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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Waste Management Department

SUBMITTAL DATE:
February 25, 2009

SUBJECT: Amendment No. 1 to Edom Hill Transfer Station Mitigation Agreement

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Amendment to the Agreement between the City of Cathedral City (City) and the Waste Management Department (Department); and
2. Authorize the Chairman to execute the Amendment to the Agreement on behalf of the Department.

BACKGROUND: In November 2002, the County entered into an agreement with the City to collect a City Mitigation Fee at the Edom Hill Transfer Station of one dollar (\$1.00) per ton for all incoming solid waste once the facility became operational. The facility became operational in December 2004. In accordance with the agreement, since December 2004, this fee has been collected and forwarded to the City on a monthly basis to mitigate impacts of the transfer station and to construct certain road improvements specified in the agreement related to the transfer station.

(Continued)


 Hans W. Kernkamp
 General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ -0-	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	No
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	08-09

SOURCE OF FUNDS: City Mitigation Fee collected at the Edom Hill Transfer Station	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
 BY: 
 Alex Gann
 County Executive Office Signature

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

APPROVED: _____
 DATE: _____

Prev. Agn. Ref.: 12:2 (11/5/02) | District: 4 | Agenda Number:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

12.1

FORM APPROVED COUNTY COUNSEL
 BY: 
 NEAL R. KIPNIS
 DATE: 2/27/09

**Edom Hill Transfer Station City Mitigation Agreement
Amendment No. 1
February 25, 2009
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The agreement specified that the City was to construct traffic turn lane pockets at multiple locations and repair or reconstruct structurally damaged portions of Edom Hill Road within 15 months (March 2006) of the transfer station becoming operational. These improvements have been completed, but, rather than repairing short reaches of Edom Hill Road, the City chose to overlay the entire existing Edom Hill Road with 1.5" of asphalt, which under the agreement would not have been required until March 2008. As the only access road to the transfer station, the early commitment by the City to improve the condition of Edom Hill Road has been a benefit to the transfer station project.

The agreement also specified that the City was to construct a climbing lane on Edom Hill Road from Varner Road to the transfer station within 39 months (March 2008) of the transfer station becoming operational and that a traffic signal would be installed at the intersection of Varner Road and Edom Hill Road and the intersection of Date Palm Drive and Varner Road within 123 months (March 2015) of the transfer station becoming operational.

The City has indicated to staff that due to the extra funds expended on the Edom Hill Road overlay and the recent reduction in tonnage at the facility, insufficient funds will delay the construction of the climbing lane until March of 2017. The climbing lane was originally intended to be installed when the Transfer Station processed 1,500 tons per day. Currently, the transfer station is processing approximately 1,000 tons per day (as of December 2008) and further decreases are expected due to the economic downturn, therefore, the climbing lane will not be necessary at this time. To provide for a more efficient project and in exchange for the delay in construction of the climbing lane, the City offered to move up the timeline to install the traffic signals by December of 2014.

The transfer station operator, Burrtec Waste Industries, has indicated to staff their concurrence with the revised schedule.

The amendment documents the following newly agreed upon schedule, as outlined above.

The Department believes the earlier installation of the signalization at the corner of Varner Road and Edom Hill Road is in the best interest of the County and recommends approval of Amendment No. 1 to the Edom Hill Transfer Station City Mitigation Agreement.

PD #68811

**Edom Hill Transfer Station City Mitigation Agreement
Amendment No. 1**

The City of Cathedral City (herein called "CITY") and the County of Riverside (herein called "COUNTY") previously entered into an agreement on November 5, 2002, to resolve matters related to issues surrounding the Edom Hill Transfer Station and related improvements (herein called "Project").

WHEREAS, the Edom Hill Transfer Station became operational on December 1, 2004; and

WHEREAS, CITY agreed to construct certain improvements within 39 months of the Project becoming operational; and

WHEREAS, CITY agreed to construct certain additional improvements within 123 months of the Project becoming operational; and

WHEREAS, CITY recognizes that the transfer station has been in operation for 39 months as of March 1, 2008 and that certain roadway improvements scheduled to be completed by the City as of this date have yet to be completed; and

WHEREAS, CITY will receive significant ongoing revenue during the life of the Project after improvements are complete that will exceed total improvement costs; and

WHEREAS, COUNTY recognizes that tonnage has temporarily declined resulting in less fees being received to date by CITY to complete the remaining outstanding improvements in accordance with the prior schedule; and

WHEREAS, COUNTY recognizes that CITY has completed the following improvements:

- 1) Construction of traffic turn lane pockets including asphalt overlays of entire roadway, at the following locations:
 - a. On southbound Varner Road, onto Date Palm Drive
 - b. On southbound Varner Road, onto Edom Hill Road
 - c. On northbound Varner Road, onto Edom Hill Road
- 2) Repair/reconstruction of short reaches of structurally damaged roadway along Edom Hill Road
- 3) Overlay of the entire existing Edom Hill Road with 1.5" asphalt from the East Project boundary to Varner Road, with reconstruction as needed near its intersection with Varner Road

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

CITY shall:

1. Construct the remaining project related road improvements listed below, on or before the following revised schedule:

- a. Within 120 months of the Project becoming operational (December 1, 2014):
 - 1) Signalize the Date Palm Drive and Varner Road Intersection, and
 - 2) Signalize the Edom Hill Road and Varner Road Intersection.
- b. Within 147 months of the Project becoming operational (March 1, 2017):
 - 1) Construct an approximate 4,700 foot climbing Lane along Edom Hill Road, from Varner Road easterly.

Except as specifically modified or amended above, all of the terms, covenants and conditions of said agreement of the 5th of November 2002, shall remain in full force and effect between the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to Agreement to be duly executed on _____.

RIVERSIDE COUNTY
 WASTE MANAGEMENT DEPARTMENT
 14310 Frederick Street
 Moreno Valley, CA 92553

CITY OF CATHEDRAL CITY
 68-700 Avendia Lalo Guerrero
 Cathedral City, CA 92234

Dated: 2/25/09

Dated: 3/25/09

RECOMMENDED FOR APPROVAL

By: Kathleen DeRosa
 Kathleen DeRosa, Mayor

By: Hans Kernkamp
 Hans Kernkamp, General Manager-Chief Engineer

ATTEST:
 By: [Signature]
 City Clerk (Seal)

COUNTY OF RIVERSIDE

By: _____
 Chairman, Board of Supervisors

By: Donald E. Bradley
 Donald E. Bradley, City Manager

ATTEST:

By: _____
 Clerk of the Board
 (Seal)

By: [Signature]
 City Attorney

FORM APPROVED COUNTY COUNSEL
 BY: NEAL R. KIPNIS DATE