth in Section 508.1.6 subsections 1, 2, 3, 4, 6, 7, 9, 11, 15, 16, 17, 18, and 19 shall be required when such building contains systems or functions related to these features.

(22) Addition—Section 508.1.8—Fire command center identification.

Section 508.1.8 is hereby added to read as follows:

508.1.8 Fire command center identification. The fire command center shall be identified by a permanent easily visible sign stating “Fire Dept. Command Center,” located on the door to the fire command center.

(23) Addition—Section 509.2.1—Minimum clearances.

Section 509.2.1 is hereby added to read as follows:

509.2.1 Minimum clearances. A 3-foot (914 mm) clear space shall be maintained around the circumference of exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

(24) Amendment—Section 605.10.1.2—Manual operation.

Section 605.10.1.2 is hereby amended in its entirety to read as follows:

605.10.1.2 Manual operation. An automatic emergency stop feature shall be provided in accordance with Sections 605.10.2.1 and 605.10.2.2. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room in a secure metal box or equivalent and marked as Emergency Controls.
(25) Amendment—Section 903.2—Where required.

Section 903.2 is hereby amended in its entirety to read as follows:

903.2 Where required. In all new buildings and structures which are 3,600 square feet or greater, an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where Sections 903.2.1 through 903.2.20 of the California Fire Code require more restrictive requirements than those listed below, the more restrictive requirement shall take precedence.

Exception: Unless required elsewhere in this code or the California Building Code, automatic fire sprinkler systems shall not be required for the following:

1. Detached Group U occupancies used for agricultural purposes.
2. Detached non-combustible equestrian arena shade canopies that are open on all sides and used for riding only - no commercial, assembly or storage uses.
3. Detached fabric or non-combustible shade structures that are open on all sides and used to shade playground equipment, temporary storage of vehicles and dining areas with no cooking.
4. Where determined by the Fire Chief that no major life safety hazard exists, and the fuel load does not pose a significant threat to firefighter safety or to other structures or property, automatic fire sprinklers may be exempted.

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobilehomes, manufactured homes, and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

(26) Amendment—Section 903.2.3—Group E.

Section 903.2.3 is hereby amended to delete the exception listed within subsection 2.

(27) Amendment—Section 903.2.11.3—Buildings 55 feet or more in height.

Section 903.2.11.3 is hereby amended in its entirety to read as follows:
903.2.11.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

1. Open parking structures.

(28) Addition—Section 903.3.5.3—Hydraulically calculated systems.

Section 903.3.5.3 is hereby added to read as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

(29) Addition—Section 3204.2.1—Minimum requirements for client leased or occupant owned warehouses.

Section 3204.2.1 is hereby added to read as follows:

3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height, and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include references to the design document(s). If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

(30) Addition—Section 4904.3—High Fire Hazard Severity Zone Maps.

Section 4904.3 is hereby added to read as follows:

4904.3 High Fire Hazard Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire

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Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated December 24, 2009 and retained on file at the office of the Fire Chief, which supersedes other maps previously adopted designating high fire hazard areas.

(31) Amendment—Table B105.2—Required fire flow for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.

Table B105.2 is hereby amended in its entirety to read as follows:

**TABLE B105.2**  
REQUISITED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

<table>
<thead>
<tr>
<th>AUTOMATIC SPRINKLER SYSTEM (Design Standard)</th>
<th>MINIMUM FIRE-FLOW (gallons per minute)</th>
<th>FLOW DURATION (hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No automatic sprinkler system</td>
<td>Value in Table B105.1(2)</td>
<td>Duration in Table B105.1(2)</td>
</tr>
<tr>
<td>Section 903.3.1.1 of the California Fire Code</td>
<td>50% of the value in Table B105.1(2)a</td>
<td>Duration in Table B105.1(2) at the reduced flow rate</td>
</tr>
<tr>
<td>Section 903.3.1.2 of the California Fire Code</td>
<td>50% of the value in Table B105.1(2)b</td>
<td>Duration in Table B105.1(2) at the reduced flow rate</td>
</tr>
</tbody>
</table>

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.
b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

(31) Section C103.1 of the California Fire Code is hereby deleted in its entirety and replaced with the following:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the International Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3. Fire hydrants shall be provided at street intersections.

Sec. 8.10.030. - Appeals and hearings.

All appeals or other hearings required by the provisions of the California Fire Code, 2019 Edition, adopted by this chapter shall be conducted pursuant to Chapter 2.40 of the Jurupa Valley Municipal Code. Whenever the term “Appeals Board,” “Board of Appeals” or other similar language is indicted by any of the codes adopted by this chapter, it shall mean the Hearing Officer pursuant to Chapter 2.05 of this Code.”
Section 9. Prior Ordinances Repealed. Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance of the codes herein adopted by reference and any other ordinance in conflict herewith are hereby repealed and declared to be of no further force and effect. Sections 8.05.010, 8.05.020, 8.05.030, 8.05.040, 8.10.010, 8.10.020, and 8.10.030 of Chapter 8 of the Jurupa Valley Municipal Code are hereby repealed; provided, however, that said repeal shall not affect or excuse any violation thereof occurring prior to the effective date of this Ordinance and provided further that the Codes adopted by reference and amended by Ordinance No. 2016-15 shall continue to be applicable to construction wherein plans have been submitted for plan check as of the effective date of this Ordinance so long as the initial permit therefor is issued no later than ninety (90) days after the effective date of this Ordinance.

Section 10. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this Ordinance, including, without limitation, the following Chapters of the Riverside County Code of Ordinances: Chapter 8.32, Fire Code; Chapter 15.08, Uniform Administrative Code; Chapter 15.12, Uniform Building Code; Chapter 15.20, Uniform Mechanical Code; Chapter 15.24, Uniform Plumbing Code and Uniform Swimming Pool, Spa and Hot Tube Code; Chapter 15.28, National Electrical Code; Chapter 15.32, Uniform Sign Code; and Chapter 15.36 Uniform Maintenance of Buildings Code. This ordinance shall take effect on January 1, 2020.

Section 11. 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.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 5th day of December, 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. 2019-18 was regularly introduced at a regular meeting of the City Council held on the 7th day of November, 2019, and thereafter at a regular meeting held on the 5th day of December, 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 5th day of December, 2019.

___________________________________
Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: NOVEMBER 7, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR

SUBJECT: AGENDA ITEM NO. 17.C

INITIATION OF GENERAL PLAN AMENDMENT TO ALLOW WAREHOUSE/DISTRIBUTION USES OUTSIDE OF THE MIRA LOMA WAREHOUSE/DISTRIBUTION OVERLAY IN A PROPOSED RIO VISTA SPECIFIC PLAN FOR A TOTAL OF 1.7 MILLION SQUARE- FEET OF INDUSTRIAL BUILDINGS; CASE NUMBER: MA16045 (APPLICANT: RICHLAND PLANNED COMMUNITIES)

RECOMMENDATION

That the City Council, by motion, initiate the General Plan Amendment to consider warehouse and distribution within the Rio Vista Specific Plan limited to the area south of the ridgeline that parallels 20th Street.

BACKGROUND

Richland Planned Communities seeks Council approval to initiate a General Plan Amendment to the Mira Loma Warehouse/Distribution Overlay in order to allow for a 1.3 million square-foot industrial park that will include logistics distribution warehouse uses on approximately 116 acres of land within a proposed specific plan that would replace Rio Vista Specific Plan generally located south of the city’s northern boundary line, east of Sierra Avenue, north of La Canada Drive, west of Rubidoux Boulevard.

Section 9.30.40.B, Initiation of Amendment Proceedings, of Title 9 of the Municipal Code, provides that the City Council may adopt an order to initiate General Plan Amendment proceedings at any time and that such an order shall not require a public hearing and shall not imply that any such amendment will be approved.

The applicant, Richland Communities, the developer of the proposed Rio Vista Specific Plan, is seeking an amendment to a General Plan policy. In particular, this application is to amend the Mira Loma Warehouse and Distribution Overlay. Such City initiated General Plan Amendments related to policies and regulations that apply city-wide should be distinguished from General Plan Land Use Amendments that are sought by land owners...
and developers. A developer may make a direct application to change the land use designation on a development site the same as for a zone change. However, every General Plan Amendment that changes a policy must be initiated by the City Council. Nonetheless, the cost to process an amendment such as this one, which is associated with a development application, is borne by the applicant and the amendment is processed concurrently with the other entitlements for the project.

Every General Plan Amendment (GPA) requires environmental documentation, staff analysis and public hearings by the Planning Commission and City Council before it can be adopted. The following considerations apply to the initiation process, which only authorizes the process to begin:

1. Initiation of a GPA does not entail an evaluation of the merits of the proposed project, but only whether or not to proceed with a formal evaluation process and public hearings.
2. The Council may express their opinions as to whether the City should proceed with the formal evaluation process, but should reserve their opinions regarding the merits or the ultimate action on the GPA until the evaluation process and public hearings have been completed.
3. The only issue before the Council at this time is whether or not to initiate the GPA process in order to study the GPA and obtain public comment. Once the formal evaluation process and public hearings are completed, the City Council will have the opportunity to approve or disapprove or make changes to the proposed GPA.

Should the Council decline or take no action to initiate a GPA, the applicant must develop the property in accordance with the existing General Plan land use designation and related policies.

PROFESSIONAL SERVICES APPLICATION

In 2013, Richland Planned Communities (landowner and applicant) submitted a Request for Professional Services (PROS) for a proposed specific plan to replace the adopted Rio Vista Specific Plan. See Exhibit A for the project location.

The previously adopted Rio Vista Specific Plan (Attachment No. 1) was approved by the County about twenty years prior to City incorporation and encompasses over 918 acres of land. Generally, the Specific Plan allows for 1,697 residential units (single-family and multi-family units), 5-acre commercial area, school, and over 400 acres of open space.

ENTITLEMENT APPLICATIONS

In 2016, Richland Planned Communities has submitted formal applications (General Plan Amendment, Change of Zone, Specific Plan, Tentative Tract Map) to propose a new specific plan to replace the adopted Rio Vista Specific Plan.

The early 2019 draft Specific Plan propose 1,363 residential units (single-family and multi-family units), elementary school, parks, and approximately 600 acres of open space area.
PROPOSED GENERAL PLAN AMENDMENT

As stated in the attached letter, Richland is proposing to make a change in the land uses planned for a portion of their project from residential and open space to industrial. Since the industrial uses are proposed to include distribution warehousing, the change is not consistent with the General Plan Mira Loma Warehouse and Distribution Overlay, which states “No warehouses, distribution centers, intermodal transfer facilities (railroad to truck), trucking terminals, or cross dock facilities shall be allowed outside the aforementioned area.

The General Plan Land Use Element states, “This overlay is designed to limit the locations of logistics and other similar supply-chain uses to the Mira Loma Warehouse and Distribution Center Overlay area.” Originally created by the County of Riverside in 2003 and subsequently carried forward into the 2011 Jurupa Valley General Plan upon City incorporation, this requirement has been an integral part of City land use policy. Under this General Plan policy, warehousing and distribution uses are allowed only within the boundaries of the overlay, which is located entirely in a defined area in Mira Loma. Thus, the proposal for a specific plan that allows warehousing in Crestmore Heights is not consistent with the General Plan.

A General Plan Amendment (GPA) will be required in order to make the warehousing use consistent with the General Plan. If the initiation of this amendment is approved by the Council, the Planning Department will determine the appropriate form and content of the amendment, which will be incorporated into the application and processed concurrently with the other entitlement applications.

Several important issues must be addressed in connection with an amendment to the Mira Loma overlay. Beyond the usual environmental impacts of industrial land use, such as truck traffic, noise, air pollution, etc., warehousing is associated with additional issues of concern. Most notably are the economic impacts and their effect on economic development. Most warehouse distribution centers do not generate as many jobs per acre as manufacturing, tend to employ predominantly low wage employees and generate a high volume of truck traffic. These factors, together with attracting support businesses to nearby areas such as pallet yards, trailer storage yards, etc. have led to the longstanding policy limiting additional warehousing uses in other areas of the City.

Four other applications for warehousing outside of the Mira Loma overlay area are currently in various stages of the entitlement process:

- Riverside Cement Plan redevelopment by Veridian
- Industrial property northwest of Canal and 28th Street by Proficiency Capital
- Industrial property at the northwest corner of Hall and Agua Mansa by Carson Company
- Tourist Commercial property northeast of Pyrite and Granite Hill by Lansing

The first three applicants have made a formal request for City Council initiation of a GPA to amend the Mira Loma overlay. Each has proposed to enter into a development agreement that creates an obligation to provide significant community benefit over and above the usual environmental mitigation measures and conditions. The City does not
require a development agreement, but will consider exploring whether an agreement will further the public interests should the project be approved.

EXHIBIT A. PROJECT LOCATION

PROJECT DESCRIPTION

In August 2019, the applicant submitted a written request to the City Council for the initiation of a General Plan Amendment for an exception to the Mira Loma Warehouse and Distribution Center Overlay for their project site.

The written request is included in this staff report as Attachment No. 2. Under the new proposal, replacing residential with industrial reduces the residential units from 1,363 to 1,000. Furthermore, it includes a 1.7 million square-foot industrial park that can accommodate logistics use. This project requires amending the Mira Loma Warehouse and Distribution Center Overlay of the General Plan in order to be approved. In addition to a newly submitted General Plan Amendment to allow logistics on the project site, the applicant has previously made several applications:
• General Plan Amendment No. 16001 – Change existing land use designations to proposed land use designations
• Change of Zone No. 16003 – Change to new Specific Plan Zone for Specific Plan No. 16001.
• Specific Plan No. 16001 – Replace adopted Rio Vista Specific Plan No. 243 to new Rio Vista Specific Plan No. 16001
• Tentative Tract Map No. 37074 – residential subdivision

The proposed “Rio Vista Industrial Park” is proposed on 116 acres of land in the northeastern portion of the specific plan. See Exhibit B. The industrial park consists of six (6) buildings with sizes ranging between 150,000 square-feet to 580,000 square-feet. See Exhibit B for an enlargement of the industrial park within the overall proposed specific plan.

EXHIBIT B. ENLARGEMENT OF THE “RIO VISTA INDUSTRIAL PARK”
(A PORTION OF THE PROPOSED RIO VISTA SPECIFIC PLAN)
ANALYSIS

Applicant’s Offer of Community Benefit

Currently, the applicant has offered certain community benefits intended to offset the negative aspects of logistics and warehousing uses. These proposed benefits are proposed to be implemented through the proposed specific plan project and Development Agreement. A summary of community benefits that are offered by the applicant are listed on page 2 in the applicant’s letter.

The applicant is generally proposing the following preliminary terms that would be considered above and beyond what the code or project conditions would require:

- **One-time Community Benefit Fee.** Pay a one-time community benefit of $1 per square-foot for each building or provide affordable housing units which would provide a to-be-determined credit against the one-time community benefit fee of $1 per square-foot for each building.

- **CFD for Street Maintenance.** Participate in a Community Facilities District (CFD) which will maintain certain streets impacted by the project in good condition.

- **CFD for Public Safety.** Participate in a City Public Safety Services CFD to provide funding for Public Safety services if the City creates one. Cost will be shared with other developers.

- **CAM/HOA Community or Homeowners Association.** Establishment of a viable maintenance entity for maintenance of open space and recreational facilities.

- **Ongoing Payment / Contribution to the City General Fund for Warehouse / Distribution Uses.** If point of sale is established onsite and/or manufacturing uses are developed instead, these would provide a to-be-determined credit against the Community Benefit Fee Credit.

- **Implementation of Measures to Attract Point-of-Sale / Manufacturing Uses.**

The applicant is also stating that the project will have added benefits that would include:

- **Substantial Increase in Open Space and Recreational Land Per Resident.** Although the number of residences would be reduced by almost 700 units, the amount of open space and recreational land would actually increase, thereby significantly exceeding City requirements for such amenities. If the ratio of open space and recreational areas to housing unity was maintained as in the approved Specific Plan, only 263 acres of open space/recreation would be required for 1,000 units. We are proposing well over twice that ratio of open space.

Planning Issues

Should the Council approve initiation of this General Plan amendment process, staff will be addressing the such issues as:

Proximity to Existing Residential Neighborhoods

The area identified for the Rio Vista industrial warehouse project extends from 20th Street to the north City boundary. The southernmost area is adjacent to an existing industrial park and several heavy industrial sites. The northernmost area borders the west side of the Crestmore Heights residential neighborhood.
Although the applicant proposes to grade the area adjacent to Crestmore Heights above the neighborhood, the visual impacts as well as air quality and noise impacts must be evaluated.

There is an existing natural buffer between the industrial uses on 20th Street and the homes in Crestmore Heights. In order to implement the proposed development plan, the hilltop ridge separating the two areas must be graded down.

As shown on the aerial photo below, the area between the ridge and 20th Street is an appropriate area for expanding the industrial uses in this area. The ridge shelters Crestmore Heights from industrial use impacts and should remain as a natural buffer between these incompatible uses.

The elimination of the ridge and extending the industrial uses to north City boundary will have the effect of surrounding Crestmore Heights with warehousing and industrial, similar to Mira Loma Village.

**Cumulative Impacts of All Warehouse Projects**

There are three current applications for warehousing in the immediate vicinity, all of which are located in predominantly industrial areas. However, all three, together with the Rio Vista proposal, will affect the various residential neighborhoods in the Agua Mansa – Crestmore Heights area north of SR60. The impacts on 20th Street, which will also serve as a commuter road for the Rio Vista, Highland Park and Sunnyslope neighborhoods, along with Rubidoux Blvd., Market Street and Agua Mansa must be evaluated.
SR60 / Rubidoux Boulevard Interchange

The means for reconstructing the freeway interchange will be addressed. Trucks occupy more space on the road than cars. The potential for severe congestion at the freeway access is high and the solution is critical as more truck-intensive uses are allowed in the vicinity.

Staff Assessment

Notwithstanding the information in the applicant’s letter, the initiation of the General Plan Amendment only authorizes the staff to evaluate the proposed logistics use that would otherwise only be allowed within the Mira Loma Warehouse and Distribution Center Overlay. Additionally, the staff will study the compatibility of the proposed industrial with the residential neighborhoods that are within the proposed specific plan and the following (existing or approved) residential neighborhoods in the vicinity:

- Crestmore Heights is an existing neighborhood to the east
- Bell Town, Emerald Ridge and neighborhoods between Avalon and Rubidoux Blvd. north of the SR60 freeway
- Shadow Rock (previously named Highland Park) to be constructed to the west
- Paramount Estates is an existing neighborhood to the south
- Emerald Ridge is to be constructed to the south
As shown above, the area south of the ridge along 20th Street is a logical area to study. While there is merit in allowing the process to go forward, study the means to mitigate impacts and evaluate the trade-offs for community benefit, staff finds the concept of industrial development in close proximity (and above) the Crestmore Heights neighborhood troubling. Staff believes the GPA initiation should be approved, but limited to only consider industrial south of the ridge, which should remain as a natural buffer between the industrial and residential areas.

As shown in the photo below, maintaining the northern area as residential protects a disadvantaged neighborhood from industrial encroachment, preserves the semi-rural and equestrian lifestyle of Crestmore Heights and is consistent with the integrity of the existing Agua Mansa industrial area.

CONCLUSION
Staff recommends the City Council initiate the General Plan Amendment to consider warehouse and distribution within the Rio Vista Specific Plan limited to the area south of the ridgeline that parallels 20th Street.

FINANCIAL IMPACT
Staff time to process this application will be recovered by a developer application deposit. No additional costs to the City are anticipated.

ALTERNATIVES
1. By motion, initiate the General Plan Amendment to consider warehouse and distribution within the Rio Vista Specific Plan limited to the area south of the ridgeline that parallels 20th Street.
2. By motion, Initiate the General Plan Amendment to enable Richland Planned Communities to seek approval of an amendment to the Mira Loma Warehouse and Distribution Center Overlay as submitted by the applicant in order to allow approximately 1.7 million square-feet of buildings for logistic uses on approximately 116 acres of land in the proposed Rio Vista Specific Plan generally located south of the city's northern boundary line, east of Sierra Avenue, north of La Canada Drive, west of Rubidoux Boulevard;
3. Defer action and request additional information on the General Plan Amendment request.

Prepared by: Thomas G. Merrell, AICP Planning Director
Submitted by: Alan Kreimeier Interim City Manager

Reviewed by: Connie Cardenas Interim Administrative Services Director
Reviewed by: Peter M. Thorson City Attorney

Reviewed by: George A. Wentz Deputy City Manager

Attachments:

1. Adopted Land Use Map from the Rio Vista Specific Plan (Attachment No. 1)
2. Written Request from Applicant with conceptual land use plan and site plan including "Rio Vista Industrial Park" for Planning Areas 11 – 14 of the Proposed Rio Vista Specific Plan
August 26, 2019

Honorable Mayor and Members of the City Council
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, Calif. 92509

Dear Honorable Mayor and Members of the City Council:

I am submitting this letter on behalf of Richland Communities to respectfully request the City Council initiate a General Plan Amendment (GPA) to enable Richland Communities to seek approval of an amendment to the Mira Loma Warehouse/Distribution Overlay to include approximately 115 acres in the northeastern portion of the Rio Vista Specific Plan site, adjacent to existing industrial development within the overlay (see attached Land Use Figure. We are aware that approval of this requested General Plan Amendment initiation would only direct staff to begin processing the General Plan Amendment, which will also require a Development Agreement, Site Development Permit and CEQA review.

**Property Owner Background**
Richland Communities plans, develops and delivers master-planned communities and mixed-use projects with state-of-the-art design and infrastructure for residential, office, retail and industrial development throughout California, Nevada, Texas, and Florida. Richland has owned the Rio Vista site since 2012.

**Property Background**
The Rio Vista Specific Plan approved in 1992 but has remained undeveloped during the intervening years. The approved plan allows for 1,697 homes, 14 acres for schools, 14 acres for parks, a 5-acre commercial site, a 14-acre equestrian facility, and 405 acres of open space.

**Proposed Project**
If the City Council ultimately approves the requested GPA, the amended Rio Vista Specific Plan would contain about 1,000 dwelling units (reduction of about 697 units), approximately 1.7 million square feet of warehouse and similar industrial uses, and nearly 565 acres of open space, including a large area with trails, 16 acres of park area, about 14 acres for a new elementary school.

**Proposed Benefits**
The benefits of allowing the amendment to the Mira Loma area to include a portion of the Rio Vista site include:

- A substantial reduction in vehicle trips generated by the proposed project, with the incorporation of the industrial component. The revised Rio Vista Specific Plan, including the proposed GPA, would generate almost 40 percent fewer daily vehicle trips than the approved Specific Plan. Peak hour trips in both the mornings and evenings would also be significantly reduced.
• **Substantial increase in open space and recreational land per resident.** Although the number of residences would be reduced by almost 700 units, the amount of open space and recreational land would actually increase, thereby significantly exceeding City requirements for such amenities. If the ratio of open space and recreational areas to housing units was maintained as in the approved Specific Plan, only 263 acres of open space/recreation would be required for 1,000 units. We are proposing well over twice that ratio of open space.

• **Community Benefit Fee** of $1 per square foot of warehouse/distribution space. Alternatively, in recognition of the jobs that would be created by warehouse/distribution space, Richland Communities would be open to providing affordable housing units within Rio Vista, which would provide a to-be-determined credit against this fee.

• **Establishment of a Community Facilities District (CFD),** serving the warehouse/distribution portion of Rio Vista, for maintenance (shared with other developers) of specific streets impacted by the project, avoiding impacts to the City’s general fund.

• **Establishment of a Public Safety CFD** to avoid impacts to the City’s general fund for fire, police, and related services.

• **Establishment of Community Association Management or Homeowners Association (CAM/HOA),** or other viable maintenance entity, for maintenance of open space and recreational facilities.

• **Payment of ongoing contribution toward the City General Fund** for warehouse/distribution uses. If point of sale is established onsite and/or manufacturing uses are developed instead, these would provide a to-be-determined credit against the Community Benefit Fee credit.

• **Implementation of measures to support the City’s and Rio Vista’s efforts to attract point-of-sale and manufacturing uses.**

The proposed warehouse and logistics uses are an appropriate transition from the heavier industrial uses currently present to the east of the Rio Vista site than the residential uses currently in the approved plan. The Mira Loma Policy Area accommodates “warehousing, logistics and distribution uses, and other goods storage facilities,” which are the range of uses currently in greatest demand and the most likely to be successfully developed in the area, with resulting property value increases and greater property and sales tax revenues. We fully recognize that any proposed industrial use would be subject to environmental review to minimize the potential for impacts to existing or approved residential uses.

Thank you for your consideration of this request. We look forward to continuing work with the City in implementing Rio Vista and ensuring the project provides a source of much-needed housing, job opportunities, and City revenue.

Respectfully submitted,

Brian Hardy
Residential = 184 Acres; 1,000 Dwelling Units
Open Space = 565 Acres
Park Space = 16 Acres
Light Industrial (Mira Loma Policy Area Amendment) = 116.3 Acres
Public Facility (School & Water Tank) = 14.7 Acres
Circulation = 21 Acres
TOTAL = 917 ACRES
Note: All acreages listed above are approximates.
**Application Attachment**

Assessor's Parcel Numbers:

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STAFF REPORT

DATE: NOVEMBER 7, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
SUBJECT: AGENDA ITEM NO. 17.D
CONSIDERATION OF PUBLIC AGENCIES HOMELESS RESOURCES COMMITTEE

RECOMMENDATION

That the City Council review the suggested outline for the public agencies homeless resources committee, revise the outline as needed, and provide direction to Staff for the implementation of the Committee.

ANALYSIS

At the City Council Meeting of October 17, 2019, Mayor Berkson proposed that the Council establish a committed of elected officials and residents of northwest Riverside County to coordinate the public agencies’ response to homelessness. The Council concurred and requested Staff to provide materials to help the Council establish the committee.

Attached is a suggested outline of purpose and goals of the Committee as well as a suggested structure of the Committee. There are, of course, many ways to structure the Committee but the outline should provide the Council with the issues to be considered in establishing the Committee.

Mission and Goals.

The mission of the proposed Committee would be to develop a collaborative partnership that evaluates and addresses the complex issues of homelessness from a regional perspective, develops coordinated homeless outreach services utilizing public, private and non-profit sector resources and provides education resources regarding homeless issues. The goals of the Committee identify specific tasks that will contribute to this purpose.
Membership of the Committee; Collaboration with Community Groups

The members of the Committee would be one member of each legislative body of public agencies in northwest Riverside County and one resident chosen by each public agency. The public agencies would include cities, County Supervisor District 2, school districts, park districts, community services districts.

A critical element of the work of the Committee would be to include all community groups dealing with homeless issues to attend the meetings of the Committee and provide input, perspective and assistance to the Committee. These groups would include: Homeless advocacy groups; veteran’s advocacy groups; social service providers; behavioral health advocacy groups; behavioral health providers; heath care providers; chambers of commerce; law enforcement agencies; community groups and all others interested and dedicated to the accomplishment of the Committee’s goals.

The Committee would be charged with developing regional programs, educational resources, and legislative programs. Therefore, there should be some process for the members of the Committed to make these recommendations while still maintaining a close collaborative relationship with community groups dealing with homeless issues.

The Council will need to evaluate the suggested membership structure of the Committee to make sure it is capable of fulfilling its mission which being inclusive of the many groups working on homeless issues.

Meetings of the Committee; Legal Status.

Meetings of the Committee would be subject to the Ralph M. Brown Act, Government Code 54900 et seq., governing open meetings. Agendas of the Committee would be posted on the websites of each of the Public Entities at least 72 hours prior to the meeting.

The agenda requirements of the Brown Act will still allow the Committee to be informal and collaborative. Agenda items can be as specific as “Approve the text of an educational brochure” or as broad as “Discussion of successful homeless outreach programs.”

Additionally, the Committee could have interactive discussions among the members and community groups in compliance with the Brown Act and configure the tables in the meeting room to facilitate such discussions.

The Committee would not be an independent legal entity. This means that it would not have legal authority to collect or expend funds. Any funds needed by the Committee to carry out its goals would need to be supplied by the legislative bodies of one or more of the Public Entities.

Additionally, not being an independent legal entity, the Committee would not be able to apply for grants. Grant applications would need to be made by one or more of the legislative bodies of the Public Agencies.
OTHER INFORMATION

The City of Riverside has organized a regional collaboration group that consists of various city and county staff and non-profit groups serving the homeless. The purpose of this group is to facilitate a regional approach to addressing homelessness in western Riverside County. The group is tentatively scheduled to meet on a quarterly basis.

The first meeting was hosted by the City of Riverside on October 23, 2019 at the Riverside Convention Center. Most cities in the western Riverside County region (including the City of Jurupa Valley) made presentations that outlined how their community was addressing issues of homelessness. Case studies were presented that illustrated best practices and the necessity for regional solutions. Problem-solving sessions were provided that focused on specific components of homelessness and how cities can formulate local action plans that facilitate region-wide homelessness mitigation.

In light of the regional efforts being facilitated by the City of Riverside, the City of Jurupa Valley can realize efficiencies by continuing to participate in the Riverside-led regional collaboration group rather than create a similar group. Alternatively, the City Council could consider forming a group that provides a local focus so as to not create overlap with the regional efforts already being led by the City of Riverside.

FINANCIAL IMPACT

Additional administrative costs.

ALTERNATIVES

Provide comments to Staff.

Submitted by:

Alfonso L. Kreimeier
Interim City Manager

Reviewed by:

George A. Wentz
Deputy City Manager

Reviewed by:

Terri Rollings
Assistant to the City Manager/PIO

Reviewed by:

Connie Cardenas
Interim Administrative Services Director
Reviewed by:

Peter M. Thorson
City Attorney

Attachment:

Suggested outline of proposed Public Agencies Homeless Resources Committee.
PUBLIC AGENCIES HOMELESS RESOURCES COMMITTEE

I. MISSION STATEMENT OF THE COMMITTEE

The mission of the Public Agencies Homeless Resources Committee ("Committee") is to develop a collaborative partnership that evaluates and addresses the complex issues of homelessness from a regional perspective, develops coordinated homeless outreach services utilizing public, private and non-profit sector resources and provides education resources regarding homeless issues.

II. GOALS OF THE COMMITTEE

A. Increase housing opportunities to individuals, families and veterans experiencing homelessness while maintaining an effective homeless prevention program.

B. Create a regional collaboration based on proven best practices.
   1. Provide a regular forum to discuss homeless issues and community needs
   2. Present before each governmental agency in the region:
      a) Adoption of resolutions that commits to the principles of the Committee.
      b) Provisions to their legislative platform regarding the goals of the Committee.
   3. Develop a white paper through research of the causes of homelessness (paying particular attention to prevention and intervention strategies) and identifying regionally appropriate and realistic solutions.
   4. Work with social service providers to develop a countywide resource guide, with regional focus
   5. Perform an initial and on-going needs-assessment through a gap analysis study.

C. Provide leadership to combat homelessness through advocacy, education and coordination with local communities and create a broad, coordinated system of care.
   1. Increase communication through social service providers and government agencies.
   2. Establish a collaborative and coordinated system of identifying, collecting and disseminating local resources for public safety personnel, social service providers and general community distribution.
3. Increase the awareness of resources to the community-at-large.

4. Reduce transportation barriers for homeless and at-risk populations.

5. More effectively involve and collaborate with service agencies, school districts, faith-based organizations, transportation agencies, local Chamber of Commerce, and other stakeholders.

D. Encourage and develop specialize training for public safety and service organizations from ushering homeless away to steering them to resources.

1. Increase and develop public safety personnel’s training to include knowledge of behavioral health issues and community-based resources, including diversion programs, based on the existing success of the County of Riverside Sheriff’s HOT team efforts.

2. Increase public safety and local governments’ participation in the annual Point-In-Time count.

3. Actively bridge communication between sworn officers, park rangers, code enforcement and county probation officers.

4. Improve communication between public safety organizations and city/county officials regarding encampments and migration of homeless.

5. Improve community awareness of homeless issues and resources.

E. Inform and educate the public about homelessness using responsible compassion.

1. Increase communication to the general public through coordinated messages on social media from local governments and service providers.

2. Work with local service providers and faith-based organizations to host community education/outreach events to provide a productive opportunity to address the concerns of communities.

F. Develop a fundraising plan.

1. Create a plan that forecasts the ultimate capital needs and annual operational costs, identifies potential donors/resources and task the appropriate agencies for completing.

2. Seek additional low-income housing and emergency housing opportunities through private, local, state and federal resources.

3. Facilitate community partnerships to identify and secure funding for expanding education and training programs that lead to employment.
III. COMPOSITION OF THE COMMITTEE

A. The members of the Committee shall consist of the following:

1. One member of the legislative body of the following public agencies: City of Jurupa Valley; ______________ (“Public Agencies”).

2. One resident living within the boundaries of each of the Public Agencies.

B. The Committee encourages and welcomes all groups within each of the Public Agencies dealing with homeless issues to attend the meetings of the Committee and provide input, perspective and assistance to the Committee. These groups include: Homeless advocacy groups; veteran’s advocacy groups; social service providers; behavioral health advocacy groups; behavioral health providers; health care providers; chambers of commerce; law enforcement agencies; community groups and all others interested and dedicated to the accomplishment of the Committee’s goals.

IV. COMMITTEE PROCEDURES

A. Meetings of the Committee shall be subject to the Ralph M. Brown Act, Government Code 54900 et seq., governing open meetings.

B. Agendas of the Committee shall be posted on the websites of each of the Public Agencies at least 72 hours prior to the meeting.

C. The Committee may designate Staff from one or more of the Public Agencies to provide assistance to the Committee for its activities including preparing agendas, conducting research, preparing documents, and similar activities.

D. The Committee is not an independent legal entity. Therefore it has no legal authority to collect or expend funds. Any funds needed by the Committee to carry out its Goals would need to be supplied by the legislative bodies of one or more of the Public Agencies.

E. Additionally, not being an independent legal entity, the Committee cannot apply for grants. Grant applications would need to be made by one or more of the legislative bodies of the Public Agencies.
STAFF REPORT

DATE: NOVEMBER 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER

SUBJECT: AGENDA ITEM NO. 17.E

RATIFICATION OF EMERGENCY PROCLAMATION CAUSED BY THE GRANITE HILL AND 46TH STREET FIRE INCIDENTS

RECOMMENDATION

1. That the City Council ratify the Emergency Proclamation dated October 31, 2019 and adopt Resolution No. 2019-102, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, RATIFYING AN EMERGENCY PROCLAMATION ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

ANALYSIS

The California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City Council to designate by ordinance a local official with the power to proclaim the existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days.

Due to the extreme peril caused by the Granite Hill and 46th Street fire incidents which are expected to result in an unknown and significant amount of City resources to cover the emergency staff time, consultant work, equipment and materials as well as contractor costs, the Director of Emergency Services declared the existence of a local emergency within the City on October 31, 2019.

In order to meet the requirements of the California Emergency Services Act, the City Council is being asked to ratify the Emergency Proclamation dated October 31, 2019 and review the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency.

Pursuant to CG Code Section 8630, the City Council shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.
OTHER INFORMATION

None.

Submitted by:  

[Signature]
Alan Kreimeier  
Interim City Manager

Reviewed by:  

[Signature]
Peter M. Thorson  
City Attorney

Attachments:

1. City Proclamation of a Local Emergency  
2. Resolution No. 2019-102
CITY OF JURUPA VALLEY
STATE OF CALIFORNIA

PROCLAMATION OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Ordinance No. 2011-02 of the City of Jurupa Valley empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity when the City Council is not in session, and

WHEREAS, the Director of Emergency Services finds:

That at the time of this proclamation, the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Jurupa Valley caused by the Granite Hill and 46th Street Fire incidents which have impacted numerous communities across the City of Jurupa Valley; and

WHEREAS, there exists an imminent threat to life, property, critical infrastructure and the environment; and

WHEREAS, State and local government resources have been called upon to assist in fire suppression and structure protection efforts; and

WHEREAS, evacuation orders have been issued for the surrounding areas of the fire incidents in and around Granite Hill and 46th Street areas; and

WHEREAS, the Granite Hill Fire is currently at 628 acres and is 30% contained; and

WHEREAS, the 46th Street fire is currently at 300 acres and 5% contained. Three residential structures and two outbuildings are confirmed destroyed. Additional updates are being posted as information becomes available; and

WHEREAS, proximity of the fires poses severe and imminent threat to numerous residents and commercial property within these communities, as well as other communities; and

WHEREAS, that the potential of the aforementioned conditions of extreme peril warrant and necessitate the proclamation of a "Local Emergency."

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a "Local Emergency" exists throughout the City of Jurupa Valley; and
IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said "Local Emergency", the powers, functions and duties of the Director of Emergency Services and the Emergency Management Organization of this City shall be those prescribed by State law and the charter, ordinances, resolutions and approved plans of the City of Jurupa Valley in order to mitigate the effects of said "Local Emergency"; and,

IT IS FURTHER PROCLAIMED AND ORDERED that said "Local Emergency" shall be deemed to continue to exist for the next seven (7) days, and thereafter by ratification of the City Council, until its termination is proclaimed by the City Council of the City of Jurupa Valley; and

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation be forwarded to the Governor of California with the request that he proclaim the existence of a State of Emergency throughout the impacted areas of the City of Jurupa Valley and provide or request all eligible State and Federal financial assistance to the City and impacted areas.

[Signature]
Terri Rollings
Assistant Director of Emergency Services

ATTESTED BY:

[Signature]
Victoria Wasko, CMC
City Clerk

Dated this 31st day of October, 2019.
RESOLUTION NO. 2019-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, RATIFYING AN EMERGENCY PROCLAMATION ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

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

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City Council to designate by ordinance a local official with the power to proclaim the existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, Section 2.30.040 of the Jurupa Valley Municipal Code identifies the City Manager as the Director of Emergency Services; and

WHEREAS, Section 2.30.050 (a) of the Jurupa Valley Municipal Code empowers the Director of Emergency Services to Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Jurupa Valley caused by the Granite Hill and 46th Street Fire incidents which impacted numerous areas across the City of Jurupa Valley; and

WHEREAS, the impacts of the Granite Hill and 46th Street fire incidents are currently being evaluated and are expected to result in an unknown and significant amount of city resources to cover the emergency staff time, consultant work, equipment and materials as well as contractor costs; and

WHEREAS, based on said event, the Director of Emergency Services of the City of Jurupa Valley declared the existence of a local emergency within the City on October 31, 2019; and

WHEREAS, the City Council is required to ratify that Proclamation within seven (7) days; and

WHEREAS, the City Council finds, based on the facts set forth above and in the attached Proclamation that the circumstances described above do constitute an emergency.

NOW, THEREFORE, BE IT RESOLVED that the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Jurupa Valley; and
BE IT FURTHER RESOLVED, that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Jurupa Valley; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Jurupa Valley Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes.

PASSED, APPROVED, and ADOPTED this 7th day of November, 2019.

________________________________________
Brian Berkson
Mayor

ATTEST:

________________________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-102 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of November, 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 7th day of November, 2019.

______________________________
Victoria Wasko, CMC City Clerk
City of Jurupa Valley