

CITY OF WILDOMAR CITY COUNCIL AGENDA

9:30 A.M. – SPECIAL MEETING

OCTOBER 2, 2017

Council Chambers

23873 Clinton Keith Road, Suite 106, Wildomar CA



Timothy Walker, Mayor, District 3
Ben J. Benoit, Mayor Pro Tem, District 1
Bridgette Moore, Council Member, District 4
Dustin Nigg, Council Member, District 2
Marsha Swanson, Council Member, District 5

Gary Nordquist
City Manager

Thomas D. Jex
City Attorney

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

CALL TO ORDER – SPECIAL SESSION - 9:30 A.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

This is the time when the Council receives general public comments regarding any items or matters within the jurisdiction that **do not** appear on the agenda.

State law allows the Council to only talk about items that are listed on the agenda. **Speakers are allowed to raise issues not listed on the agenda; however, the law does not allow the City Council to discuss those issues during the meeting.** After hearing the matter, the Mayor will turn the matter over to the City Manager who will put you in contact with the proper Staff person. 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 item that is on the agenda, the public will be permitted to comment at the time it is considered by the City Council.

1.0 SPECIAL MEETING

1.1 Ordinance regarding Deferral of Payment of Development Impact Fees

RECOMMENDATION: Staff recommends that the City Council introduce and approve first read of an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING SECTION 3.44.060 OF THE
WILDOMAR MUNICIPAL CODE RELATED TO THE DEFERRAL OF
PAYMENT OF DEVELOPMENT IMPACT FEES

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 September 28, 2017, 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;
Wildomar Library, 34303 Mission Trail Blvd.



Debbie A. Lee, CMC
City Clerk/Human Resources Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.1
GENERAL BUSINESS
Meeting Date: October 2, 2017

TO: Mayor and City Council Members
FROM: Gary Nordquist, City Manager
SUBJECT: Ordinance regarding Deferral of Payment of Development Impact Fees

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council introduce and approve first read of an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WILDOMAR, CALIFORNIA, AMENDING SECTION
3.44.060 OF THE WILDOMAR MUNICIPAL CODE
RELATED TO THE DEFERRAL OF PAYMENT OF
DEVELOPMENT IMPACT FEES

DISCUSSION:

Under the Mitigation Fee Act (Government Code section 66000 et seq), local agencies may charge certain fees to development projects as a means to offset and reduce the impacts those projects create on public facilities and other infrastructure. These development impact fees can represent a large cost for project applicants and, in some cases, may deter projects from moving forward. Public agencies may provide a number of incentives to help facilitate development projects within their jurisdiction in order to stimulate the local economy, provide jobs and create new tax-based revenues.

One of the incentives local agencies may provide is to defer the payment of development impact fees. The deferral of development impact fees helps encourage some development projects by allowing the applicant to pay the fees to the agency over time with interest.

The attached ordinance amendment explicitly provides that the City may defer payment of City-imposed development impact fees and issue a certificate of occupancy for a development project if the applicant enters into an Agreement for Deferral of Payment of Development Impact Fees with the City. Fees charged to development projects by agencies other than the City (such as school fees, MSHCP and TUMF) may not be deferred.

Submitted & Approved by:
Gary Nordquist
City Manager

ATTACHMENTS:
Ordinance

ORDINANCE NO. 2017- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTION 3.44.060 OF THE WILDOMAR MUNICIPAL CODE RELATED TO THE DEFERRAL OF PAYMENT OF DEVELOPMENT IMPACT FEES

WHEREAS, the Mitigation Fee Act (Government code section 66000, et seq.) allows a local governmental agency to charge a development impact fee to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project; and

WHEREAS, the City may provide incentives to development projects in order to stimulate the local economy and provide benefits to residents and businesses such as job creation and new tax-based revenues for the City; and

WHEREAS, the City may defer payment of development impact fees in order to help facilitate the development of projects within the City; and

WHEREAS, allowing development impact fees to be deferred provides a valuable incentive to a project applicant and will help encourage development while also ensuring the City receives the required fees paid over time plus interest; and

WHEREAS, the City Council desires to amend Section 3.44.060 to expressly allow the issuance of a certificate of occupancy to an applicant which enters into an Agreement for Deferral of Payment of Development Impact Fees with the City.

NOW, THEREFORE, the City Council of the City of Wildomar ordains as follows:

SECTION 1. AMENDMENT OF SECTION 3.44.060.

A new paragraph D is added to Section 3.44.060 (Determination and payment of development impact fees) to read as follows:

D. Agreement for Deferral of Payment of Development Impact Fees. Notwithstanding any other provision of this code, the City may, in its sole discretion, defer payment of City-imposed development impact fees applicable to a development project and issue a certificate of occupancy for a development project if the owner of the real property enters into an Agreement for Deferral of Payment of Development Impact Fees with the City. Nothing in this paragraph D shall entitle any development project to a deferral of development impact fees. Development impact fees imposed on development projects by other agencies and collected by the City, including but not limited to school fees, MSHCP fees and TUMF fees, may not be deferred.

SECTION 2. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. CEQA Findings.

The City Council hereby finds that the adoption of this Ordinance is not subject to CEQA review pursuant to CEQA Guideline 15378(b)(4), which provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project are not projects subject to CEQA review.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days from its passage by the City Council.

SECTION 5. PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2017.

Timothy Walker
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk