

CITY OF WILDOMAR CITY COUNCIL

6:00 P.M. – SPECIAL MEETING

JULY 17, 2013

Council Chambers
23873 Clinton Keith Road, Wildomar, California



Timothy Walker, Mayor
Marsha Swanson, Mayor Pro Tem
Ben Benoit, Council Member
Bob Cashman, Council Member
Bridgette Moore, Council Member

Gary Nordquist
City Manager

Thomas D. Jex
City Attorney

WILDOMAR CITY COUNCIL SPECIAL MEETING AGENDA JULY 17, 2013

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 6:30 p.m. Closed Sessions begin at 5:30 p.m. or such other time as noted.

REPORTS: All agenda items and reports are available for review at: Wildomar City Hall, 23873 Clinton Keith Road; Mission Trail Library, 34303 Mission Trail Blvd.; and on the City's website, www.cityofwildomar.org. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Mayor will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

ADDITIONS/DELETIONS: Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council.

CONSENT CALENDAR: Consent Calendar items will be acted on by one roll call vote unless Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

**PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF
FOR THE DURATION OF THE MEETING. YOUR
COOPERATION IS APPRECIATED.**

CALL TO ORDER – SPECIAL SESSION - 6:00 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

This is the time when the City Council receives general public comments regarding any items or matters within the jurisdiction of the City Council that do not appear on the agenda. Each speaker is asked to fill out a “Public Comments Card” available at the Chamber door and submit the card to the City Clerk. Lengthy testimony should be presented to the Council in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker. Prior to taking action on any open session agenda item, the public will be permitted to comment at the time it is considered by the City Council.

1.0 PUBLIC HEARINGS

1.1 Landscaping and Lighting Maintenance District No. 89-1-Consolidated & Street Lighting Zones

RECOMMENDATION: Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2013 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONES 3, 29, 30, 42,51, 52, 59, 62, 67, AND 71, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73, OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND LEVYING ASSESSMENTS ON ALL LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2013-14

1.2 Service Area Charges for FY 2013-14

RECOMMENDATION: Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2013 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING SERVICE AREA CHARGES WITHIN THE
CITY FOR FISCAL YEAR 2013-2014

2.0 GENERAL BUSINESS

2.1 Third Amendment to Agreement with Waste Haulers for the Collection and Transportation of Solid Waste and Other Specified Services

RECOMMENDATION: Staff recommends that the City Council:

1. Review and approve the Third amendment to the agreement between the City and USA Waste of California, Inc.; and
2. Review and approve the Third amendment to the agreement between the City and CR&R Incorporated.

2.2 Notice of Intent to hold a Public Hearing for placing liens on parcels with unpaid charges on trash collection services

RECOMMENDATION: Staff recommends that the City Council provide a Notice of Intent to hold a Public Hearing on August 7, 2013, for placing liens on parcels with unpaid charges on trash collection services.

ADJOURNMENT

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person that requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting, may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by phone at 951/677-7751, no later than 10:00 a.m. on the day preceding the scheduled meeting.

I, Debbie A. Lee, Wildomar City Clerk, do certify that on July 12, 2013, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:

Wildomar City Hall, 23873 Clinton Keith Road,
U.S. Post Office, 21392 Palomar Street,
Mission Trail Library, 34303 Mission Trail Blvd.



Debbie A. Lee, CMC, City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.1
PUBLIC HEARING
Meeting Date: July 17, 2013

TO: Mayor and City Council Members

FROM: Dan York, Public Works Director

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated & Street Lighting Zones

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution entitled:

RESOLUTION NO. 2013 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONES 3, 29, 30, 42, 51, 52, 59, 62, 67, AND 71, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73, OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND LEVYING ASSESSMENTS ON ALL LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2013-14

BACKGROUND:

The proposed assessments for Zones 3, 29, 30, 51, 52, 59, 62, 67, and 71, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73, are described in Attachment A.

Pursuant to the Landscaping and Lighting Act of 1972, the City Council adopted Resolution No. 2013 - 22 on June 12, 2013 declaring the City's intention to levy the proposed assessments, approving the engineer's report, and setting the public hearing to receive testimony regarding the assessment levy for Fiscal Year 2013-14 for Zones 3, 29, 30, 51, 52, 59, 62, 67, and 71, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73 of L&LMD No. 89-1-C. Notice of the public hearing was given by publication of a certified copy of Resolution No. 2013 - 22 in The Press Enterprise at least ten days prior to the public hearing date of July 17, 2013.

Adoption of this Resolution after conducting the public hearing will confirm the assessment levy, as indicated in the Engineer's Report for Fiscal Year 2013-14 for L&LMD No. 89-1-C, and orders the placement of the annual assessment on the County's Assessment Roll.

Landscape and Lighting Maintenance District No. 89-1-Consolidated (District) maintains and services 31 locations throughout the City of Wildomar. The District contains 11 separate zones of benefits and 9 street lighting zones of benefits as described in Attachment A. The annual budget for Fiscal Year 2013-14 totals \$271,535.

The primary improvements provided within the District may include, but are not limited to: maintenance and servicing of landscape, multi-purpose trails, fencing, inspection of contractors work, coordination of irrigation schedules, backflow devices and fossil filter improvements within public right-of-ways of, and providing electricity to streetlights. Services provided include all necessary service, operations, administration and maintenance required to keep the above mentioned improvements in a healthy, vigorous and satisfactory working condition.

Previously, the Riverside County Transportation/Land Development Department has completed the Engineers Report on behalf of the City. During Calendar Year 2013, the City assumed overseeing the contracts to provide maintenance and operation services to all of the LLMD 89-1-C zones from Riverside County.

This year, Wildomar staff has completed the transition of all administrative and oversight functions from Riverside County Transportation/Land Development Department regarding the LLMD 89-1-C. This includes facilitating the completion of the Engineer's Reports for LLMD 89-1-C, Volumes 1 and 2, and all relevant documentation related to the annual enrollment of the assessments. Failure to place the levy on the tax rolls would result in there being insufficient funds to carry out the District's services for fiscal year 2013-14.

FISCAL IMPACT:

The annual budget for Fiscal Year 2013-14 totals \$271,535. Adoption of this resolution will allow the City of Wildomar to collect sufficient funds to meet its maintenance obligation for this Landscape and Lighting Maintenance District.

Submitted by:
Daniel A. York
Public Works Director

Approved by:
Gary Nordquist
City Manager

ATTACHMENTS:

Attachment A
Resolution

The City of Wildomar Landscaping and Lighting Maintenance District No. 89-1 Consolidated (L&LMD No. 89-1-C) contains 11 separate zones of benefits and 9 street lighting zones of benefits:

- Zone 3 Location 7 – is located on Grand Ave
 - Zone 3 Location 23 – is located on Palomar St and South Pasadena St
 - Zone 3 Location 24 – is located on Lemon St
 - Zone 3 Location 25 – is located on La Estrella St and Porras Rd
 - Zone 3 Location 29 – is located on Catt Rd, Charles St, and Palomar St
 - Zone 3 Location 35 – is located on Clinton Keith Rd
 - Zone 3 Location 42 – is located on Catt Rd
 - Zone 3 Location 43 – is located on Palomar St
 - Zone 3 Location 45 – is located on La Estrella Rd
 - Zone 3 Location 47 – is located on Catt Rd
 - Zone 3 Location 49 – is located on Grand Ave and South Pasadena St
 - Zone 3 Location 53 – is located on Canyon Dr and Dorof Ct
 - Zone 29 Location 2 – is located on Grand Ave
 - Zone 30 Location 1 – is located on Catt Rd and Palomar St
 - Zone 30 Location 2 – is located on Palomar St
 - Zone 42 – is located on Clinton Keith Rd, La Estrella St, Loring Rd, and Smith Ranch Rd
 - Zone 51 – is located on Palomar St and South Pasadena St
 - Zone 52 – is located on Grand Ave
 - Zone 59 – is located on Kevin Rd and Prielipp Rd
 - Zone 62 – is located on Palomar St
 - Zone 67 – is located on Catt Rd, Ketchum Dr, and Seattle Ridge Rd
 - Zone 71 – is located on Elm St and Grand Ave
-
- Street Lighting Zone 18 – is located on Bundy Canyon Rd
 - Street Lighting Zone 26 – is located on Catt Rd and Hidden Springs Rd
 - Street Lighting Zone 27 – is located on Clinton Keith Rd and Elizabeth Ln
 - Street Lighting Zone 35 – is located on Frederick St
 - Street Lighting Zone 50 – is located on Clinton Keith Rd
 - Street Lighting Zone 70 – is located on Clinton Keith Rd and Hidden Springs Rd
 - Street Lighting Zone 71 – is located on Prielipp Rd
 - Street Lighting Zone 73 – is located on Clinton Keith Rd and Palomar St

Zone 3

For Fiscal Year 2013-14, there is no proposed increase in the assessment for Zone 3. The proposed assessment for Fiscal Year 2013-14 for Zone 3 of the District is \$77.68 per parcel and there are 1,390 parcels.

Zone 3 was established 14 years ago with an assessment of \$77.68 per parcel per year and did not establish an inflation factor. The proposed budget for Fiscal Year 2013-14 is \$107,975.

Zone 29

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 29. The proposed assessment for Fiscal Year 2013-14 for Zone 29 of the District is \$85.30 per parcel, based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 10 parcels.

Zone 29 was established 9 years ago with an assessment of \$70.00 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$853.

Zone 30

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 30. The proposed assessment for Fiscal Year 2013-14 for Zone 30 of the District is \$170.60 per parcel , based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 164 parcels.

Zone 30 was established 9 years ago with an assessment of \$138.18 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$27,978.

Zone 42

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 42. The proposed assessment for Fiscal Year 2013-14 for Zone 42 of the District is \$158.92 per parcel , based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 187 parcels.

Zone 42 was established 7 years ago with an assessment of \$132.98 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$29,718.

Zone 51

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 51. The proposed assessment for Fiscal Year 2013-14 for Zone 51 of the District is \$115.14 per parcel , based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 61 parcels.

Zone 51 was established 7 years ago with an assessment of \$100.00 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$7,024.

Zone 52

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 52. The proposed assessment for Fiscal Year 2013-14 for Zone 52 of the District is \$623.62 per parcel , based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 91 parcels.

Zone 52 was established 5 years ago with an assessment of \$541.52 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$56,749.

Zone 59

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 59. The proposed assessment for Fiscal Year 2013-14 for Zone 59 of the District is \$345.12 per acre. The actual rate property owners pay is based on the parcel size, based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 4 parcels, which total 12.86 acres.

Zone 59 was established 6 years ago with an assessment of \$299.70 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$4,438.

Zone 62

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 62. The proposed assessment for Fiscal Year 2013-14 for Zone 62 of the District is \$134.16 per parcel, based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 116 parcels.

Zone 62 was established 6 years ago with an assessment of \$125.20 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$15,563.

Zone 67

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 67. The proposed assessment for Fiscal Year 2013-14 for Zone 67 of the District is \$148.56 per parcel, based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 44 parcels.

Zone 67 was established 6 years ago with an assessment of \$138.64 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$6,537.

Zone 71

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Zone 71. The proposed assessment for Fiscal Year 2013-14 for Zone 71 of the District is \$65.68 per parcel, based on the cumulative percentage increase in the CPI-U from March 2012 through March 2013, and is consistent with ballot proposition approved by the qualified electors when establishing said zone, and there are 142 parcels.

Zone 71 was established 6 years ago with an assessment of \$57.04 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$9,326.

Street Lighting Zone 18

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 18 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 18 of the District is \$705.38 per parcel and there is 1 parcel.

Street Lighting Zone 18 was established 8 years ago with an assessment of \$664.82 per parcel per year. The proposed budget for Fiscal Year 2013-14 is \$705.

Street Lighting Zone 26

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 26 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 26 of the District is \$100.62 per acre and there are 8 parcels, which aggregates to 9.77 acre(s).

Street Lighting Zone 26 was established 7 years ago with an assessment of \$94.80 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$983.

Street Lighting Zone 27

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 27 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 27 of the District is \$127.90 per acre and there is 1 parcel, which aggregates to 8.67 acre(s).

Street Lighting Zone 27 was established 8 years ago with an assessment of \$120.56 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$1,109.

Street Lighting Zone 35

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 35 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 35 of the District is \$44.98 per acre and there are 20 parcels, which aggregates to 4.07 acre(s).

Street Lighting Zone 35 was established 7 years ago with an assessment of \$42.30 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$183.

Street Lighting Zone 50

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 50 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 50 of the District is \$36.38 per acre and there is 1 parcel, which aggregates to 7.12 acre(s).

Street Lighting Zone 50 was established 6 years ago with an assessment of \$34.28 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$259.

Street Lighting Zone 70

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 70 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 70 of the District is \$255.36 per acre and there are 4 parcels, which aggregates to 4.18 acre(s).

Street Lighting Zone 70 was established 5 years ago with an assessment of \$240.72 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$1,067.

Street Lighting Zone 71

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 71 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 71 of the District is \$28.30 per acre and there are 4 parcels, which aggregates to 12.86 acre(s).

Street Lighting Zone 71 was established 5 years ago with an assessment of \$26.66 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$364.

Street Lighting Zone 73

For Fiscal Year 2013-14, there is a proposed two percent (2.0%) inflationary increase in the assessment for Street Lighting Zone 73 and is consistent with the ballot proposition approved by the qualified electors when establishing said zone. The proposed assessment for Fiscal Year 2013-14 for Street Lighting Zone 73 of the District is \$232.88 per acre and there are 2 parcels, which aggregates to 3.02 acre(s).

Street Lighting Zone 73 was established 5 years ago with an assessment of \$219.04 per acre per year. The proposed budget for Fiscal Year 2013-14 is \$703.

RESOLUTION NO. 2013 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONES 3, 29, 30, 42, 51, 52, 59, 62, 67, AND 71, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73, OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND LEVYING ASSESSMENTS ON ALL LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2013-14

WHEREAS, on June 12, 2013, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City"), adopted Resolution No. 2013-22, pursuant to Section 22624 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"), which among other things, scheduled a public hearing on the annual levy and collection of assessments on all lots and parcels of assessable land in 11 Zones (hereinafter "Zone 3", "Zone 29", "Zone 30", "Zone 42", "Zone 51", "Zone 52", "Zone 59", "Zone 62", "Zone 67", "Zone 71", and collectively "Zones"); and 9 Street Lighting Zones (hereinafter "Street Lighting Zone 18", "Street Lighting Zone 26", "Street Lighting Zone 27", "Street Lighting Zone 35", "Street Lighting Zone 50", "Street Lighting Zone 70", "Street Lighting Zone 71", "Street Lighting Zone 73", and collectively "Street Lighting Zones") of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") for FY 2013-14 to pay the costs of the installation and planting of landscaping; the installation of multi-purpose trails; the installation of fencing; the installation of fossil filters; the installation of irrigation and electrical facilities; and the maintenance and servicing of such landscaping, multi-purpose trails, fencing, and fossil filter improvements, and the provision of electricity for streetlights within the public rights-of-way, for July 17, 2013, at Wildomar City Hall, 23873 Clinton Keith Rd Suite 201, Wildomar, CA 92595; and

WHEREAS, notice of said public hearing was duly published as required by Resolution No. 2013-22 and Section 22626(a) of the Streets and Highways code; and

WHEREAS, at the time and place of said public hearing, as set forth in Resolution No. 2013-22, the City Council held the public hearing and afforded all interested persons an opportunity to testify and be heard, and considered all oral statements and all written protests or communications made or filed by any interested persons and at the conclusion of said hearing determined that a majority protest had not been received; and

WHEREAS, the City Council may proceed, pursuant to Section 22631 of the Streets and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally proposed, or as changed by it, and the adoption of such a resolution shall constitute the levy of an assessment on all assessable lots and parcels of land within of L&LMD No. 89-1-C for FY 2013-14.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the City Council of the City of Wildomar assembled in regular session on July 17, 2013 as follows:

SECTION 1. Findings.

That the City Council finds:

- (a) the preceding recitals are correct;
- (b) the City has complied with all of the requirements of the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code;
- (c) a majority protest to the annual levy for existing Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, and 71, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73, of L&LMD No. 89-1-C has not been filed;
- (d) the City Council may proceed to adopt a resolution confirming the diagram and assessment for L&LMD No. 89-1-C either as originally proposed or as changed by it; and the Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, and 71, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73, of L&LMD No. 89-1-C either as originally proposed or as changed by it; and the assessments to be levied on the assessable lots and parcels of land in Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, and 71, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73, of L&LMD No. 89-1-C for the installation and planting of landscaping; the installation of multi-purpose trails; the installation of fencing; the installation of fossil filters; the installation of irrigation or electrical facilities; and the maintenance and servicing of such landscaping, multi-purpose trails, fencing, and fossil filters; and the provision of electricity for streetlights within the public rights-of-way in said district during FY 2013-14 contained in the report to the Public Works Director of the City of Wildomar, which is on file with the City Clerk (hereinafter the "Report") are based on benefits derived by such lots and parcels.

SECTION 2. Confirmation of Diagram and Assessment.

The assessment diagram and the proposed assessments, as stated in the Engineer's Report approved by Resolution No. 2013-22, to pay the estimated costs of the installation, and maintenance and servicing of landscaping improvements, multi-purpose trails, fencing, and fossil filters, and the provision of electricity for streetlights in Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, and 71, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73, of L&LMD No. 89-1-C for FY 2013-14 are confirmed.

SECTION 3. Levy of Assessment.

Pursuant to Section 22631 of the Streets and Highways Code, the adoption of this resolution constitutes the levy of the assessment for the installation, and maintenance and servicing improvements in Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, and 71, and the provision of electricity for streetlights within public right-of-ways in Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73, of L&LMD No. 89-1-C for FY 2013-14 contained in the Report, and such assessment is levied. The City Clerk is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor of the County of Riverside, who, pursuant to Section 22645 of Streets and Highways Code, shall enter on the County Assessment Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

SECTION 4. Effective Date.

This Resolution shall take effect from and after its date of adoption.

PASSED, APPROVED, AND ADOPTED this 17th day of July, 2013.

Timothy Walker
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.2
PUBLIC HEARING
Meeting Date: July 17, 2013

TO: Mayor and Council Members
FROM: Dan York, Public Works Director
SUBJECT: Service Area Charges for FY 2013-14

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2013 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING SERVICE AREA CHARGES WITHIN THE CITY FOR
FISCAL YEAR 2013-2014

BACKGROUND:

Prior to incorporation, certain property within Wildomar was within County Service Areas 22, 103, and 142. Upon incorporation on July 1, 2008, these properties were detached from the County Service Areas and the City of Wildomar assumed the responsibility for levying the previously approved charges on the properties and providing the services previously provided by the County Service Areas. For ease of reference, the City now refers to these former County Service Areas as "Service Areas." The city oversees the services and charges provided by Service Areas 22 (Lighting), 103 (Drainage, Landscape), 103 (Lighting), and 142 (Lighting). A map of the service areas and the proposed charges are attached in Attachment A. The charges vary for each development depending on the level of service and number of parcels in each individual development.

On June 12, 2013, this City Council adopted a Notice of Intent to Establish Service Area Charges for FY 2013-14 and set today's meeting for the public hearing to hear and consider testimony regarding the continuation of charges for the services within the Services Areas. Upon adoption of this resolution, Albert A. Webb Associates, on behalf of the City, will submit the charges to the County Assessor's Office for inclusion on the annual property tax bills.

FISCAL IMPACTS:

Adoption of this resolution will allow the City of Wildomar to collect funds to meet its financial obligations for City of Wildomar Service Areas.

Submitted by:
Daniel A. York
Public Works Director

Approved by:
Gary Norquist
City Manager

ATTACHMENTS:

- A. Map
- B. Proposed Charges
- C. Resolution

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

RESOLUTION NO. 2013 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING SERVICE AREA CHARGES WITHIN THE CITY
FOR FISCAL YEAR 2013-2014**

WHEREAS, upon incorporation on July 1, 2008, the City of Wildomar assumed the authority and responsibility for providing services and levying charges that were previously provided and levied by County Service Areas 22, 103, and 142 established pursuant to County Service Area Law, as set forth in Government Code Section 25210.1 et seq., within the City's jurisdictional boundaries; and

WHEREAS, the City Council has determined that it is necessary to continue the County Service Area charges within such areas in order to continue to provide such extended services; and

WHEREAS, City Council annually causes a report of the services, parcels and charges for each Service Area for the upcoming fiscal year to be prepared and filed with the City Clerk; and

WHEREAS, upon the filing of such report with the City Clerk, the City Council shall cause to be noticed and thereafter conduct a public hearing to hear and consider testimony regarding the continuation of charges for such extended services within such Service Areas within the City of Wildomar; and

WHEREAS, the City Clerk has confirmed that such report has been filed for fiscal year 2013-2014 for such Service Areas within the City; and

WHEREAS, a Public Hearing, pursuant to Government Code Section 25210.66a, was conducted by the City Council on July 17, 2013, to determine the establishment of charges for FY 2013-14 as shown on Attachment B to the staff report.

NOW THEREFORE BE IT RESOLVED, by the City of Wildomar Council assembled in regular session on July 17, 2013, that this Council adopts the Service Area charges as shown on Attachment B to the staff report.

PASSED, APPROVED, AND ADOPTED this 17th day of July, 2013.

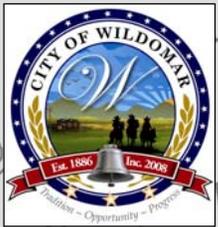
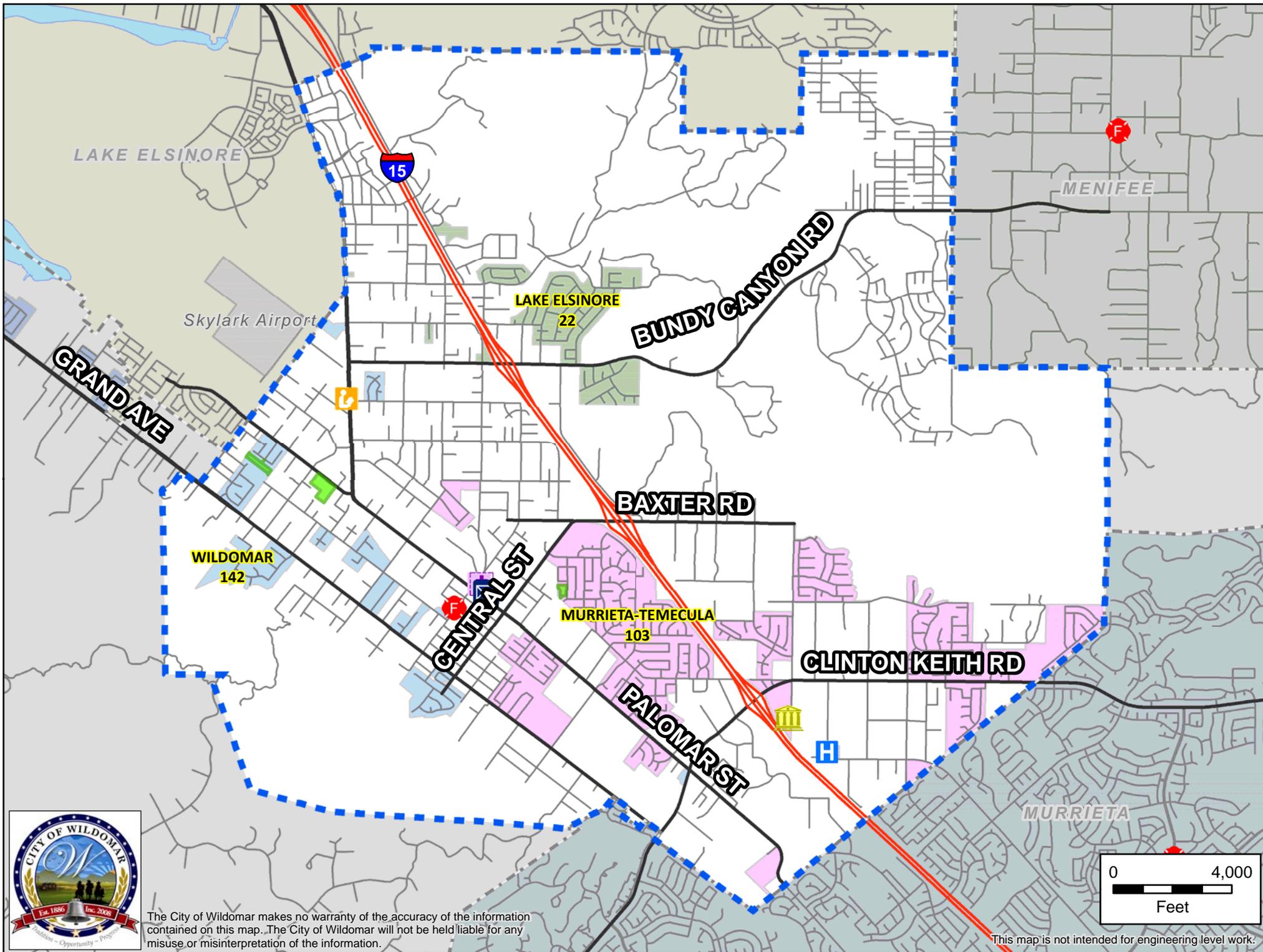
Timothy Walker
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk



The City of Wildomar makes no warranty of the accuracy of the information contained on this map. The City of Wildomar will not be held liable for any misuse or misinterpretation of the information.

This map is not intended for engineering level work.

CITY OF WILDOMAR
Projected CSA Levy Ranges and Projected Levy

Fund No.	CSA Name	Date Formed	Parcels	FY 2012-13 Levy	Projected FY 2013-14 Levy	Min/Max	Current FY 2012-2013 Levy	Projected FY 2013-2014 Levy	Escalates?
684642	CSA #22 STREET LIGHTS (Wildomar)	11/8/1965	885	\$30,088.02	\$30,413.68	Minimum	\$1.76	\$1.76	No/Yes
	Lake Elsinore					Maximum	\$59.66	\$60.84	
684643	CSA #142 STREET LIGHTS (Wildomar)	1/31/1985	516	\$31,808.64	\$32,893.34	Minimum	\$31.50	\$31.50	No/Yes
	Wildomar					Maximum	\$872.08	\$872.08	
684644	CSA #103 DRAINAGE-LNDSCP (Wildomar)	12/18/1973	1,078	\$22,440.00	\$22,520.00	Minimum	\$20.00	\$20.00	No
	French Valley					Maximum	\$30.00	\$30.00	
684645	CSA #103 STREET LIGHTS (Wildomar)	12/18/1973	3,115	\$120,935.18	\$123,559.64	Minimum	\$28.86	\$28.86	No/Yes
	French Valley					Maximum	\$1,238.94	\$1,263.72	

Please Note: Ranges represent parcels previously levied and may be changed as a result of actual parcels levied.

CITY OF WILDOMAR - CITY COUNCIL
Agenda Item #2.1
GENERAL BUSINESS
Meeting Date: July 17, 2013

TO: Mayor and City Council Members

FROM: Misty V. Cheng, Controller

SUBJECT: Third Amendment to Agreement with Waste Haulers for the Collection and Transportation of Solid Waste and Other Specified Services

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council:

1. Review and approve the Third amendment to the agreement between the City and USA Waste of California, Inc.; and
2. Review and approve the Third amendment to the agreement between the City and CR&R Incorporated.

DISCUSSION:

In June 2009, the City entered into an agreements with USA Waste of California, Inc. (Waste Management) and CR&R Incorporated for the collection and transportation of solid waste, recyclable materials, green waste, construction debris and other specified services, which has since been amended by the First and Second Amendments. This Third Amendment allows the City to assist the Waste Haulers in submitting the necessary data needed by the County of Riverside for delinquent trash accounts to be placed on the tax rolls as long as the Waste Haulers indemnify the City for actions taken during the tax roll, levy, collection or remittance processes for the delinquent trash accounts. This amendment shall be for the period of the Agreement for which collection services are to be provided.

FISCAL IMPACT:

After collection of the special assessment and remittance of those assessments to the Waste Hauler, the City shall receive its proportionate share of the franchise fee for the respective amount.

Submitted by:
Misty V. Cheng
Controller

Approved by:
Gary Nordquist
City Manager

ATTACHMENTS:

Attachment A
Attachment B

ATTACHMENT A

**THIRD AMENDMENT TO AGREEMENT BETWEEN THE CITY OF
WILDOMAR AND USA WASTE OF CALIFORNIA, INC. FOR THE
COLLECTION AND TRANSPORTATION OF SOLID WASTE AND
OTHER SPECIFIED SERVICES**

This Third Amendment to Agreement Between the City of Wildomar and USA Waste of California, Inc. for the Collection and Transportation of Solid Waste and Other Specified Services (“Third Amendment”) is entered into this ___ day of _____, 2013 by and between the City of Wildomar, a California general law city and municipal corporation (“City”) and USA Waste of California, Inc., a Delaware corporation (“Franchisee”).

RECITALS

WHEREAS, on or about June 10, 2009, the City and Franchisee entered into an Agreement for the Collection and Transportation of Solid Waste, Recyclable Materials, Green Waste, Construction Debris and Other Specified Services, which has been amended by the First Amendment and Second Amendment (individually and collectively, the “Agreement”); and,

WHEREAS, City and Franchisee desire to amend the Agreement to facilitate collection of account delinquencies on the County tax roll; and,

WHEREAS, in addition to any other remedy allowed by law, City may collect delinquent solid waste fees or charges in the manner provided by Section 25831 of the Government Code as applied to cities in Section 38790.1 of the Government Code.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the promises made and recited herein, the parties do hereby enter into this Third Amendment as follows:

1. New Section D of Exhibit “E” – Attachment 1 of the Agreement is added as follows:

“D. Upon the written request of Franchisee, the City authorizes and agrees to assist Franchisee in submitting account delinquency information to the Riverside County Assessor’s Office for placement on the tax roll. By submitting a written request, Franchisee assigns its right to collect the delinquencies to the City.”

2. New Section 8.H of the Agreement is added as follows:

“H. Indemnification Regarding Certain Challenges to Agreement.

With respect to placement of account delinquencies on the tax roll made in accordance with Exhibit “E” – Attachment 1, Franchisee, upon demand of the City, made by and through the City Attorney, shall indemnify, hold harmless, protect City and appear in and defend the City and its elected officials, officers, employees and agents, in and against any claims or actions by third parties, whether judicial, administrative or otherwise, including, but not limited to disputes and/or litigation challenging the placement on the

tax roll, levy, collection, or remittance of any delinquent rate, fee, charge, interest, penalty, or other amount on the tax roll or any lien associated with the foregoing, as impermissible general tax, special tax, assessment, or fee requiring compliance with any provision of Article XIII of the California Constitution, the various enabling and implementing statutes, or as being an *ultra vires* act, or is invalid under or otherwise contrary to any federal, state, or local law, ordinance, regulation, or decision of a court of competent jurisdiction; and/or challenging the certification, implementation, imposition, adjustment, levy or collection of any rate, fee, charge, interest, penalty or other amount under the Agreement.

This provision shall survive the expiration of the period during which collection services are to be provided under this Agreement. In the event of an adverse legal determination or settlement of such action, the parties agree to cooperate and work in good faith to prepare such amendments or alternatives to the Agreement that will implement the original intent of the Parties while complying with any adverse legal determination or settlement.

3. GENERAL PROVISIONS.

- 3.1 Remainder Unchanged. Except as specifically modified and amended in this Third Amendment, the Agreement remains in full force and effect and binding upon the parties.
- 3.2 Integration. This Third Amendment consists of pages 1 through 3 inclusive, which constitute the entire understanding and agreement of the parties and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the transaction discussed in this Third Amendment.
- 3.3 Effective Date. This Third Amendment shall not become effective until the date it has been formally approved by the City Council and executed by the appropriate authorities of the City and Franchisee.
- 3.4 Applicable Law. The laws of the State of California shall govern the interpretation and enforcement of this Third Amendment.
- 3.5 References. All references to the Agreement include all their respective terms and provisions. All defined terms utilized in this Third Amendment have the same meaning as provided in the Agreement, unless expressly stated to the contrary in this Third Amendment.

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(Signatures on next page)

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the date and year first-above written.

CITY OF WILDOMAR

By: _____

Gary Nordquist, City Manager

ATTEST:

Debbie Lee, City Clerk

APPROVED AS TO FORM

By: _____

Thomas D. Jex, City Attorney

USA WASTE OF CALIFORNIA, INC.

By: _____

Its: _____

By: _____

Its: _____

ATTACHMENT B

**THIRD AMENDMENT TO AGREEMENT BETWEEN THE CITY OF
WILDOMAR AND CR&R INCORPORATED FOR THE
COLLECTION AND TRANSPORTATION OF SOLID WASTE AND
OTHER SPECIFIED SERVICES**

This Third Amendment to Agreement Between the City of Wildomar and CR&R Incorporated for the Collection and Transportation of Solid Waste and Other Specified Services (“Third Amendment”) is entered into this ___ day of _____, 2013 by and between the City of Wildomar, a California general law city and municipal corporation (“City”) and CR&R Incorporated, a California corporation (“Franchisee”).

RECITALS

WHEREAS, on or about June 10, 2009, the City and Franchisee entered into an Agreement for the Collection and Transportation of Solid Waste, Recyclable Materials, Green Waste, Construction Debris and Other Specified Services, which has been amended by the First Amendment and Second Amendment (individually and collectively, the “Agreement”); and,

WHEREAS, City and Franchisee desire to amend the Agreement to facilitate collection of account delinquencies on the County tax roll; and,

WHEREAS, in addition to any other remedy allowed by law, City may collect delinquent solid waste fees or charges in the manner provided by Section 25831 of the Government Code as applied to cities in Section 38790.1 of the Government Code.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the promises made and recited herein, the parties do hereby enter into this Third Amendment as follows:

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tax roll, levy, collection, or remittance of any delinquent rate, fee, charge, interest, penalty, or other amount on the tax roll or any lien associated with the foregoing, as impermissible general tax, special tax, assessment, or fee requiring compliance with any provision of Article XIII of the California Constitution, the various enabling and implementing statutes, or as being an *ultra vires* act, or is invalid under or otherwise contrary to any federal, state, or local law, ordinance, regulation, or decision of a court of competent jurisdiction; and/or challenging the certification, implementation, imposition, adjustment, levy or collection of any rate, fee, charge, interest, penalty or other amount under the Agreement.

This provision shall survive the expiration of the period during which collection services are to be provided under this Agreement. In the event of an adverse legal determination or settlement of such action, the parties agree to cooperate and work in good faith to prepare such amendments or alternatives to the Agreement that will implement the original intent of the Parties while complying with any adverse legal determination or settlement.

3. GENERAL PROVISIONS.

- 3.1 Remainder Unchanged. Except as specifically modified and amended in this Third Amendment, the Agreement remains in full force and effect and binding upon the parties.
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- 3.3 Effective Date. This Third Amendment shall not become effective until the date it has been formally approved by the City Council and executed by the appropriate authorities of the City and Franchisee.
- 3.4 Applicable Law. The laws of the State of California shall govern the interpretation and enforcement of this Third Amendment.
- 3.5 References. All references to the Agreement include all their respective terms and provisions. All defined terms utilized in this Third Amendment have the same meaning as provided in the Agreement, unless expressly stated to the contrary in this Third Amendment.

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(Signatures on next page)

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the date and year first-above written.

CITY OF WILDOMAR

By: _____

Gary Nordquist, City Manager

ATTEST:

Debbie Lee, City Clerk

APPROVED AS TO FORM

By: _____

Thomas D. Jex, City Attorney

CR&R INCORPORATED

By: _____

Its: _____

By: _____

Its: _____

CITY OF WILDOMAR - CITY COUNCIL
Agenda Item #2.2
GENERAL BUSINESS
Meeting Date: July 17, 2013

TO: Mayor and City Council Members

FROM: Misty V. Cheng, Controller

SUBJECT: Notice of Intent to hold a Public Hearing for placing liens on parcels with unpaid charges on trash collection services

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council provide a Notice of Intent to hold a Public Hearing on August 7, 2013, for placing liens on parcels with unpaid charges on trash collection services.

DISCUSSION:

On March 23, 2011, the City Council adopted Resolution 2011-18 to establish special assessments and liens against parcels of land for unpaid and delinquent charges for trash collection services. Under the agreement with Waste Management and CR&R, the City has agreed to annually lien property for residential trash hauling service charges delinquent from the previous calendar year. The Waste Haulers mailed out notices to all affected property owners of record in accordance with Proposition 218 notification guidelines providing each property owner four weeks to comply with any unpaid balance covering the previous year. The City Council shall adopt a resolution affirming the report on the delinquent accounts for collection on the property tax rolls and to hold a Public Hearing on August 7, 2013.

Currently, the delinquent charges of Waste Management total 370 parcels in the amount of \$105,546.14. Delinquent charges of CR&R total 155 parcels in the amount of \$35,457.53. The total amount of delinquent charges total is \$141,003.67. By the time of the Public Hearing date, the amount to be placed on the tax rolls will be a lesser amount, due to payments being made to the delinquent accounts.

FISCAL IMPACT:

After collection of the special assessment and remittance of those assessments to the Waste Hauler, the City shall receive its proportionate share of the franchise fee for the respective amount.

Submitted by:
Misty V. Cheng
Controller

Approved by:
Gary Nordquist
City Manager