

**NOTICE OF A REGULAR MEETING OF THE
WILDOMAR CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a regular meeting of the City Council will be held
on July 9, 2008 at

7:00pm

David A. Brown Middle School
21861 Grand Avenue
Wildomar, CA 92595

The regular meeting shall be for the purpose of conducting business in accordance with
the attached agenda.

NO OTHER BUSINESS WILL BE DISCUSSED

AFFIDAVIT OF POSTING

I, Cher VanLancker, do hereby certify, under penalty of perjury under the laws of the
State of California, that the foregoing notice of regular meeting was delivered personally
or by mail to each councilmember of the City of Wildomar and to each local newspaper
of general circulation, radio or television station requesting notice in writing, and was
posted at the following locations at least 72 hours in advance of the regular meeting:

David A. Brown Middle School
21861 Grand Avenue
Wildomar, CA 92595

U.S. Post Office
21392 Palomar St
Wildomar, CA. 92595

Mission Trail Library
34303 Mission Trail Blvd.
Wildomar CA. 92595

Cher VanLancker
Cher VanLancker

**REGULAR MEETING AGENDA
THE CITY OF WILDOMAR
CITY COUNCIL**

David A. Brown Middle School
21861 Grand Avenue
Wildomar, CA 92595

Wednesday July 9, 2008
7:00 P.M.

AGENDA DESCRIPTIONS: The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff or a particular Committee's recommendation. The City Council may take any action which it deems to be appropriate on the agenda time and is not limited in any way by the recommended action.

SPEAKER REQUEST FORMS: Any person wishing to address the City Council on any matter that appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the Mayor prior to an individual being heard by the City Council. Whenever possible, lengthy testimony should be presented to the City Council in writing (8 copies) and only pertinent points presented orally. Requests to speak to items on the agenda will be heard at the appropriate point on the agenda.

ITEMS NOT ON THE AGENDA: Requests to speak about subjects not on the agenda that are within the subject matter jurisdiction of the City Council will be heard during the Public Comment section of the meeting. Please hold your comments to a maximum of 3 minutes per person.

7:00 PM – CONVENE MEETING

1.0 WELCOME, CALL TO ORDER (Mayor Cashman)

ROLL CALL

Bob Cashman, Mayor

Bridgette Moore, Mayor Pro Tempore

Sheryl Ade

Scott Farnam

Marsha Swanson

PLEDGE OF ALLEGIANCE

INVOCATION

PROCLAMATIONS – Presentation by State Senator Hollingsworth

1.1 APPROVAL OF AGENDA

2.0 COMMUNICATIONS FROM THE PUBLIC

This is the opportunity for members of the public to address the Council on matters that do not appear on the agenda. The City Council may not discuss or act on any item not listed on the agenda. However, the City Council encourages members of the public to address them at this time so that your questions and/or concerns can be heard.

3.0 CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the Council, the public or staff request specific items be removed from the Consent Agenda for separate action.

4.0 GENERAL ACTION ITEMS

4.1 LMD 2006-1

Consider adoption of Resolution No. 2008-50, a Resolution of the City of Wildomar ordering preparation of the Engineer's Report regarding the proposed assessments to be levied and collected for fiscal year FY 2008/09 within the Wildomar LMD 2006-1

and

Resolution No. 2008-51, a Resolution of the City of Wildomar declaring its intention to levy and collect assessments within Wildomar LMD 2006-1 for fiscal year 2008-09, setting the time and place of the public hearing on the annual assessment and ordering notice of the public hearing to be given consistent with the Landscaping and Lighting Act of 1972

Open for public comment
Motion

4.2 Workers Compensation Self Insurance

Consider adoption of Resolution No. 2008-52 A Resolution Authorizing Application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities

Open for public comment
Motion

4.3 Review of City Council Calendar and holiday schedule

Open for public comment
Motion

4.4 Appointment of Representatives to Regional Boards

Consider appointment of representatives to the following regional boards:

Western Regional Council of Governments
Riverside County Transportation Commission
Western Riverside County Conservation Agency
League of California Cities
PARSAC

Open for public comment
Nominations
Motion

5.0 REPORTS

- 5.1 Report of the Facilities Ad-hoc committee
- 5.2 Report of the Transition Ad-hoc Committee
- 5.3 Report of the Inauguration committee

6.0 CITY COUNCIL COMMENTS

7.0 INTERIM CITY MANAGER REPORT

8.0 INTERIM CITY ATTORNEY REPORT

9.0 FUTURE AGENDA ITEMS

10.0 ADJOURNMENT

The next regular meeting of the Wildomar City Council will be held at 7:00pm on July 23, 2008 at David A. Brown Middle School 21861 Grand Avenue, Wildomar CA 92595.

AMERICAN WITH DISABILITIES ACT: In compliance with American with Disabilities Act, if you need regular assistance to participate in this meeting, please contact Mr. John Danielson, the City Manager at (916) 670-0019 or Ms. Julie Hayward Biggs, the City Attorney at (951) 788-0100, 48 hours prior to the meeting or as soon as possible thereafter, and we will use our best efforts to make reasonable arrangements to assure accessibility to the meeting.

AGENDA: The Council agenda and related backup materials will be available for review and copying at the expense of those wishing copies immediately after posting of the agenda notice at the Mission Trail Library, 34303 Mission Trail Blvd., Wildomar, CA 92595. If you wish to be added to the e-mail or regular mail list to receive a copy of the agenda, a request must be made through the City Attorney's office in writing or by e-mail. Copies of the agenda are mailed only if stamped, self-addressed envelopes are provided. The mailing and email address for the City Attorney is as follows:

Ms. Julie Hayward Biggs
Burke, Williams & Sorensen, LLP
2280 Market Street, Suite 300
Riverside, CA 92501
jbiggs@bwsllaw.com

CITY OF WILDOMAR – CITY COUNCIL

Agenda Item 4.1

DISCUSSION/ACTION ITEM

Meeting Date: July 9, 2008

TO: Mayor and Members of the City Council

FROM: Suzanne Holland, Deputy Director of Economic Development Agency,
County of Riverside acting on behalf of the City of Wildomar

SUBJECT: Wildomar LMD 2006-1

STAFF REPORT

RECOMMENDATION:

That the City Council adopt the following Resolutions:

Resolution No. 2008-50 a Resolution of the City of Wildomar ordering preparation of the Engineer's Report regarding the proposed assessments to be levied and collected for fiscal year FY 2008/09 within the Wildomar LMD 2006-1.

Resolution No. 2008-51, a Resolution of the City of Wildomar declaring its intention to levy and collect assessments within Wildomar LMD 2006-1 for fiscal year 2008-09, setting the time and place of the public hearing on the annual assessment and ordering notice of the public hearing to be given consistent with the Landscaping and Lighting Act of 1972.

BACKGROUND:

The Board of Supervisors of Riverside County approved the formation of the Wildomar Landscape Maintenance District 2006-1 on September 12, 2006. Wildomar LMD 2006-1 will fund the operation and maintenance costs of public parks in the Wildomar area. Maintenance and servicing of landscape improvements will be in the following parks: Marna O' Brien, Heritage, Windsong and a future 10-acre park.

For Fiscal Year 2006-07, 2007-08, the assessment amount within Wildomar 2006-1 was \$28 per equivalent dwelling unit. For Fiscal Year 2008-09, there will be no increase in the Wildomar LMD 2006-1, and the annual assessment will remain at \$28 per equivalent dwelling unit. For the fiscal year in which the landscape improvements of all four parks are completed, the annual assessment may be increased to \$45, adjusted for inflation.

FISCAL IMPACTS:

Adoption of these resolutions will allow the City of Wildomar to collect sufficient funds to meet its maintenance obligation for Wildomar LMD 2006-1

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:

Approved by:

Suzanne Holland
Deputy Director of Economic Development Agency
County of Riverside
on behalf of the City of Wildomar

John Danielson
Interim City Manager

Attachments:

Attachment A
Resolution No. 2008-50
Resolution No. 2008-51

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RESOLUTION NO. 08-50

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**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WILDOMAR ORDERING PREPARATION
OF ENGINEER'S REPORT REGARDING PROPOSED
ASSESSMENTS TO BE LEVIED AND COLLECTED
FOR FISCAL YEAR 2008-09 WITHIN WILDOMAR
LANDSCAPE MAINTENANCE DISTRICT 2006-1 OF
THE COUNTY OF RIVERSIDE PURSUANT TO
LANDSCAPING AND LIGHTING ACT OF 1972**

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WHEREAS, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City") has conducted proceedings for and has established Wildomar Landscape Maintenance District 2006-1 of the City of Wildomar, County of Riverside, State of California (hereinafter "Wildomar LMD 2006-1") pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, (hereinafter the "Streets and Highways Code"); for the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping appurtenances including repair, removal or replacement, providing for the life and growth, health, and beauty of the landscaping. The removal of trimmings, rubbish, debris, and other solid waste, together with the necessary incidental expenses; and

WHEREAS, it is necessary that the City Council adopt a resolution pursuant to Section 22622 of the Streets and Highways Code ordering the preparation and filing of an Engineer's Report (hereinafter the "Report") in accordance with Article 4 (commencing with Section 22565) of the Streets and Highways Code with regard to the assessments which are proposed to be levied on assessable lots and parcels of land within Wildomar LMD 2006-1 for the 2008-09 fiscal year.

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by
2 the Board of Supervisors of the County in regular session on July 9, 2008, as follows:

3 **Section 1. Improvements:** The improvements and maintenance authorized for
4 Wildomar LMD 2006-1 are:

5 (a) Furnishing of services and materials for the ordinary and usual maintenance,
6 operation, and servicing of the landscaping appurtenances including repair,
7 removal or replacement, providing for the life and growth, health, and beauty
8 of the landscaping.

9 (b) The removal of trimmings, rubbish, debris, and other solid waste, together
10 with the necessary incidental expenses.

11 **Section 2. Report.** The City Council, or its designee, is hereby designated Engineer
12 (hereinafter "Engineer") and is ordered to prepare and file a report with the City Clerk
13 the report with regard to the assessments proposed to be levied on assessable lots and
14 parcels of land within Wildomar LMD 2006-1 to pay the costs of the maintenance and
15 servicing of landscaping improvements for the 2008-09 Fiscal Year, pursuant to
16 Sections 22565 through 22574 of the Streets and Highways Code.
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19 PASSED, APPROVED, AND ADOPTED this 9th day of July, 2008.
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22 _____
23 Bob Cashman, Mayor

24 **ATTEST:**

25 _____
26 John Danielson, Interim City Clerk

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APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

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RESOLUTION NO. 08-51

**RESOLUTION OF THE CITY COUNCIL OF WILDOMAR
DECLARING INTENTION TO LEVY AND COLLECT
ASSESSMENTS WITHIN WILDOMAR LANDSCAPE
MAINTENANCE DISTRICT 2006-1 OF THE COUNTY OF
RIVERSIDE PURSUANT TO LANDSCAPING AND LIGHTING
ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF
LANDSCAPING FOR FISCAL YEAR 2008-09; APPROVING
THE ENGINEER'S REPORT AND GIVING NOTICE AND
SETTING THE TIME AND PLACE OF THE PUBLIC HEARING
ON THE ANNUAL ASSESSMENT AND ORDERING NOTICE OF
THE PUBLIC HEARING TO BE PUBLISHED**

WHEREAS, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City") has conducted proceedings for and has established Wildomar Landscape Maintenance 2006-1 of the City of Wildomar, County of Riverside, State of California (hereinafter "Wildomar LMD 2006-1") pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"); for the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping appurtenances including repair, removal or replacement, providing for the life and growth, health, and beauty of the landscaping. The removal of trimmings, rubbish, debris, and other solid waste, together with the necessary incidental expenses; and

WHEREAS, as ordered by the City Council, its Designee has filed with the City Clerk an Engineer's Report (hereinafter the "Report") regarding the assessments to be levied and collected within Wildomar LMD 2006-1 for Fiscal Year 2008-09 to pay the costs of maintenance services and improvements as identified in the preceding recital, and the Report has been presented to and considered by the City Council; and

WHEREAS, the Report filed with the City Clerk states that the assessments to be levied in Wildomar LMD 2006-1 for Fiscal Year 2008-09 are in an amount that is the same as levied in Fiscal

1 Year 2006-07 and 2007-08, and consistent with the terms of the ballot proposition approving the
2 assessment; and

3 **WHEREAS**, it is necessary that the City Council adopt a resolution of intention pursuant to
4 Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section
5 22626(a) of the Streets and Highways Code, of the time and place of a public hearing on said Report
6 and the annual assessments for Fiscal Year 2008-09;

7 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the
8 Board of Supervisors of the County in regular session on July 9, 2008, as follows:

9 **Section 1.** **Findings.** The City Council finds after reviewing the Report that:

10 (a) The foregoing recitals are true and correct;

11 (b) The Report for Wildomar LMD 2006-1 contains all matters required by Section
12 22565 through 22574 of the Streets and Highways Code and may, therefore, be approved by the City
13 Council; and

14 (c) The 2008-09 annual assessment within Wildomar LMD 2006-1 is \$28 per equivalent
15 dwelling unit ("EDU"); and

16 (d) Beginning in the fiscal year in which the landscape maintenance improvements for
17 all four public parks are completed, the annual assessment and all subsequent annual assessments
18 may be increased accordingly as authorized by the ballot proposition approving the formation of the
19 District and the levy of an assessment. The annual assessment may be increased to an amount not to
20 exceed \$45 per EDU, adjusted for inflation, in the fiscal year in which the landscape maintenance
21 improvements for the public parks are completed, as detailed in and supported by the Engineer's
22 Report for said fiscal year.

23 **Section 2.** **Intent.** The City Council declares that it intends to levy assessments on
24 assessable lots and parcels of land within Wildomar LMD 2006-1. The annual assessments will be
25 collected at the same time and in the same manner as property taxes are collected, and all laws
26 providing for the collection and enforcement of property taxes shall apply to the collection and

1 enforcement of said assessments. The Wildomar LMD 2006-1 assesses single-family, residential
2 dwelling units or equivalent dwelling units that contain person(s) who may receive special recreational
3 benefits from visiting the parks and using their amenities, who receive special benefits by means of an
4 improved quality of life and increased property values on account of adjacent maintained parkland, and
5 who receive other special benefits as outlined in the Report. Although residential property within
6 Wildomar LMD 2006-1 would receive special benefits from access to maintained park facilities to
7 promote walking and physical activities and from recreational trails, exercise stations, and other
8 maintained facilities such as picnic shelters, playgrounds, sports fields and courts as well as the
9 restroom and concession facilities, publicly owned properties such as public streets, public easements,
10 public rights-of-way, public greenbelts, and public parkways and parks could not be said to receive
11 similar special benefits from access to these maintained facilities because the respective public entity's
12 rights in and use of such publicly owned property are limited and designed to achieve a particular public
13 purpose not aided by the existence of the maintained parkland in Wildomar LMD 2006-1. Due to the
14 respective public entity's limited rights in and use of such publicly owned property, the special benefits
15 designated in the Report could not be deemed to benefit these publicly owned properties,
16 notwithstanding the fact that residential properties within Wildomar LMD 2006-1 would be benefited.
17 Because, publicly owned property receives no special benefit, it is not assessed.

18 **Section 3. Description of Services and Improvements to Be Provided.** The

19 maintenance service and improvements authorized within the Wildomar LMD 2006-1 are:

20 (a) Furnishing of services and materials for the ordinary and usual maintenance,
21 operation, and servicing of the landscaping appurtenances including repair, removal
22 or replacement, providing for the life and growth, health, and beauty of the
23 landscaping.

24 (b) The removal of trimmings, rubbish, debris, and other solid waste, together with the
25 necessary incidental expenses.

26 **Section 4. Boundaries.** All the property within the boundaries of Wildomar LMD 2006-1 is

1 proposed to be included within Wildomar LMD 2006-1 and shall include that property in the City of
2 Wildomar as shown in the Report.

3 **Section 5. Report.** The Report, which is on file with the City Clerk and which has been
4 presented to the City Council, is hereby approved. Reference is to be made to the Report for a
5 full and detailed description of the improvements, the boundaries of the district, and the annual
6 assessments to be levied upon assessable lots within Wildomar LMD 2006-1 for Fiscal Year
7 2008-09.

8 **Section 6. Public Hearing.** A public hearing will be held on July 23, 2008, at 7:00 p.m. at
9 David A. Brown Middle School, 21861 Grand Avenue, Wildomar, CA 92595 California, regarding the
10 Report and the proposed assessments to be levied for Fiscal Year 2008-09 within Wildomar LMD 2006-
11 1.

12 **Section 7. Information.** Any property owner desiring additional information regarding
13 Wildomar LMD 2006-1, the Report, or the proposed assessments shall contact Bill Brown, CSA
14 Operations Manager, Community Services Division of the Riverside County Economic Development
15 Agency, 1325 Spruce Street, Suite 400, Riverside, California, 92507 or by telephone at (951) 955-8916.

16 **Section 8. Notice of the Public Hearing.** Notices of the public hearing shall be consistent
17 with Section 22626(a) of the Streets and Highways Code. The notice of the public hearing shall be
18 given by publication in The Press Enterprise of a certified copy of this Resolution once at least ten (10)
19 days prior to July 23, 2008. Publication of this Resolution is to be effected by the City Clerk of the City
20 of Wildomar.

21 PASSED, APPROVED, AND ADOPTED this 9th day of July, 2008.

22 _____
Bob Cashman, Mayor

23 **ATTEST:**

24 _____
25 John Danielson, Interim City Clerk
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APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

