

For further information on an agenda item, please contact the City at 12363 Limonite Ave. Suite 910, Eastvale, CA 91752

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE

Wednesday July 11, 2012

6:30 P.M.

Rosa Parks Elementary School, 13830 Whispering Hills Drive

1. CALL TO ORDER: 6:30 p.m.

2. ROLL CALL/INVOCATION /PLEDGE OF ALLEGIANCE:

Council Members - Ike Bootsma, Ric Welch, Adam Rush
Mayor Pro Tem – Kelly Howell
Mayor - Jeff DeGrandpre

Invocation led by Pastor Sam Tanner with Life Church.

3. ADDITIONS/DELETIONS TO THE AGENDA:

4. PRESENTATIONS/ANNOUNCEMENTS:

At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

4.1 Presentation by Julie Reyes, Waste Management Recycle Rewards update.

4.2 Presentation by George Alvarez, City Engineer, regarding the proposed Limonite Interchange project.

5. PUBLIC COMMENT/CITIZEN PARTICIPATION:

*This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form", available at the side table. The completed form is to be submitted to the City Clerk prior to being heard. **Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.***

6. CONSENT CALENDAR:

*Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. **Public comment is limited to two (2) minutes each with a maximum of (6) minutes.***

6.1 **Minutes – June 15, 2012 Adjourned City Council Meeting.**

Recommendation: Approve the minutes from the Meeting held June 15, 2012.

6.2 **Minutes – June 22, 2012 Adjourned City Council Meeting.**

Recommendation: Approve the minutes from the Meeting held June 22, 2012.

6.3 **Minutes – June 27, 2012 Regular City Council Meeting.**

Recommendation: Approve the minutes from the Meeting held June 27, 2012.

6.4 **Resolution opposing San Diego County Water Authority’s Cost-Shift.**

Recommendation: Approve Resolution No. 12-37, Opposing San Diego County Water Authority’s Cost-Shift.

6.5 **Calling Election to Establish Permanent Appropriations Limit – November 6, 2012.**

Recommendation: Adopt Resolution No. 12-35, calling and giving notice of the regular municipal election of the City of Eastvale to be held in the City of Eastvale on Tuesday, November 6, 2012, for the consideration of the establishment of a permanent appropriations limit and requesting the Registrar of Voters for the County of Riverside to conduct the election; and

Adopt Resolution No. 12-36, directing the City Attorney to prepare an impartial analysis of proposed Gann ordinance.

7. PUBLIC HEARINGS:

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker’s podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. **Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.***

7.1 **Public Hearing - Delinquent Residential Solid Waste Accounts.**

Recommendation: Conduct a public hearing and approve placing the submitted list of delinquent solid waste accounts on Fiscal Year (FY) 2012-2013 Riverside County property tax roll for collection. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2011-39 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health and Safety Code.

8. OLD BUSINESS ITEMS:

*Public comment will be called for each item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed you may not further speak on the matter unless the City Council requests further clarification of your statement. **Public comment is limited to two (2) minutes with a maximum of six (6) minutes.***

There are no Old Business Items.

9. NEW BUSINESS ITEMS:

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. **Public Comment is limited to two (2) minutes with a maximum of six (6) minutes.***

There are no New Business Items.

10. COUNCIL COMMUNICATIONS:

(Committee Reports, Agenda Items, Meeting Requests and Review etc.)

*This is an opportunity for the Mayor and City Council Members to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. **NO ACTION CAN BE TAKEN AT THIS TIME.***

11. CITY MANAGER'S REPORT:

12. CLOSED SESSION:

12.1 PUBLIC EMPLOYMENT – Government Code Section 54957(e)

Title: City Manager

12.2 CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of Cases: One (1)

13. ADJOURNMENT:

The next regular meeting of the Eastvale City Council will be held on July 25, 2012 at 6:30 p.m. at Rosa Parks Elementary School.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

UPCOMING AGENDA ITEMS

The following topics/items are planned for upcoming agendas. Please watch our website, www.eastvaleca.gov, for final City Council Agendas. Final agendas are posted 72 hours in advance of the meetings and are also posted on our website with the accompanying reports. Please note that the wording for topics listed below may change once the final agenda is submitted. Please keep in mind that all topics listed below are tentative.

July 2012

- Award Contract for Financial Software
- Ordinance – Shopping Carts
- Ordinance – Weed Abatement
- Foreclosure Program Update
- Change of Zone – New Day Church

August 2012

- Award Contract for City Wide Fee Study
- Cooperative Agreement with Jurupa Valley and CalTrans for the Limonite Interchange
- Finding of Public Convenience and Necessity for Target Alcohol Sales
-

POSTING STATEMENT:

I, Ariel Berry, Deputy City Clerk or my designee hereby certify that a true and correct, accurate copy of the foregoing agenda was posted July 5, 2012, seventy-two (72) hours prior to the meeting per Government Code 54954.2.

Eastvale City Hall 12363 Limonite Ave. Suite 910

Rosa Parks Elementary School 13830 Whispering Hills Drive

Eastvale Starbucks 12700 Limonite Avenue

City of Eastvale Website, www.eastvaleca.gov

MINUTES
ADJOURNED REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE
Friday June 15, 2012
9:30 A.M.
The Homecoming at Eastvale Clubhouse (Meeting Room)
5464 West Homecoming Circle
Eastvale, CA 91752

1. **CALL TO ORDER:** The City Council meeting was called to order by Mayor DeGrandpre at 9:30 a.m.

2. **ROLL CALL**

Council Members - Ike Bootsma, Ric Welch, Adam Rush
Mayor Pro Tem – Kelly Howell
Mayor - Jeff DeGrandpre
All members were present.

3. **ADDITIONS/DELETIONS TO THE AGENDA:**

There were no additions or deletions to the agenda.

4. **PUBLIC COMMENT:**

There was no Public Comment

5. **CLOSED SESSION:**

5.1 **PUBLIC EMPLOYMENT** – Government Code Section 54957(e)

Title: City Manager

The City Council adjourned to Closed Session at 9:32 a.m.
The City Council re-convened in Open Session at 4:00 p.m.

There was no reportable action

6. **ADJOURNMENT:** At 4:00 p.m. Mayor DeGrandpre adjourned the City Council meeting until 10:00 a.m. on Friday June 22nd, 2012 at the following location:

The Homecoming at Eastvale Clubhouse (Meeting Room)
5464 West Homecoming Circle
Eastvale, CA 91752

Respectfully Submitted,

Judy L. Haughney, CMC
City Clerk

MINUTES
ADJOURNED REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE
Friday June 22, 2012
10:00 A.M.
The Homecoming at Eastvale Clubhouse (Meeting Room)
5464 West Homecoming Circle
Eastvale, CA 91752

1. **CALL TO ORDER:** The City Council meeting was called to order by Mayor Pro Tem Howell at 10:00 a.m.

2. **ROLL CALL**

Council Members - Ike Bootsma, Ric Welch, Adam Rush

Mayor Pro Tem – Kelly Howell

Mayor - Jeff DeGrandpre

Councilmembers Bootsma and Welch and Mayor Pro Tem Howell were present.

Mayor DeGrandpre and Councilmember Rush arrived at 1:00 p.m.

3. **ADDITIONS/DELETIONS TO THE AGENDA:**

There were no additions or deletions to the agenda.

4. **PUBLIC COMMENT:**

There was no Public Comment

5. **CLOSED SESSION:**

5.1 **PUBLIC EMPLOYMENT** – Government Code Section 54957(e)

Title: City Manager

The City Council adjourned to Closed Session at 10:02 a.m.

The City Council re-convened in Open Session at 3:15 p.m.

There was no reportable action

6. **ADJOURNMENT:** At 3:15 p.m. Mayor DeGrandpre adjourned the City Council meeting.

Respectfully Submitted,

Judy L. Haughney, CMC
City Clerk

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE

Wednesday June 27, 2012

6:30 P.M.

Rosa Parks Elementary School, 13830 Whispering Hills Drive

1. CALL TO ORDER: The City Council meeting was called to order by Mayor DeGrandpre at 6:33 p.m.

2. ROLL CALL/INVOCATION /PLEDGE OF ALLEGIANCE:

Council Members - Ike Bootsma, Ric Welch, Adam Rush
Mayor Pro Tem – Kelly Howell
Mayor - Jeff DeGrandpre
All Members were present

The Pledge of Allegiance was led by Councilmember Welch

The Invocation was led by Pastor Rick Morris from the Crossings Church.

3. ADDITIONS/DELETIONS TO THE AGENDA:

The City Manager requested that Item 9.1 be continued

4. PRESENTATIONS/ANNOUNCEMENTS:

4.1 Presentation to City Clerk Judy Haughney.

4.2 Presentation by Ted Rozzi, Corona Norco Unified School District Assistant Superintendent.

5. PUBLIC COMMENT/CITIZEN PARTICIPATION:

The following people spoke at Public Comment:

Andrea Hove-Resident
Dickie Simmons-Resident

6. CONSENT CALENDAR:

6.1 Minutes – June 13, 2012 Regular City Council Meeting.

Recommendation: Approve the minutes from the Meeting held June 13, 2012.

6.2 City of Eastvale Zoning Code.

Recommendation: Second reading and adoption of Ordinance 2012-08, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE REPEALING RIVERSIDE COUNTY ORDINANCE NOS. 348, 348.4318, 348 RELATING TO EASTVALE NEIGHBORHOOD PRESERVATION OVERLAY ZONE, 679, 806 AND MAKING FINDINGS AND ADOPTING A ZONING CODE UPDATE.

6.3 Agreement with State for sharing costs of electrical facilities.

Recommendation: Approve an agreement with the State for sharing costs of electrical facilities by Resolution 10-34, entitled:

A RESOLUTION OF THE CITY OF EASTVALE, CALIFORNIA, APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR COST-SHARING OF STATE HIGHWAY IN THE CITY OF EASTVALE

6.4 Engineering Report – LLMD 89-1 Consolidated.

Recommendation: That the Council approve the Agreement between the County of Riverside and the City and adopt the following resolutions:

Resolution No. 12-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, APPROVING THE ANNUAL REPORT FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED FOR FISCAL YEAR 2012/13

Resolution No. 12-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED FOR FISCAL YEAR 2012/13

6.5 Alternative Fuel Vehicle Purchase.

Recommendation: Approve Purchase of Honda Civic GX (CNG) with AB2766 Subvention Funds.

6.6 Warrant Register.

Recommendation: Approve the payment of the warrants (check numbers 10853 to 10910 and wire number W000041 to W000042) in the amount of \$818,228.17 and payroll in the amount of \$31,788.81).

**Motion: Moved by Rush and Seconded by Bootsma to approve the Consent Calendar as presented
Approved 5-0**

7. PUBLIC HEARINGS:

7.1 Annual Operating and Capital Improvement Budget Fiscal Year 2012-2013.

The Mayor opened the Public Hearing at 6:59

The following people spoke at Public Comment:

Irene Long-Resident

Dickie Simmons-Resident

The Mayor closed the Public Hearing at 7:04

Recommendation: Consideration of Resolution 12-27, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE ADOPTING AN OPERATING BUDGET AND CAPITAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2012 AND ENDING JUNE 30, 2013, AND APPROPRIATING FUNDS FOR PURPOSES THEREIN SETFORTH

Motion: Moved by Rush and Seconded by Bootsma to approve Resolution 12-27 as presented.

Approved 5-0

And Resolution 12-28, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE PROPOSING A PERMANENT APPROPRIATIONS LIMIT OF \$15,518,412 PURSUANT TO ARTICLE XIII(B) OF THE CALIFORNIA CONSTITUTION FOR FISCAL YEAR 2012-2013

Motion: Moved by Welch and Seconded by Rush to approve Resolution 12-28 as presented

Approved 5-0

And Resolution 12-29, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, ESTABLISHING THE AUTHORIZED POSITIONS AND SALARIES FOR THE FISCAL YEAR 2012-2013, EFFECTIVE JULY 1, 2012

Motion: Moved by Welch and Seconded by Rush to continue Resolution 12-29 for 60 days.

Approved 4-1 by the following vote

Ayes: Rush, Welch, Howell, DeGrandpre

Noes: Bootsma

Absent: None

Abstain: None

8. OLD BUSINESS ITEMS:

There were no Old Business Items.

9. NEW BUSINESS ITEMS:

9.1 Community Development Block Grant Sub-Recipient Agreement.

Recommendation: Authorize the City Manager to execute Sub-Recipient Agreement for 2012-13 funding recipient.

It was requested that this item be continued until July 25, 2012

10. COUNCIL COMMUNICATIONS:

Councilmember Bootsma requested a future agenda item pertaining to a potential conflict of interest regarding Councilmember's meeting with developer's and landowner's. The City Attorney noted that although there is no prohibition on Councilmember's meeting with developers and/or landowner's he would provide the Council with a memorandum outlining the issue. If requested the item would be agendaized.

Councilmember Welch noted that he wanted to clarify that in his remarks on a previous item this evening nothing should be misconstrued as a lack of confidence in, lack of hard work by or the abilities of the employees in question. He wanted to make sure that all understood that the issue was with the process and that he believes the end result will be the same. He then invited all to the Picnic in the Park event that will be held this weekend. He noted that this is a signature event for the City.

Councilmember Rush echoed Councilmember Welch's reminder regarding the Picnic in the Park event. He also noted that the Military Banner dedication ceremony will take place on Friday evening at 7:00 p.m. and that there would be a fireworks show on Saturday evening. He then noted that meetings had been

taking place regarding the creation of separate districts for the school district bonds. He then noted that in regards to item 6.3 on tonight's agenda the City has saved approximately \$15000.00 as Caltrans has been paying the electric costs. He then thanked the Chamber of Commerce, the Eastvale Community Foundation and Mayor Pro Tem Howell for their efforts in ticket sales for the Quakes game that occurred last Saturday evening. He noted that he had been able to get the event advertised on a radio station.

Mayor Pro Tem Howell noted that a conceptual plan for the Limonite interchange would be presented to the City Council at their next meeting. She added that the conceptual picture shows that the interchange will be similar to the Cantu-Galleano interchange.

Mayor DeGrandpre reported that the City had been notified that the VLF had not been made a part of the State budget. He added that there was a pending lawsuit, initiated by the League of California Cities, requiring that all VLF monies be returned to all cities that have lost the funding. A court ruling is expected on August 20th.

11. CITY MANAGER'S REPORT:

There was no City Manager's Report

12. CLOSED SESSION:

12.1 PUBLIC EMPLOYMENT – Government Code Section 54957(e)

Title: City Manager

**The City Council adjourned to Closed Session at 7:35 p.m.
The City Council reconvened in Open Session at 8:04 p.m.**

There was no reportable action

13. ADJOURNMENT: At 8:04 p.m. Mayor DeGrandpre adjourned the City Council meeting.

Respectfully submitted,

**Judy L. Haughney, CMC
City Clerk**

RESOLUTION NO. 12-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, OPPOSING SAN DIEGO COUNTY WATER AUTHORITY'S COST-SHIFT

WHEREAS, the City of Eastvale is a member of Western Riverside Council of Governments (WRCOG) which is a subregional agency representing seventeen cities, the County of Riverside, and two regional water districts on issues of regional and subregional significance; and

WHEREAS, the City of Eastvale and WRCOG support a regional cooperative approach to water supply reliability coupled with an open and transparent rate setting process, as has been demonstrated by the Metropolitan Water District of Southern California (MWD), whereby the rates are adopted by a vote of the MWD Board of Directors, representing every region within MWD's service area; and

WHEREAS, San Diego County Water Authority (SDCWA) filed a lawsuit in June 2010 challenging MWD's water rates and charges and claiming that SDCWA is over-charged, despite their own declaration that they pay 25 percent of MWD's revenue and receive 25 percent of the water supply; and

WHEREAS, Eastern Municipal Water District (EMWD) and Western Municipal Water District (WMWD), both of which are WRCOG member agencies, have joined a lawsuit to support MWD's rate structure and protect their rate payers; and

WHEREAS, an outside report from the Los Angeles Economic Development Corporate has found that SDCWA investments in water independence and declining water sales are significantly impacting water rates to SDCWA rate payers; and

WHEREAS, the City of Eastvale and WRCOG support efforts by water agencies in Western Riverside County to establish local investments that increase regional water supply reliability such as those undertaken by SDCWA, to the extent those costs are not borne disproportionately by ratepayers outside of their local service area; and

WHEREAS, SDCWA has launched a negative public relations campaign associated with their lawsuit to divert attention from their water supply decisions and the increasing opposition to the \$3 billion cost-shift that would be forced on MWD Member Agencies and their ratepayers in Riverside, San Bernardino, Orange, Los Angeles and Ventura Counties if SDCWA is successful; and

WHEREAS, if there is legislation introduced that threatens MWD as a regional water supplies, the City of Eastvale and WRCOG would oppose such legislative activity; and

WHEREAS, EMWD and WMWD have expressed a responsibility to protect their customer agencies, residents, businesses and communities in Western Riverside County from this unfair and unjust cost-shift that provides no new water supplies or benefits.

NOW, THEREFORE, BE IT RESOLVED, that the City of Eastvale, strongly opposes the SDCWA lawsuit against MWD and resolve to continue to protect its customer agencies and their ratepayers from this unfair cost shift which would dramatically increase water rates with no additional benefits.

PASSED, APPROVED, AND ADOPTED this 11th day of July 2012.

Jeff DeGrandpre
Mayor

APPROVED AS TO FORM:

ATTEST:

John E. Cavanaugh
City Attorney

Ariel Berry
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel Berry, DEPUTY CITY CLERK OF THE CITY OF EASTVALE, DO HEREBY CERTIFY that the foregoing Resolution Number 12-37 was duly and regularly adopted by the City Council of the City of Eastvale at a REGULAR meeting held the 11th day of July, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deputy City Clerk, Ariel Berry

CITY OF EASTVALE
CITY COUNCIL
AGENDA SUBMITTAL
July 11, 2012

SUBJECT:

Calling Election to Establish Permanent Appropriations Limit – November 6, 2012.

REQUESTED ACTION:

Adopt Resolution No. 12-35, calling and giving notice of the regular municipal election of the City of Eastvale to be held in the city of Eastvale on Tuesday, November 6, 2012, for the consideration of the establishment of a permanent appropriations limit and requesting the Registrar of Voters for the County of Riverside to conduct the election; and

Adopt Resolution No. 12-36, directing the City Attorney to prepare an impartial analysis of proposed Gann ordinance

CONTACT:

Robert Van Nort, City Manager/City Clerk

Ariel Berry, Deputy City Clerk

BACKGROUND

Article XIII B of the California State Constitution was approved by California voters in November 1979, and modified by Proposition 111 in 1990. This article, more commonly known as the Gann Limit, places limits on the amount of tax proceeds that government agencies can receive and spend each year.

The Riverside Local Agency Formation Commission determined a provisional appropriations limit of \$13,938,809 for the City of Eastvale on January 21, 2010. Upon incorporation, the City Council adopted Resolution 10-16 ratifying the provisional appropriations limit and calling for an election as required by the terms and conditions of incorporation. The City Council is required to propose a permanent appropriations limit, to be established by the voters at the first municipal election held during fiscal year 2012-2013. The ballot must have a special question posed for setting this limit which is included with this resolution. Each subsequent year the City Council must adopt, by resolution, an appropriations limit.

The appropriations limit is different for every government agency and the limit changes each year. The limit is based on the actual appropriations that are authorized to be spent in fiscal year 2012-2013 and is modified in each subsequent year for changes in inflation and population as set forth in Government Code §7901. Not all revenues are restricted by the Gann Limit, only those that are defined as “proceeds of taxes.” Additional appropriations to the budget funded by non-tax sources, such as charges for services, restricted revenues or grants are not affected by the Appropriations Limit.

DISCUSSION

Using cost of living data provided by the State of California, and population and per capita personal income data provided by the State Department of Finance, the City's proposed Appropriation limit has been computed as follows:

Resolution	Fiscal Year	Population Change	Per Capita Personal Income Change	Appropriations Limit
Provisional Limit established by Riverside LAFCO Reso No. 10-16	2010-2011	n/a	n/a	\$ 13,938,809
Provisional Limit established by City of Eastvale Reso No. 11-42	2011-2012	1.81%	2.51%	\$ 14,547,298
Proposed Limit established by City of Eastvale Reso No. 12-28	2012-2013	3.77%	2.80%	\$ 15,518,412

Appropriations subject to the limitation in the proposed Fiscal Year 2012-2013 Annual Operations and Capital Improvement Budget are \$8,314,202, which is \$7,204,210 less than the computed proposed allowable limit.

Supporting documentation for the calculation is available for viewing at the Finance Department at City Hall.

FISCAL IMPACT

The total cost of the mandated election is estimated to be \$45,000 (this cost includes the City Council election).

RECOMMENDATION

Adopt Resolution No. 12-35, calling and giving notice of the holding of the regular general municipal election of the City of Eastvale to be held in the City of Eastvale on Tuesday, November 6, 2012, for the consideration of the establishment of a permanent appropriations limit and requesting the Registrar of Voters for the County of Riverside to conduct the election; and

Adopt Resolution No. 12-36, directing the City Attorney to prepare an impartial analysis of proposed Gann ordinance.

ATTACHMENTS

Department of Finance Price and Population Information
Resolution 12-35
Resolution 12-36

RESOLUTION NO. 12-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF THE REGULAR GENERAL MUNICIPAL ELECTION OF THE CITY OF EASTVALE TO BE HELD IN THE CITY OF EASTVALE ON TUESDAY, NOVEMBER 6, 2012, FOR THE CONSIDERATION OF THE ESTABLISHMENT OF A PERMANENT APPROPRIATIONS LIMIT AND REQUESTING THE REGISTRAR OF VOTERS FOR THE COUNTY OF RIVERSIDE TO CONDUCT THE ELECTION

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council of the City of Eastvale calls and orders to be held in the City of Eastvale, California, on Tuesday, November 6, 2012, a consolidated municipal election to consider the establishment of a permanent appropriations limit under the provisions of Government Code Section 56812; and

WHEREAS, the City has chosen under the provisions of Elections Code Section 1301(b) to consolidate its regular general election with the statewide general election held in November of even numbered years; and

WHEREAS, the County of Riverside has approved such consolidation of the regular general election of the City of Eastvale with the statewide general election held in November of even numbered years; and

WHEREAS, the City Council requests the Registrar of Voters, County of Riverside, to conduct the regular general municipal election and to include in that election consideration of the establishment of a permanent appropriations limit under the provisions of Government Code Section 56812.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the laws of the State of California at this first municipal election, there will be a question of the qualified electors of Eastvale to consider establishment of a permanent appropriations limit under the provisions of Government Code Section 56812. The ballot measure shall be in the form set out on Exhibit A.

SECTION 2. The ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all notices, printed matter and supplies, services, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. The polls for the election shall be open at seven o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to California Election Code Section 10242, except as provided in Elections Code Section 14401.

SECTION 5. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

SECTION 6. The City shall reimburse the County Registrar of Voters for reasonable and actual election services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 7. The notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. The City Clerk is directed to forward without delay to the County Registrar of Voters, a certified copy of this Resolution.

SECTION 9. This Resolution shall take effect immediately upon its adoption. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on July 11, 2012

Jeff DeGrandpre, Mayor

ATTEST:

Ariel Berry, Deputy City Clerk

APPROVED AS TO FORM:

John Cavanaugh, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel Berry, DEPUTY CITY CLERK OF THE CITY OF EASTVALE, DO HEREBY CERTIFY that the foregoing Resolution Number 12-35 was duly and regularly adopted by the City Council of the City of Eastvale at a REGULAR meeting held the 11th day of July, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deputy City Clerk, Ariel Berry

**EXHIBIT A
BALLOT MEASURE**

Shall the permanent annual appropriations limit of the City of Eastvale be set at \$15,518,412? Yes _____ No _____

RESOLUTION NO. 12-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS OF PROPOSED GANN ORDINANCE

WHEREAS, a General Municipal Election is to be held in the City of Eastvale, California, on November 6, 2012, at which there will be submitted to the voters the following measure:

Shall the permanent annual appropriations limit of the City of Eastvale be set at \$15,518,412?	Y E S
	N O

WHEREAS, California Elections Code section 9280 authorizes the City Council to direct the City Attorney to prepare impartial analyses of certain city measures qualifying for a place on the ballot; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eastvale, California, that:

SECTION 1. That the City Clerk is directed to transmit a copy of the following proposed measure regarding the Gann limit to the City Attorney.

SECTION 2. That the City Attorney shall prepare an impartial analysis of that measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set for the filing of the primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on July 11, 2012.

Jeff DeGrandpre, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Haughney, City Clerk

John Cavanaugh, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel Berry, DEPUTY CITY CLERK OF THE CITY OF EASTVALE, DO HEREBY CERTIFY that the foregoing Resolution Number 12-36 was duly and regularly adopted by the City Council of the City of Eastvale at a REGULAR meeting held the 11th day of July, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deputy City Clerk, Ariel Berry

**CITY OF EASTVALE
CITY COUNCIL
AGENDA SUBMITTAL**

Meeting Date: July 11, 2012

SUBJECT: Public Hearing for Delinquent Residential Solid Waste Accounts

REQUESTED ACTION: 1) Conduct a public hearing 2) approve placing the submitted list of delinquent solid waste accounts on Fiscal Year (FY) 2012-2013 Riverside County property tax roll for collection and 3) Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 11-39 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health and Safety Code

CONTACT: Demetrius L. Williams Jr., Management Analyst

BACKGROUND:

Waste Management of the Inland Empire bills residential customers quarterly for solid waste services. Payments are made directly to Waste Management in advance for the following quarter. When a customer fails to make payment and the bill becomes more than sixty (60) days past due, the collection of the delinquent account is placed on the Riverside County property tax roll. This procedure was authorized by prior enactments of the County Board of Supervisors which the City adopted upon incorporation and ratified by City Council when they entered in to a new franchise agreement with Waste Management.

DISCUSSION:

The City Council approved the collection of delinquent solid waste accounts through the property tax roll process on June 8, 2011. This will be the first time the City will place charges on the tax roll.

Waste Management of the Inland Empire has submitted a preliminary list of approximately 839 delinquent accounts. This delinquent list is to be placed on the FY2012/2013 tax roll if approved by Council. An official copy of the list is available in the City Clerk's office for public viewing. The maximum charge to be placed on the tax roll is \$211,707.39. Although Waste Management accepted payment on delinquent accounts until June 27, 2012, there may be some additional deletions to the list or minor adjustments to the amounts prior to final submittal to the Riverside County Assessor.

As part of the notification process, Waste Management has mailed a "Notice of Delinquent Account" to the affected property owners and account holders, informing them of the intent to place all delinquent charges on the tax roll. These notifications are mailed on a quarterly basis which is over and above the minimum notification requirements as per Section 5473.11 of the California Health and Safety Code.

Procedurally, in order to collect these delinquent charges on the County tax roll, the City must file with the County Auditor a certified copy of Resolution 2011-39 in addition to the report as specified in California Health and Safety Code Section 5473.4.

NOTIFICATION

A "Notice of Public Hearing" was published on June 27, 2012 and July 3, 2012, in The Press Enterprise in accordance with Section 6066 of the Government Code. A public posting of Council's action will also be done in accordance with section 6066 of the Government Code. In addition, Waste Management mailed payment requests to the attached accounts through a separate notice sent to property owners where the property could be identified as non-owner occupied. An official list of the submitted delinquent accounts is available in the City Clerk's office. This list represents the maximum charges which can be placed on the property tax roll for FY 2012/2013.

BUDGET (or FISCAL) IMPACT:

The City receives an 8.5% franchise fee for revenues generated from the collection of delinquent accounts at the time of collection. Placement of these delinquent charges on the County property tax roll will ensure the City receives the revenues due from this source which would be approximately \$17,995.12. This amount is deposited into the general fund. Solid waste services are exempt from Proposition 218, as stated in Section 6(c) Property related fees and charges. This is because the obligation to pay does not arise due to customer owning the property, it arises because the property is used in a way which generates trash, and the customer did not choose to legally self-haul. Furthermore, the fee is not an encumbrance on the property, although delinquent fees can be subject to a judgment lien.

Recommendation:

Hold public hearing and approve the requested actions.

Attachments: