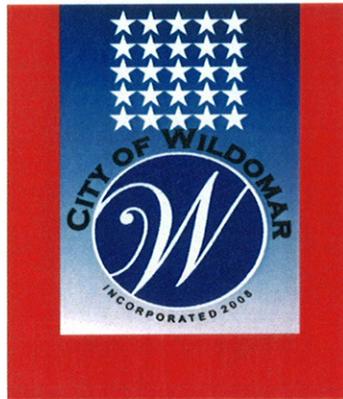


CITY OF WILDOMAR
CITY COUNCIL

AGENDA

March 11, 2009
Council Chambers
23873 Clinton Keith Road



Scott Farnam, Mayor
Bridgette Moore, Mayor Pro Tem
Sheryl Ade, Council Member
Bob Cashman, Council Member
Marsha Swanson, Council Member

**WILDOMAR CITY COUNCIL
REGULAR MEETING AGENDA
MARCH 11, 2009**

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 7:00 P.M. Closed Sessions begin at 6:00 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 and at the Mission Trail Library, 34303 Mission Trail Blvd., Wildomar, CA. 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. If you wish to be added to the regular mail list to receive a copy of the agenda, a request must be made through the City Clerk's office in writing or by e-mail.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Mayor prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (8 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 members, staff or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

7:00 P.M.

Roll Call:

Flag Salute:

Presentations: Code Enforcement Monthly Update

Karen Hobson, President Wildomar Rotary

Oral Communications: This is the time for any citizen to comment on any item listed or not listed on the agenda. Comments relative to noticed public hearing items will be heard at that time the public hearing is conducted. Under the provisions of the Brown Act, the legislative body is prohibited from discussing or taking action on items not listed on the agenda. The City Council encourages members of the public to address them at this time so that your questions and/or concerns can be heard.

PUBLIC COMMENTS:

1. CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call 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 Calendar for separate action.

- 1 A. Approve the reading by title only of all ordinances.
- 1 B. Approve Regular City Council Minutes dated February 25, 2009.
- 1 C. Approve Warrant Registers dated February 26, 2009 in the amount of \$15,803.34, Warrant Register dated March 11, 2009 in the amount of \$282,367.32 and Payroll Warrant Register dated March 11, 2009 in the amount of \$1,280.28.

- 1 D. Approve the Treasurer's Report for the month of February 2009.
- 1 E. Consider approval and authorize the Mayor to execute a Road Maintenance Agreement between the City of Lake Elsinore and the City of Wildomar to provide road maintenance on portions of Lost Road and Navajo Springs Road.
- 1 F. Receive and file the Planning Director's Report of actions for Tentative Parcel Map No. 35219.
- 1 G. ORDINANCE NO. 23 (2nd reading and adoption) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING AN AMENDMENT TO THE OFFICAL ZONING MAP OF THE CITY OF WILDOMAR FOR LOT 1 AND A REMAINDER PARCEL OF TENTATIVE TRACT MAP 33987 FROM RURAL RESIDENTIAL TO MEDIUM HGIH DESNITY RESIDENTIAL AND FOR LOT 2 OF TENTATIVE TRACT MAP 33987 FROM RURAL RESIDENTIAL TO WATERCOURSE, WATERSHED & CONSERVATION AREA, AND FOR LOTS 3 AND 4 FROM RURAL RESIDENTIAL TO COMMERCIAL OFFICE FOR PROPERTIES IDENTIFIED WITH ASSESSORS PARCEL NUMBERS 376-410-002 AND 376-410-024
- 1 H. Consider approval of a Resolution supporting the efforts of the Green Valley Initiative in the Inland Empire.

RESOLUTION NO. 09-13 A RESOLUTION OF THE CITY OUNCIL OF THE CITY OF WILDOMAR RECOGNIZING THE GREEN VALLEY INITIATIVE, SUPPORTING ITS GOALS, AND ENDORSING PARTICIPATION AS A GREEN VALLEY JURISDICTION

2. PUBLIC HEARINGS:

- 2 A. A public hearing to consider Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 88.

STAFF REPORT:

OPEN PUBLIC HEARING:

COMMENTS FROM PUBLIC:

CLOSE PUBLIC HEARING:

COMMENTS FROM COUNCIL:

STAFF RECOMMENDATION:

Direct the County of Riverside Director of Transportation, or his designee, who the City Council finds to be an impartial person as that term is used in Section 53753(E) of the Government Code, to tally all ballots received prior to the close of the public hearing. All ballots received prior to the close of the public hearing will be tallied at 10:00 A.M. on Thursday, March 12, 2009 in conference room D on the 8th floor of the County Administrative Center, 4080 Lemon Street, Riverside, California. Staff is directed to cause the appropriate resolution, based on the election tally, to be prepared and returned to the City Council for its consideration.

3. GENERAL BUSINESS ITEMS:

- 3 A. Consider adoption of a Resolution supporting the City of Temecula's annexation request submitted to the Local Agency Formation Commission.

RESOLUTION NO. 09-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR SUPPORTING THE CITY OF TEMECULA'S ANNEXATION REQUEST SUBMITTED TO THE LOCAL AGENCY FORMATION COMMISSION

- 3 B. Consideration of preparation and adoption of an ordinance regulating convicted sex offenders in accord with Proposition 83, Jessica's Law.
- 3 C. Consider and approve an agreement for fire protection, fire prevention, disaster preparedness and response and rescue and emergency medical services.

CITY MANAGER REPORT:

CITY ATTORNEY REPORT:

COUNCIL COMMUNICATIONS:

FUTURE AGENDA ITEMS:

ADJOURNMENT:

The next regular meeting is scheduled for March 25, 2009

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 who 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 telephone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the schedule meeting.

POSTING STATEMENT: On March 6, 2009, a true and correct copy of this agenda was posted at the three designated posting places; Wildomar City Hall, 23873 Clinton Keith Road, U. S. Post Office, 21392 Palomar Street, and Mission Trail Library, 34303 Mission Trail Blvd.

CITY OF WILDOMAR – COUNCIL
Agenda Item # 1 B.
CONSENT CALENDAR ITEM
Meeting Date: March 11, 2009

CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
FEBRAURY 25, 2009

The regular meeting of February 25, 2009 of the Wildomar City Council was called to order by Mayor Scott Farnam at 7:00 P.M.

Roll Call showed the following Council Members in attendance: Mayor Scott Farnam, Mayor Pro Tem Bridgette Moore, Council Members Sheryl Ade, Bob Cashman and Marsha Swanson.

Staff in attendance: City Manager John Danielson, Assistant City Manager Terry Fitzwater, City Attorney Julie Hayward Biggs, Development Services Director Michael Kashiwagi, Planning Director Gary Wayne, Finance Director Misty Cheng and City Clerk Sheryll Schroeder.

FLAG SALUTE:

Flag salute was led by Council Member Cashman.

PRESENTATIONS:

A Certificate of Appreciation was presented by Mayor Farnam to retiring Mission Trail Librarian, Jennie Jackson.

Rick Bishop, Executive Director, presented a powerpoint overview of the benefits and activities of the Western Riverside Council of Governments.

Lake Elsinore High School Future Farmers of America presented their projects for the 2009 Riverside County Fair.

Deniene Husted, Communications Director for the Green Valley Initiative gave an overview of the initiative.

COMMUNICATIONS FROM THE PUBLIC:

Nancy Hunzeker explained that there was extreme damage from flooding on Bryant Road, even though it was a private road, she requested assistance to repair the road, citing safety issues.

Council Member Ade explained that staff would look at the issues and get back to Ms. Hunzeker.

Gerald Hall, speaking on Item I E., noted that when road contractors get to a certain point, he saw that the workers just sat. He felt the contractors should be held accountable for cost overruns. He explained that there should be payment penalties for unjustified completion dates.

Gary Morris, speaking on Item I E., asked who on staff he could work with before the item returned to Council. Mayor Farnam said he should work with Public Works Director Kashiwagi.

1. CONSENT CALENDAR:

City Clerk Schroeder announced that there was a change to the staff report on Item 1 D., Savon should be Rite Aid and that staff had requested Item 1 E. be removed from the agenda for further work.

Council Member Swanson moved to approve the Consent Calendar, Items 1 A. through 1 I. with the two changes as noted by the Clerk, seconded by Mayor Pro Tem Moore.

Council Member Cashman, speaking on Item 1H., asked when the City would take over the parks. He said the contract on Item 1H would be working on the parks.

City Manager Danielson explained that the item was dependent on the acceptance by the full Council of the Parks and Recreation Committee's recommendation which was later on the agenda. He requested the Council consider increasing the hours with Ms. Willette, explaining that the contract would be revenue neutral.

Roll Call vote on the Consent Calendar: - Ayes: 5. Nays: 0. Motion carried.

1 A. Approved the reading by title only of all ordinances.

- 1 B. Approved Adjourned Regular City Council Minutes dated February 11, 2009.
- 1 C. Approved Warrant Registers dated February 12, 2009 in the amount of \$100.00 and February 25, 2009 in the amount of \$40,223.51.
- 1 D. Adopted Resolution No. 09-10, approving Final Parcel Map 36084 – Shops at Bear Creek (08-0056)

RESOLUTION NO. 09-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PARCEL MAP NO. 36084 – SHOPS AT BEAR CREEK (08-0056)

- 1 E. **NOT APPROVED, REMOVED FROM THE AGENDA FOR ADDITIONAL STAFF WORK** – Consider approval and authorized the Mayor to execute a Road Maintenance Agreement between the City of Lake Elsinore and the City of Wildomar to provide road maintenance on portions of Lost Road and Navajo Springs Road.
- 1 F. Authorized the City Manager to negotiate and enter into an agreement with National Demographics Corporation to identify the project elements and provide a proposal for electing Council representatives by district.
- 1 G. Authorized the City Manager to select, finalize and execute a contract for secondary supplemental insurance with the Exec-u-Care program.
- 1 H. Authorized the City Manager to modify, execute and sign a contract with consultant Paula Willette for Events Coordinator.
- 1 I. Authorized the City Manager to develop, execute and sign a contract with consultant Gary Nordquist for Senior Level accounting management services.

2. PUBLIC HEARINGS:

- 2 A. Case No: General Plan Amendment No. 762 (GPA762), Change of Zone 7207 (CZ7207), Tentative Tract Map No. 33987 (TR33987) and Environmental Assessment (E.A.) No. 40319.
Applicant: Glen Daigle
Location: South of La Estrella Street, east of Interstate-15, and north of Glazebrook Road in the City of Wildomar.
Proposal(s): GPA762: Proposes to change Lots one (1), two (2) and the remainder parcel from Community Development: Medium Density Residential

and Community Development: Commercial Office to Community Development: Medium High Density Residential.

CZ7207: Change the existing zoning of lot one (1) from Rural Residential (R-R) to General Residential (R-3), lot two (2) and the remainder parcel from Rural Residential (R-R) to Watercourse, Watershed & Conservation Areas (W-1), and lots three (3) and four (4) from Rural Residential (R-R) to Commercial Office (C-O).

TR33987: A subdivision to divide 24.37 acres into four (4) lots with a remainder parcel. Lot one consists of 81 Condominium units on 8.95 gross acres, Lot two and the remainder parcel consists of 2.84 acres of open space. Lot three is comprised of 9.82 acres and Lot four, comprised of 1.95 acres both are designated for future commercial development.

Environmental

Action: In accordance with the California Environmental Quality Act (CEQA), that although the proposed project could have a significant effect on the environment; there will not be a significant effect in this case because a MITIGATED NEGATIVE DECLARATION will be adopted.

Staff report was presented by Planning Director Gary Wayne. He expressed several concerns. First was the land use concern. He noted that this project would be the only medium high density general plan in the area, this being a single lot, almost like a spot zone. The same with the R-3 zone, surrounded by an R-1 zone and then commercial and business park to the north, he added. Staff's concern was establishing a precedent in the area without adequate study to increase densities. The second concern he expressed was a general plan designation and proposed zoning for commercial-office that begs the question on access because it has to take commercial traffic out a residential neighborhood. He noted the project was conditioned by the County to construct La Estrella to the east, however, the review of the conditions and review of the documentation submitted by the applicant to Planning, Engineering and the City Attorney's office, staff did not feel there was sufficient binding to insure that this access could be secured all the way to George. Mr. Wayne explained that this would force all the traffic down and out Depasqualle, forcing it out west to the private street, which was not designed for gating, it would be open by the park. He also noted that the County had some concerns about the intersection spacing.

Recognizing the concerns, staff had presented Council with several options, listed on the staff report.

Mayor Farnam opened the public hearing.

Glen Daigle, developer, noted the project had been under review and changes for two and one half years. He explained that in three years working on the project, he had no letters of objection to the project. Regarding the staff report, he said he had no problem with staff alternative number two on page seven, moving only the access point currently shown on Glazebrook and engineering would have to approve because the County would not allow a driveway there because it was too close to neighboring intersections. He asked that engineering review it before they changed drawings. He expressed that he had a major problem with alternative three, eliminate commercial office. He said it would not be just his project but also about one hundred acres to the north, south of Baxter, east of Interstate 15 that were zoned on the general plan as business-park. He said if it was not compatible to have commercial-office or a business park project if there is residential nearby, then the City would have the same problem all the way up on that side of the freeway on Baxter. He said there were ways to do it effectively, one was Hancock Drive in Murrieta which connects Los Alamos and Murrieta Hot Springs, one side was residential, and one side was commercial. He said there were a lot of people planning on that area being business park, office commercial and he would fight any attempt to downzone his property to residential. He explained that he looked at medium high density on the east side of the project as a good transition zoning, it being a logical transition to go from a three story office building, two story townhomes and the next property be medium density residential. He said he agreed with the Planning Director that medium density residential should not occur everywhere, but they felt this was an appropriate and wise place for it. He added that they would have no problem adding private yards for the ground floor units as recommended by staff, noting that the County did not want it. Regarding the condition of approval 109, he said staff did not want the City to have the obligation to help by using the power of eminent domain, which he said he understood, but this was the necessary right of way for La Estrella which would be a secondary access for the project. He explained that some of the right of way was there on the neighbor to the east, some of the right of way was necessary from two parcels west of the recently acquired park property, referring to the property the County purchased from D.R. Horton Homebuilder. He explained the two parcels, they had only letters of intent, they did not and never said they had binding documents, the County only required letters of intent to take the project to public hearing. He said they would offer, as the City would do, fair market value for the properties, but if someone did not want to sell, and the reason was not price, he knew of no other way to get the right of way but through eminent domain. He asked that staff re-write the condition to allow eminent

domain at the expense of the applicant. He said the other alternative staff offers in condition 109 was to re-design the project, which he said the only re-design that wouldn't require secondary access would be if he had three houses on twenty four acres, which he said would not work. In finalizing, he said he knew Council had a few alternatives presented by staff and if Council desired to continue the hearing, he asked that it be continued to a date certain, time was of the essence to him, he had financing concerns and the last time it was continued, it took three months.

Council Member Swanson asked Mr. Daigle to show her where he was indicating his main access was.

Gloria Carroll spoke in support of the project as designed. She said neighbors that support the project could not be there that evening and asked her to speak of their support, noting she turned in speaker slips on their behalf. She added that she felt the project would be good for the area, noting her property was in back of the project.

Norman Carroll said he did not wish to speak but also supported the project.

Speaker cards turned in by Ms. Carroll in support of the project were Olivia Gomez and Robert Willingham, who did not wish to speak.

Comments from Council, Council Member Swanson asked how many units per acre were proposed.

Planning Director Wayne responded that based on gross acreage, and if lot 2 was included, it would be 7.55.

Council Member Cashman posed the question, how does something start out at a lower density and end up at a higher density. He answered by saying it happens incrementally, first one project is approved at a density, then the next one is approved at a higher density. He said he did not want to set a precedent, that anytime someone brings a project, they would be looking for a higher density. He stated his concern on this project was the roads, that the project did not go into Bayless, so that meant that there was no road going north, it was offset from the existing road and no plans in the future of a road to go north. He said it seemed that the area should be sealed off and go south only because the City did not have the land or the road. He expressed concern over the access point, but since the developer said he would take care of it, it was no longer a problem. If the project proceeds, Council Member Cashman said the developer needed to get permission from the owners because he felt eminent domain was inappropriately used for private development. He questioned whether the city would take people's rights to their properties because they wanted a

higher development, he stated he hoped not. He finalized that he saw benefit to the project also.

A property owner said she supported the project.

Mayor Farnam disclosed that he met with the developer and consulted with staff on the project. He said he supported the project in concept and was sympathetic to the time spent going through the County. He said he was fine with the medium density residential, it was a good buffer between commercial office and the higher density use. He explained that he believed that every project needed to stand on its own and be evaluated individually. He clarified that he was a proponent of private property rights and not a fan of eminent domain although sometimes it was needed if it benefited the public. He asked staff that when reviewing future projects, he wished to see a circulation map with the project. He said with the layout of the project, it would force the City to amend the circulation to make it work. When speaking of eminent domain, he said he realized it was important to re-align Baxter, from Interstate 15 down to Palomar. He explained that the property owners were not going to be happy about giving up some frontage to widen Baxter for public access and to take out the dangerous curve, adding that someday the City may have to consider that. He added that La Estrella was the same way, this would complete some of the circulation in the city and if the property owners were not willing to work with the city, then eminent domain may have to be used. He indicated that he was considering Option Two from the staff report. He added that he wanted to see private yards and if the project moved forward then he would like to condition that if, and only if everything else was considered, the City has to consider eminent domain, that the cost would be barred by the applicant.

Council Members Cashman disclosed he had also met with the developer.

City Attorney Biggs explained that the subdivision map act contained a provision that said explicitly that if you condition a map on the developer acquiring property in order to complete the condition and the developer is not able to acquire it, can't negotiate it, whatever, the City had an obligation to step in and use its power of eminent domain. She explained that she knew the condition had been re-drafted to attempt to eliminate that but that was a provision of the subdivision map act that probably preempts the condition that had been drafted. She concluded that Council may be put in the position, as outlined, where the developer cannot acquire the property and the City will have to step in and the developer will have to pay cost of doing it, but that nevertheless requires the City to exercise its power of eminent domain.

Council Member Ade reviewed the history of the project, noting that she saw at least four different iterations. She noted that the first draft had no commercial-office and the

developer was opposed to having commercial-office, he felt it was not appropriate that Bayless or a street come down from Baxter and dead end at commercial-office. She continued that along with the history of the project, there were 89 acres to the north that a developer was acquiring and they proposed a master planned community so when Mr. Daigle's project was being considered it was in conjunction with the other project and the other project north of La Estrella, they were planning on small lot single family homes also at medium high density. She noted that when the County looked at the project, it was different than what the City was seeing today. She expressed that the land use was somewhat chopped up, the City lost the ability to have a frontage road when the Van Daele property was expanded, that being part of the reason there was problems with this project.

She felt the area along the freeway was not suitable for housing that she did not have a problem with commercial-office in that area, adding that there should be a buffer between commercial-office and medium density and typically that was the medium high density. She questioned using area two, that being watercourse which could not be built on, using that acreage to come out with their average calling it open space; she did not feel watercourse was open space. She asked what the "R" area was, medium density one acre, asking about access to that. Since this was a phased project, she asked if there was a date set for development of the commercial-office part of the project.

Planning Director Wayne answered no. Regarding the watercourse area, if that lot was excluded and you went out to the centerline of the streets for gross acreage, it was about eight units per acre.

Council Member Ade continued saying she understood the frustrations of the developer and asked if he was planning on building the condominiums to which he responded no. She informed that the residents that spoke in favor of the project were going to sell their property and would not be around when the project was built. La Estrella needed to be completed and she expressed some concern with it curving down to meet Depasqualle and concerned with Depasqualle not lining up with Bayless and very concerned about the access onto Glazebrook and into the Van Daele neighborhood with a park right there. She explained that the residents of the Van Daele project were paying the maintenance of the park through their HOA fees and she knew the residents would complain. She noted an earlier rendition of the project had access onto Depasqualle and she felt if La Estrella went straight instead of curving down, that mitigate the problem. She clarified that she was not opposed to the project; she just felt the problems could not be ignored. She said she felt the project could proceed if the City could work with the applicant on addressing the access and look at the whole area as well. Regarding approving the medium high density, she said she thought the Council had the right to say to a future development, it was approved

because of specific reasons, it did not mean it had to be approved for every property north of La Estrella.

City Attorney Biggs said that was correct, but it did make it more of a challenge once a precedent was set.

Council Member Ade said the Council really needed to see a greater area map. She said staff needed to look at the area also; maybe using Bayless was not the best solution.

Mr. Daigel responded that they agreed to move the access as long as engineering agreed with putting it on Depasqualle. Regarding the statement that the residents speaking in favor of the project because they want to sell their property, he said the residents were not developers so they had no choice but to sell their properties. He noted that Council Member Ade was correct, at one point the project was completely residential and because there was more business park to the north of the project, that caused them to rethink their project. He said he checked the dedication of Bayless and it did exist from the corner of Peggy Lane to an eighth of a mile from their northern boundary even though it was a dirt road. He said there was a missing piece of right of way and indicated where it was on the map. He added that both Depasqualle and La Estralla were general planned circulation element roads.

Council Member Ade said she felt the condos should have some sort of small yard or patio. She referred to a project where the County required some open space recreation area without amenities. She wondered if the detention basin area could be utilized for the same purpose. Her final comment was that the Council needed to look at the entire area, if the project develops; there was still the problem of traffic going through a residential area. She asked if the Council and staff could take a month and look at the whole area and bring the project back.

Planning Director Wayne said it could be done; circulation, zoning and general plan land use designation without a lot of additional study could be done within 30 or 60 days.

Mayor Farnam closed the public hearing.

Council Member Swanson agreed with comments from Council Member Ade and overall she liked the project.

Council Member Cashman moved to continue the project to give staff time to provide a brief look at the circulation element and return in 45 days.

Council Member Ade moved to amend the motion to return within 30 days.

City Manager Danielson said since Council was delving into policy issues, his concern was that if it went straight to staff and the developer, there may not be the policy oversight and maybe there should be an ad hoc committee that takes no more than 30 days to see if there are some alternatives that might work and give staff guidance.

Mayor Farnam said he had some concerns with that, since the project had been in the system for so long, he felt that the Council could move forward so the developer had some level of comfort, to take some steps forward and yet still work out some issues.

Council Member Swanson said she would be in favor of Option Two.

Planning Director Wayne said there was one problem with Option Two, if the Council, in the long run, desires La Estrella to come down Depasqualle and intersect it on the other side of the number four, with the zone change and the general plan amendment, that would muddy it. He said he thought what he heard from Council was a desire for zone change and a general plan amendment that would allow some configuration that would approve the project to be redesigned, to change the access and the yards. He said staff had discussed that with the applicant and the applicant said he didn't really want to lose number four as commercial office. He said that was one of the options that staff discussed with the applicant, straightening out La Estrella and maybe even pulling in lot four into residential and at the time, the problem was spreading the units and not changing the zoning, but what he said he was hearing was okay to change the zoning and general plan which would then allow some more units on the other side of where La Estrella was now.

Council Member Ade said she felt they needed to look at the larger area, there was a road going nowhere. She noted she was not trying to hold up the project.

Planning Director Wayne said he spoke with the City's supervising engineer and he was okay with the geometry. He explained that the dividing line between business park and residential was a line that went north from the intersection of Glazebrook and Depasqualle.

She noted that to the east of Bayless there were two parcels that were business park, abutting medium density residential. She suggested another option or motion would be to provide other direction to staff. She asked if Council approved the zone change and general plan amendment, could other changes be made.

Planning Director Wayne said as long as those alignments were not fully established, but it was not preferable.

Mayor Farnam said he was concerned with the access out of the condominium project into the residential collector street and he would like to see the ingress and egress changed to

another location that did not empty out into a residential area collector street. He believed that the Council could approve the zone change and general plan amendment and condition that the private residential collector street be redesigned.

Mayor Farnam moved to approve Alternative Number Two as stated in the staff report and that the City work on new ingress and egress to remove the existing ingress and egress that goes to the south private collector street. He wished to see a condition that the units have some sort of private yards or patios and if there was eminent domain, it would be at the cost of the applicant. Motion seconded by Council Member Swanson.

The Alternative Number Two was: Modify the Access to the Condominium Project. Approve the General Plan Amendment and Change of Zone applications and add an additional condition of approval to the tract map and condominium project and requiring the Applicant to submit revised condominium plans with modified access points to the Planning Director. A sample condition that would satisfy this requirement is as follows: *"Within 60 days of the approval of the tentative tract map, the Applicant shall submit revised condominium plans to the Planning Director which modifies the project access points to avoid directing project traffic onto local residential streets and improves the desirability and livability of the project as needed."*

Council Member Cashman noted there was no road going north out of the project; he felt it needed to be covered before moving forward.

Council Member Ade moved to amend Mayor Farnam's motion to "take 30 days to look at the larger area to make sure we don't have a fatal flaw in this area".

Council Member Swanson asked Council Member Ade if her motion was asking Council not to approve it for 30 days and Council Member Ade responded yes, adding that she wished to hold off on a decision until they looked at the larger area.

City Attorney Biggs interjected that she believed the amendment was, before Council approved the project as identified in Option Two, Council would take 30 days to study the area to make sure they really wanted to approve it. She said it was an amendment that would delay any decision for 30 days and then a decision would be outlined in Option Two.

Mayor Farnam called for a second to the amendment, which was given by Council Member Cashman.

Roll call vote on the amendment: Ayes – 2, Council Members Ade and Cashman. Nays – 3, Mayor Farnam and Council Members Moore and Swanson. Motion defeated.

Mayor Farnam repeated the original motion, to approve Alternative Two.

City Attorney Biggs mentioned that if Council approved Alternative Two, they will have the redesign to consider in the future but the approvals will stand and the City will have granted some rights that do not currently apply to the property. She clarified that the City would have given some entitlements that were not currently on the property and will be bound by them. She said they will have 60 days to come back with a plan; Council will have approved the project, everything other than the circulation.

Mayor Farnam repeated his motion to approve Alternative Two, modify the access to the condominium project, approve the general plan amendment and zone change applications, the applicant will work with staff to move the ingress and egress at the south end of the project from emptying into the residential collector street, ask that the condominium have some private yards and/or patios and that the applicant understands that if eminent domain is necessary, it would be at the cost of the applicant and only after all avenues have been exhausted. Motion seconded by Mayor Pro Tem Moore. Roll call vote: Ayes – 3, Mayor Farnam, Mayor Pro Tem Moore, Council Member Swanson. Nays – 2, Council Members Ade and Cashman. Motion carried.

City Attorney Biggs mentioned the Council would need to consider approval of a resolution for the environmental assessment and the document before Council encompasses the tentative tract map. She suggested the resolution should delete reference to the tract map.

City Clerk Schroeder read the title of Resolution No. 09-11.

RESOLUTION NO. 09-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED IN ENVIRONMENTAL ASSESSMENT NO. 40319 FOR GENERAL PLAN AMENDMENT 762, CHANGE OF ZONE 7207

Mayor Pro Tem Moore moved to approve Resolution No. 09-11, seconded Council Member Swanson. Roll call vote: Ayes: 3, Mayor Farnam, Mayor Pro Tem Moore, Council Member Swanson. Nays: 1, Council Member Cashman. Abstention: 1, Council Member Ade. Motion carried.

City Clerk Schroeder read the title of Resolution No. 09-12.

RESOLUTION NO. 09-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING GENERAL PLAN AMENDMENT NO. 762 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATIONS FROM MEDIUM DENSITY RESIDENTIAL AND COMMERCIAL OFFICE TO MEDIUM HIGH DENSITY RESIDENTIAL FOR LOT 1

OF TENTATIVE TRACT MAP 33987 LOCATIONS ON PORTIONS OF PROPERTIES
WITH ASSESSOR PARCEL NUMBERS OF 376-410-002 AND 376-410-024

Council Member Swanson moved to approve Resolution No. 09-12, seconded by Mayor Pro Tem Moore. Roll call vote: Ayes: - 3, Mayor Farnam, Mayor Pro Tem Moore, Council Member Swanson. Nays: 2, Council Members Ade, Cashman. Motion carried.

City Clerk Schroeder read the title of Ordinance No. 23.

ORDINANCE NO. 23 (Introduction and first reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING AN AMENDMENT TO THE OFFICAL ZONING MAP OF THE CITY OF WILDOMAR FOR LOT 1 AND A REMAINDER PARCEL OF TENTATIVE TRACT MAP 33987 FROM RURAL RESIDENTIAL TO MEDIUM HGIH DESNITY RESIDENTIAL AND FOR LOT 2 OF TENTATIVE TRACT MAP 33987 FROM RURAL RESIDENTIAL TO WATERCOURSE, WATERSHED & CONSERVATION AREA, AND FOR LOTS 3 AND 4 FROM RURAL RESIDENTIAL TO COMMERCIAL OFFICE FOR PROPERTIES IDENTIFIED WITH ASSESSORS PARCEL NUMBERS 376-410-002 AND 376-410-024

Mayor Pro Tem Moore moved to introduce and hold first reading of Ordinance No. 23, seconded by Council Member Swanson. Roll call vote: Ayes: - 3, Mayor Farman, Mayor Pro Tem Moore, Council Member Swanson. Nays: 2, Council Members Ade and Cashman. Motion carried.

3. GENERAL BUSINESS ITEMS:

3 A. Receive and file the February 24, 2009 Park and Recreation Subcommittee report to Council and recommended Council action.

No public comments were heard for this item.

Mayor Pro Tem Moore presented the draft 2009 Event Schedule. She explained every event was flexible.

Council Member Cashman asked when the City would take responsibility for the parks and recreation.

Council Member Swanson said she saw no point in taking it over right now, the event schedule was a beginning and within the City's budget.

Council Member Cashman said the point was the taxes, how was the money being spent and where was it coming from. Also knowing which parks the City had and how much of the parks the City had. He said he agreed with the event schedule.

Mayor Farnam agreed with Council Member Cashman, they needed to look at the preformed and how much the City could take on.

Council Member Ade mentioned that some of that discussion would come up during budget discussions.

City Manager Danielson said Council Member Cashman was correct, the City needed to know what they were paying for and are they complying with the wishes of the subcommittee. Regarding Council Member Cashman's question, as to when it would be time to convert, he said it was obvious if the Council was not getting the quality delivered, the City always had the ability to say they wanted to do something different.

Mayor Pro Tem Moore said the subcommittee would evaluate every event.

Council Member Swanson noted the equipment they had including vans, things the City would not have the funds to purchase for some time.

Council Member Cashman moved to approve the Park and Recreation Subcommittee Report of the 2009 event schedule, seconded by Council Member Swanson. Roll call vote: Ayes: 5. Nays: 0. Motion carried.

3 B. Strategic Visioning Report and provide necessary direction to staff.

No public comments were heard for this item.

City Manager Danielson presented a power point presentation on the draft document.

Mayor Farnam thanked the community for participating in the strategic visioning project.

Mayor Pro Tem Moore asked that any changes be to the City Manager by Friday.

The Council accepted the report by consensus as a visioning statement and any changes were to be to the City Manger by Friday of that week.

3 C. Council to provide staff with direction regarding the City logo submittals.

No public comments were heard for this item

Mayor Farnam thanked the community for the many logo submittals, which were displayed in the Chambers.

Council Member Swanson suggested they be displayed at the Chamber networking breakfast, possibly a ballot box to select what people liked. She added it may not be how the Council selected the logo but it would narrow it down. She added that they could possibly be displayed at the Chamber mixer.

Council Member Ade said originally it was the Council's decision, she asked if it was being changed.

Council Member Swanson said she did not want to make it binding but wanted to see what the community liked, but she wanted the Council to make the decision.

Mayor Farnam suggested that if the Council could not come to a decision this date, he recommended a Council ad hoc committee to work with staff and possibly a graphic designer, take some of the ideas including the current logo.

Council Member Cashman suggested that an artist take some of the submittals and turn three or four into possible logos for the Council to look at.

Mayor Farnam suggested the Council pick one or two and work with a graphic artist to provide some for finals. He also said each submittal should receive a certificate of appreciation from the City.

Mayor Pro Tem moved to form an ad hoc committee to work with the City Manger and key staff members to bring back suggestions within 30 days. Roll call vote: Ayes - 5. Motion carried.

Mayor Farnam and Council Member Cashman volunteered for the ad hoc committee.

CITY MANAGER REPORT:

City Manger Danielson asked the City Engineer to announce his public meeting. Mr. Kashiwagi announced that next Thursday, March 5, 2009 would be a community meeting to discuss the potential opening of Wesley Street. He said notices were sent to all the residents within 1,000 feet and it was posted on the City's web site.

Council Member Ade asked why it was being held at the high school and Mr. Kashiwagi answered that they were using a workshop forum with displays and the Chambers was too small. Also that it was closer to Wesley Street, which would make it more convenient.

Mr. Danielson thanked Misty Cheng for her service and he introduced Mr. Gary Nordquist as the new Finance Director.

Mayor Farnam announced the flag pole dedication for Thursday morning at 8:00 A.M.

CITY ATTORNEY REPORT:

City Attorney Biggs had no report.

COUNCIL COMMUNICATIONS:

Council Member Swanson announced the Valley Education Foundation Golf Tournament fund raiser on March 13, 2009 and that Rotary Club had been formed with 20 members, which met on Thursdays at 11:30 A.M. She announced that Mayor Pro Tem Moore was selected as Volunteer of the Year by the Chamber.

Mayor Pro Tem Moore announced the next day was a program by SAFE, Sexual Assault Felony Enforcement, at 7:00 P.M. She announced that the web site ad hoc committee met and the new site should be ready in a couple of weeks.

Council Member Cashman asked that for a future agenda the Council should look at selected areas for circulation problems.

Mayor Farnam suggested that it be added to a future norming session.

Council Member Ade mentioned a book to register cities to be available for federal assistance.

Mayor Farnam informed he had information on a donate life walk/run taking place in Fullerton.

FUTURE AGENDA ITEMS:

Mayor Farnam reminded staff to return item 1 E., road maintenance agreement for Lost Road to the next agenda. He asked if there had been any contact from Animal Friends of the Valley JPA. City Manager Danielson said he would look into it.

Mayor Farnam announced the winners at the recent Chamber of Commerce installation dinner.

ADJOURNMENT:

No further business to come before the Council, Mayor Farnam adjourned the meeting at 10:05 P.M.

Respectfully submitted:

Sheryll Schroeder, MMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 C.
CONSENT CALENDAR ITEM
Meeting Date: March 11, 2009

TO: Mayor and Members of the City Council

FROM: Misty V. Cheng, Director of Finance

SUBJECT: Warrant Register dated February 26, 2009 and March 11, 2009 and Payroll Warrant Register dated March 11, 2009.

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated February 26, 2009 in the amount of \$15,803.34.
2. Approve Warrant Register dated March 11, 2009 in the amount of \$282,367.32.
3. Approve Payroll Warrant Register dated March 11, 2009 in the amount of \$1,280.28.

BACKGROUND:

The City of Wildomar City Code Chapter 3.03 requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant Register dated February 26, 2009 and March 11, 2009 and Payroll Warrant Register dated March 11, 2009 are submitted for approval.

DISCUSSION:

None.

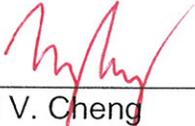
FISCAL IMPACTS:

As indicated above, the Warrant Register for February 26, 2009 has a budgetary impact of \$15,803.34 and the Warrant Register for March 11, 2009 has a budgetary impact of \$282,367.32, and the Payroll Warrant Register for March 11, 2009 has a budgetary impact of \$1,280.28 which are all included in the FY08-09 Budget.

ALTERNATIVES:

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

Submitted by:



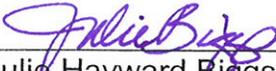
Misty V. Cheng
Director of Finance

Approved by:



John Danielson
City Manager

Reviewed by:



Julie Hayward Biggs
City Attorney

Attachments:

- Warrant Register dated February 26, 2009.
- Warrant Register dated March 11, 2009.
- Payroll Warrant Register dated March 11, 2009.

City of Wildomar
Check Detail
February 26, 2009

Type	Num	Date	Name	It	Account	Paid Amount	Original Amount
Bill Pmt -Check	1553	2/26/2009	Aetna		10 1000 1 Cash - ...		-4,116.00
Bill		2/26/2009			10 411 13 Benefits	-4,116.00	4,116.00
TOTAL						-4,116.00	4,116.00
Bill Pmt -Check	1554	2/26/2009	AFLAC		10 1000 1 Cash - ...		-882.82
Bill		2/26/2009			10 411 13 Benefits	-441.41	441.41
TOTAL					10 413 13 Benefits	-441.41	441.41
						-882.82	882.82
Bill Pmt -Check	1555	2/26/2009	County of Riverside, Registrar of Voters		10 1000 1 Cash - ...		-6,847.50
Bill		2/26/2009			10 413 26 Elections	-6,847.50	6,847.50
TOTAL						-6,847.50	6,847.50
Bill Pmt -Check	1556	2/26/2009	FedEx		10 1000 1 Cash - ...		-175.14
Bill		2/26/2009			10 430 21 Supplies/...	-154.99	154.99
TOTAL					10 450 21 Supplies/...	-20.15	20.15
						-175.14	175.14
Bill Pmt -Check	1557	2/26/2009	Guardian		10 1000 1 Cash - ...		-813.66
Bill		2/26/2009			10 411 13 Benefits	-813.66	813.66
TOTAL						-813.66	813.66
Bill Pmt -Check	1558	2/26/2009	Misty V. Cheng		10 1000 1 Cash - ...		-735.31
Bill		2/26/2009			10 420 20 Travel/M...	-735.31	735.31
TOTAL						-735.31	735.31
Bill Pmt -Check	1559	2/26/2009	Southern California Edison		10 1000 1 Cash - ...		-996.45
Bill		2/26/2009			10 480 21 Utilities	-996.45	996.45
TOTAL						-996.45	996.45

City of Wildomar
Check Detail
February 26, 2009

Type	Num	Date	Name	It	Account	Paid Amount	Original Amount
Bill Pmt -Check	1560	2/26/2009	Verizon		10 1000 1 Cash - ...	-461.66	-461.66
Bill		2/26/2009			10 480 21 Utilities	-461.66	461.66
TOTAL						-461.66	461.66
Bill Pmt -Check	1551	2/26/2009	Western Riverside Council of Govts		10 1000 1 Cash - ...	-135.00	-135.00
Bill		2/26/2009			10 411 20 Travel/M...	-135.00	135.00
TOTAL						-135.00	135.00
Bill Pmt -Check	1562	2/26/2009	Marsha Swanson		10 1000 1 Cash - ...	-639.80	-639.80
Bill		2/26/2009			10 411 20 Travel/M...	-639.80	639.80
TOTAL						-639.80	639.80

\$ 15803.34

City of Wildomar
Check Detail
March 11, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check	1563	3/11/2009	Artisan Goldsmiths & Awards	10 1000 1 Cash - Wells Fargo		-194.70
Bill		3/11/2009		10 411 21 Supplies/Services	-194.70	194.70
TOTAL					-194.70	194.70
Bill Pmt -Check	1564	3/11/2009	AT&T	10 1000 1 Cash - Wells Fargo		-316.98
Bill		3/11/2009		10 411 21 Supplies/Services	-316.98	316.98
TOTAL					-316.98	316.98
Bill Pmt -Check	1565	3/11/2009	Bronwood Express	10 1000 1 Cash - Wells Fargo		-352.14
Bill		3/11/2009		10 480 31 Furniture & Fixtures	-352.14	352.14
TOTAL					-352.14	352.14
Bill Pmt -Check	1566	3/11/2009	California Public Employee Retire...	10 1000 1 Cash - Wells Fargo		-325.00
Bill		3/11/2009		10 411 13 Benefits	-325.00	325.00
TOTAL					-325.00	325.00
Bill Pmt -Check	1567	3/11/2009	Danielson Associates, Inc.	10 1000 1 Cash - Wells Fargo		-17,929.00
Bill		3/11/2009		10 412 23 Contractual Services	-17,929.00	17,929.00
TOTAL					-17,929.00	17,929.00
Bill Pmt -Check	1568	3/11/2009	Diamond W Events	10 1000 1 Cash - Wells Fargo		-2,113.35
Bill		3/11/2009		10 412 23 Contractual Services	-1,480.00	1,480.00
TOTAL				10 412 21 Supplies/Services	-633.35	633.35
					-2,113.35	2,113.35
Bill Pmt -Check	1569	3/11/2009	FLC - Fitzwater Leadership Consult...	10 1000 1 Cash - Wells Fargo		-4,940.06
Bill		3/11/2009		10 412 23 Contractual Services	-4,250.00	4,250.00
TOTAL				10 412 20 Travel/Meetings	-690.06	690.06
					-4,940.06	4,940.06

City of Wildomar
Check Detail
March 11, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill	1570	3/11/2009	Gary Andre	10 1000 1 Cash - Wells Fargo	-75.00	-75.00
TOTAL					-75.00	-75.00
Bill	1571	3/11/2009	Image Printing System	10 1000 1 Cash - Wells Fargo	-1,357.72	-1,357.72
TOTAL					-1,357.72	-1,357.72
Bill	1572	3/11/2009	Interwest Consulting Group	10 1000 1 Cash - Wells Fargo	-233,029.00	-233,029.00
TOTAL					-233,029.00	-233,029.00
Bill	1573	3/11/2009	Jon's Flags & Poles inc.	10 1000 1 Cash - Wells Fargo	-56.57	-56.57
TOTAL					-56.57	-56.57
Bill	1574	3/11/2009	Lake Elsinore Unified School District	10 1000 1 Cash - Wells Fargo	-97.40	-97.40
TOTAL					-97.40	-97.40
Bill	1575	3/11/2009	League of California Cities	10 1000 1 Cash - Wells Fargo	-11,736.00	-11,736.00
TOTAL					-11,736.00	-11,736.00

City of Wildomar
Check Detail
March 11, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt - Check	1576	3/11/2009	Macias Gimi & O'Connell LLP	10 1000 1 Cash - Wells Fargo		-3,037.50
Bill		3/11/2009		10 420 23 Contractual Services	-3,037.50	3,037.50
TOTAL					-3,037.50	3,037.50
Bill Pmt - Check	1577	3/11/2009	Naples Plaza Ltd.-Oak Creek II	10 1000 1 Cash - Wells Fargo		-5,920.20
Bill		3/11/2009		10 480 27 City Hall Lease & Ops	-5,920.20	5,920.20
TOTAL					-5,920.20	5,920.20
Bill Pmt - Check	1578	3/11/2009	Office Depot	10 1000 1 Cash - Wells Fargo		-30.35
Bill		3/11/2009		10 480 29 Misc. Serv./Supplies	-30.35	30.35
TOTAL					-30.35	30.35
Bill Pmt - Check	1579	3/11/2009	The Press-Enterprise	10 1000 1 Cash - Wells Fargo		-856.35
Bill		3/11/2009		10 413 21 Supplies/Services	-278.40	278.40
				10 413 21 Supplies/Services	-134.75	134.75
				10 413 21 Supplies/Services	-176.00	176.00
				10 413 21 Supplies/Services	-267.20	267.20
TOTAL					-856.35	856.35

\$ 282,367.32

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 D.
CONSENT CALENDAR ITEM
Meeting Date: March 11, 2009

TO: Mayor and Members of the City Council
FROM: Misty V. Cheng, Director of Finance
SUBJECT: Treasurer's Report, February 2009

STAFF REPORT

RECOMMENDATION:

Staff recommends City Council to approve the Treasurer's Report.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of February 2009.

FISCAL IMPACTS:

None.

ALTERNATIVES:

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

Submitted by:



Misty V. Cheng
Finance Director

Approved by:



John Danielson
City Manager

Reviewed by:



Julie Hayward Biggs
City Attorney

Attachments: Treasurer's Report, February 2009

**CITY OF WILDOMAR
TREASURER'S REPORT FOR
CASH AND INVESTMENT PORTFOLIO
FEBRUARY 28, 2009**

CITY CASH

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BALANCE</u>	<u>RATE</u>
GENERAL	GENERAL	WELLS FARGO	\$ <u>733,251.77</u>	0.00%
		TOTAL	\$ <u>733,251.77</u>	

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS</u>	<u>(-) WITHDRAWALS</u>	<u>ENDING BALANCE</u>	<u>RATE</u>
GENERAL	GENERAL	WELLS FARGO	\$ <u>826,501.66</u>	\$ <u>156,926.96</u>	\$ <u>(250,176.85)</u>	\$ <u>733,251.77</u>	0.00%
		TOTAL	\$ <u>826,501.66</u>	\$ <u>156,926.96</u>	\$ <u>(250,176.85)</u>	\$ <u>733,251.77</u>	

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BOOK VALUE</u>	<u>FACE VALUE</u>	<u>MARKET VALUE</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DAYS TO MAT.</u>	<u>STATED RATE</u>
GENERAL	LOCAL AGENCY INVESTMENT FUND	\$ <u>1,501,667.75</u>	\$ <u>1,501,667.75</u>	\$ <u>1,501,667.75</u>	<u>100.00%</u>	0	2.046%
	TOTAL	\$ <u>1,501,667.75</u>	\$ <u>1,501,667.75</u>	\$ <u>1,501,667.75</u>	<u>100.00%</u>		

CITY - TOTAL CASH AND INVESTMENT \$ 2,234,919.52

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS/ PURCHASES</u>	<u>(-) WITHDRAWALS/ SALES/ MATURITIES</u>	<u>ENDING BALANCE</u>	<u>STATED RATE</u>
GENERAL	LOCAL AGENCY INVESTMENT FUNDS	\$ <u>1,501,667.75</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>1,501,667.75</u>	2.046%
	TOTAL	\$ <u>1,501,667.75</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>1,501,667.75</u>	

In compliance with the California Code Section 53646, as the Director of Finance/
City Treasurer of the City of Wildomar, I hereby certify that sufficient investment liquidity
and anticipated revenues are available to meet the City's expenditure
requirements for the next six months and that all investments are in compliance
to the City's Statement of Investment Policy.

I also certify that this report reflects all Government Agency pooled investments
and all City's bank balances.

Misty V. Cheng
Director of Finance/City Treasurer

Date

CITY OF WILDOMAR – COUNCIL
Agenda Item # 1 E.
CONSENT CALENDAR ITEM
Meeting Date: February 25, 2009
March 11, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Michael Kashiwagi, Development Services

SUBJECT: AGREEMENT WITH CITY OF LAKE ELSINORE TO PROVIDE ROAD MAINTENANCE ON PORTIONS OF LOST ROAD AND NAVAJO SPRINGS ROAD

STAFF REPORT

RECOMMENDATION:

Approve the Road Maintenance Agreement between the City of Wildomar and the City of Lake Elsinore and authorize the Mayor to execute the Agreement

BACKGROUND:

On May 24, 2007, the City of Lake Elsinore submitted an application to the Riverside Local Agency Formation Commission (LAFCO) for the annexation of 246.4 acres located south of Canyon Hills Road west of Lost Road in Riverside County. This annexation, identified as "Annexation No. 75", was processed through the City's Planning Commission on February 26, 2006, and approved by the Council on April 11, 2006. On October 26, 2006, LAFCO adopted Resolution No. 120-06 conditionally approving Annexation No. 75. One of the conditions, required the City to enter into an agreement with Riverside County for the maintenance of a segment of Lost Road and Navajo Springs Road. Subsequently, the City of Lake Elsinore approved an agreement and forwarded it to the County for action. The County did not take action prior to the incorporation of the City of Wildomar, thereby the agreement has been submitted to the City for adoption as the City of Wildomar would now have the responsibility for maintenance of these streets.

Lost Road and Navajo Springs Road are located east of Lost Road just south of the Canyon Hills development in Lake Elsinore. A 24-foot wide segment of this roadway will be located within the City of Wildomar's jurisdiction extending from the tract boundary on Navajo Springs Road to the intersection of Navajo Springs Road in addition to a 30-foot segment on Lost Road. The agreement includes the roadway segment of Lost Road between Navajo Springs Road and the City Limits. However, the balance of both Navajo Springs Road and Lost Road will

remain within the City of Wildomar. Consequently, the attached agreement identifies the maintenance and jurisdictional responsibilities between the Cities of Wildomar and Lake Elsinore for this segment of Navajo Springs Road and Lost Road.

As the proposed agreement has been changed to specify the City of Wildomar in lieu of the County, the City of Lake Elsinore will have to again take action on this agreement if adopted by this Council.

FISCAL IMPACT:

Minimal savings in street maintenance costs could be seen as the City of Lake Elsinore will be providing the maintenance of these two short sections of street.

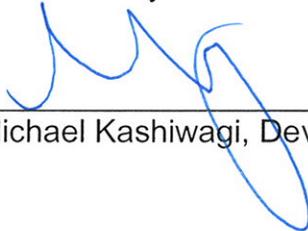
ALTERNATIVES:

The one alternative would be for the City of Wildomar to not take action on this agreement and maintain the streets. The City of Lake Elsinore would then have to seek relief from the LAFCO condition to complete the annexation.

ATTACHMENTS:

Maintenance Agreement
City of Lake Elsinore Staff Report

Submitted by:



Michael Kashiwagi, Development Services

Approved as to form:



Julie Hayward Biggs
City Attorney

ATTACHMENT NO. 1
Maintenance Agreement

ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement (the "Agreement") is made and entered into this ___ day of _____, 2009 by and between the **CITY OF LAKE ELSINORE**, a municipal corporation, (hereinafter referred to as "City") and the **CITY OF WILDOMAR**, a municipal corporation, (hereinafter referred to as "Wildomar")

RECITALS:

WHEREAS, Trumark Companies, LLC owns approximately 246.2 acres of land located generally between Lost Road and Cottonwood Canyon Road adjacent to the Canyon/Cottonwood Hills Specific Plan approved for annexation into the City of Lake Elsinore, more particularly shown in Exhibit A attached hereto (the "Property"); and

WHEREAS, on May 24, 2007, pursuant to the terms of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Cortese Knox Act"), the City filed an application with the Riverside Local Agency Formation Commission ("LAFCO") to annex into the City's corporate boundaries certain parcels of the Property, which in the aggregate consist of approximately 246.2 net acres and which are more particularly described in Exhibit B and Exhibit C and mapped out in Exhibit D (hereinafter referred to as the "Annexation Property"); and

WHEREAS, on February 26, 2006, the Lake Elsinore Planning Commission adopted Resolution 2006-15, recommending that the City Council of the City of Lake Elsinore approve General Plan Amendment No. 2005-08, Resolution 2006-16, recommending that the City Council of the City of Lake Elsinore approve Zone Change No. 2005-09, and Resolution 2006-17, recommending that the City Council of the City of Lake Elsinore commence proceedings to annex the Property into the corporate boundaries of the City ("Annexation No. 75"); and

WHEREAS, on April 11, 2006, the Lake Elsinore City Council adopted Resolution 2006-15, approving General Plan Amendment No. 2005-08, Resolution 2006-16, approving Zone Change No. 2005-09, and Resolution 2005-68, commencing proceedings to annex the Property, and preliminarily approved, after first reading, Ordinance No. 1152, approving Zone Change No. 2005-09; and

WHEREAS, on July 26, 2005, upon second reading of Ordinance No. 1152, the Lake Elsinore City Council formally adopted Zone Change No. 2005-09; and

WHEREAS, on October 26, 2006, LAFCO adopted Resolution No. 120-06, approving LAFCO 2006-105-1&3, amending the Sphere of Influence of the City of Lake Elsinore (Addition) and Removal from the Wildomar Unincorporated Community; and

WHEREAS, on January 16, 2007, the City of Lake Elsinore Planning Commission adopted Resolution No. 2007-06, recommending that the City Council of the City of Lake Elsinore certify Environmental Impact Report No. 2006-02, Resolution No. 2006-09, recommending that the City Council of the City of Lake Elsinore approve Specific Plan No. 2006-01, Resolution No. 2006-08, recommending that the City Council of the City of Lake Elsinore approve General Plan Amendment No. 2006-04, and Resolution No. 2007-10, recommending that the City Council of the City of Lake Elsinore approve Tentative Tract Map No. 34249, and;

WHEREAS, on January 23, 2007, the City of Lake Elsinore City Council adopted Resolution No. 2007-04, certifying the Environmental Impact Report No. 2006-02, Ordinance No. 2107, approving Specific Plan No. 2006-01, Resolution No. 2007-06, approving General Plan Amendment No. 2006-04, and Resolution No. 2007-07, approving Tentative Tract Map No. 34249, and;

WHEREAS, with regard to Annexation No. 75, the City complied with all pre-annexation requirements as set forth in the Cortese Knox Act and the LAFCO local rules and procedures; and

WHEREAS, on May 24, 2007, LAFCO adopted Resolution No. 57-07, conditionally approving Annexation No. 75 (LAFCO 2007-05-1&3) such that LAFCO will not record a Certificate of Completion for Annexation No. 75 until such time that the City satisfies one condition; and

WHEREAS, the condition requires that Riverside County enter into an agreement with the City regarding maintenance of only those segments of Lost Road and Navajo Springs Road between the annexation boundaries and the current City boundary that prior to Annexation No. 75 was a variable width public right of way for Lost Road, and a sixty foot right of way for Navajo Springs Road. Lost Rd is currently a City of Wildomar maintained road while Navajo Springs Rd was publicly dedicated on Tract 2910, which recorded in Map Book 51, Pages 96-98 on November 17, 1964. Navajo Springs Rd was not accepted for public use. These roads are more particularly described in Exhibit E and depicted in Exhibit F (hereinafter referred to as the "Road Maintenance Area"); and

WHEREAS, the City of Lake Elsinore approved and sent to the County an agreement that met the LAFCO conditions and subsequent to the agreement being finalized at the County of Riverside, the City of Wildomar incorporated and the requirement to enter into an agreement now rests with the City of Wildomar as these road segments are now under the jurisdiction of the City of Wildomar.

WHEREAS, it is the parties intent to enter into this Road Maintenance Agreement in satisfaction of the condition of approval for Annexation No. 75.

NOW, THEREFORE, IN CONSIDERATION OF THE FORGOING RECITALS, WHICH ARE INCORPORATED HEREIN BY REFERENCE, CITY AND WILDOMAR AGREE AS FOLLOWS:

1. Wildomar hereby consents to City's maintenance, at City's sole cost and expense and without reimbursement from Wildomar, of the Road Maintenance Area, said roads being specifically defined in Exhibit in Exhibit E and depicted in Exhibit F.
2. Within the Road Maintenance Area, City shall maintain the roadway surface, curbs, gutters, and sidewalks in accordance with Wildomar Street Maintenance Standards. Maintenance shall include, but shall not be limited to, repair, resurfacing, street sweeping, and other duties typical to the maintenance of the roadway and adjoining curb, gutters, and sidewalks and subject to the review, inspection and approval of the City of Wildomar..
3. In its current condition, the Road Maintenance Area is a variable width (approximately 20') right-of-way for Lost Road and sixty feet (60') right-of-way for Navajo Springs Road. Depending upon development of the Annexation Property and other projects in the immediate vicinity of the Annexation Property, it is possible that Lost Road may be expanded to greater widths. In the event that development of the Annexation Property requires expansion of Lost Road and Navajo Springs Road, beyond the 24 foot constructed street section of Navajo Springs and the 32 foot section of Lost Rd as required by the City of Lake Elsinore's Conditions of Approval for Specific Plan 2006-01 and Tentative Tract 34249, the City agrees to maintain the Road Maintenance Area as expanded, subject to the inspection and acceptance under this agreement by the City of Wildomar.
4. In the event that the Road Maintenance Area is expanded, it shall be improved in such a way that the improved section is compatible with and safely transitions to the existing improvements on the Wildomar portions of Lost Road and Navajo Springs Road, with all work outside of the Road Maintenance Area to be reviewed, approved, permitted and inspected by the City of Wildomar..
5. City shall refer all applicants wishing to obtain permits to work, enter, close, or in any way modify the roadway, to obtain the appropriate Wildomar Permit(s) prior to any commencement of work, entry upon, or closure of the Roadway Maintenance Area.
6. The City agrees to ensure that Lost Road and Navajo Springs Road continues to be accessible and usable by the Annexation Property and Wildomar Residents.
7. Except for the negligence or willful misconduct of Wildomar, or for any development, design, inspection, construction, or structural defects in connection with the expansion of the Road Maintenance Area, City shall defend, indemnify, and hold harmless Wildomar, its officers, employees, and agents from and against any and all liability, loss, expense (including reasonable attorneys fees), or claims

for injury or damages arising out of the maintenance of the Road Maintenance Area or any expansion of the Road Maintenance Area. This indemnification provision shall survive the expiration or early termination of this Agreement.

8. Wildomar shall defend, indemnify, and hold harmless the City, its officers, employees, and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys fees), or claims for injury or damages arising out of any development, design, inspection, or structural defects made in connection with the expansion of the Road Maintenance Area. This indemnification provision shall survive the expiration or early termination of this Agreement.
9. By executing this Agreement, City certifies that City is aware of and will comply with Section 3700 of the Labor Code of the State of California requiring every employer to be insured against liability for workers' compensation or to undertake self-insurance before commencing any of the work required as part of this Agreement. City shall carry the insurance or provide for self-insurance required by California law to protect Wildomar from claims under the Workers Compensation Act.
10. City shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the maintenance of the Road Maintenance Area, including all Cal/OSHA requirements, and shall give all notices required by law. City shall be liable for all violations of such laws and regulations in connection with the maintenance of the Road Maintenance Area. If the City performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to Wildomar, City shall be solely responsible for all costs arising therefrom. City shall defend, indemnify and hold Wildomar, its officials, directors, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.
11. City is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "Public Works" and "Maintenance" projects. If the work being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, City agrees to fully comply with such Prevailing Wage Laws. City shall defend, indemnify and hold Wildomar, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.
12. City hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as

amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should City so employ such unauthorized aliens for the performance of the repair and maintenance work covered by this Agreement, and should any liability or sanctions be imposed against Wildomar for such use of unauthorized aliens, City hereby agrees to and shall reimburse Wildomar for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by Wildomar.

13. This Agreement may be amended, supplemented, or terminated only by written documents signed by both parties.

14. Any correspondence regarding this Agreement shall be addressed as follows:

15. City Manager	City Manager
CITY OF LAKE ELSINORE	CITY OF WILDOMAR
130 S. Main Street	23873 Clinton Keith Road, Suite 201
Lake Elsinore, CA 92530	Wildomar, CA 92595

16. Any action at law or in equity, brought by either of the parties to this Agreement, for the purpose of enforcing a right or rights provided for by this Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county.

17. If either party commences an action to enforce any right provided for or arising out of this Agreement, the prevailing party shall be entitled to have or recover from the other party reasonable attorneys' fees and costs of the suit.

18. During performance of this Agreement, the parties each agree not to discriminate on the grounds of race, religious creed, color, national origin, ancestry, age, physical disability, mental disability, medical condition, including the medical condition of Acquired Immune Deficiency Syndrome (AIDS), or any condition related thereto, marital status, sex, or sexual orientation, in the selection and retention of employees and the procurement of materials and equipment, except as provided in Section 12940 of the California Government Code. Further, the parties agree to conform to the requirements of the Americans with Disabilities Act in the performance of this Agreement.

19. Each provision, term, condition, covenant, and/or restriction, in whole and in part, in this Agreement shall be considered severable. In the event any provision, term, condition, covenant, and/or restriction, in whole and/or in part, in this Agreement is declared invalid, unconstitutional, or void for any reason, such provision or part thereof shall be severed from this Agreement and shall not affect any other provision, term, condition, covenant, and/or restriction of this Agreement and the remainder of the Agreement shall continue in full force and effect.

20. The individuals executing this Agreement each represent and warrant that they have the legal power, right, and actual authority to bind City and Wildomar to the terms and conditions set forth in this Agreement.
21. This Agreement constitutes the final, complete, and exclusive statement of the terms of the Agreement between the Parties pertaining to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings or agreements of the parties. Neither party has been induced to enter into this Agreement, nor is either party relying upon, any representation or warranty outside those expressly set forth in this Agreement.

IN WITNESS WHEREOF City and Wildomar have caused this Agreement to be duly executed on the day and year first above written.

CITY OF LAKE ELSINORE, a
municipal corporation

CITY OF WILDOMAR, a municipal
corporation

By: _____
Robert E. Magee,
Mayor

By: _____
Scott Farnam,
Mayor

Attest: _____
Vivian Munson,
City Clerk

Attest: _____
Sheryll Schroeder,
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Barbara Leibold,
City Attorney

By: _____
Julie Hayward Biggs,
City Attorney

EXHIBIT A

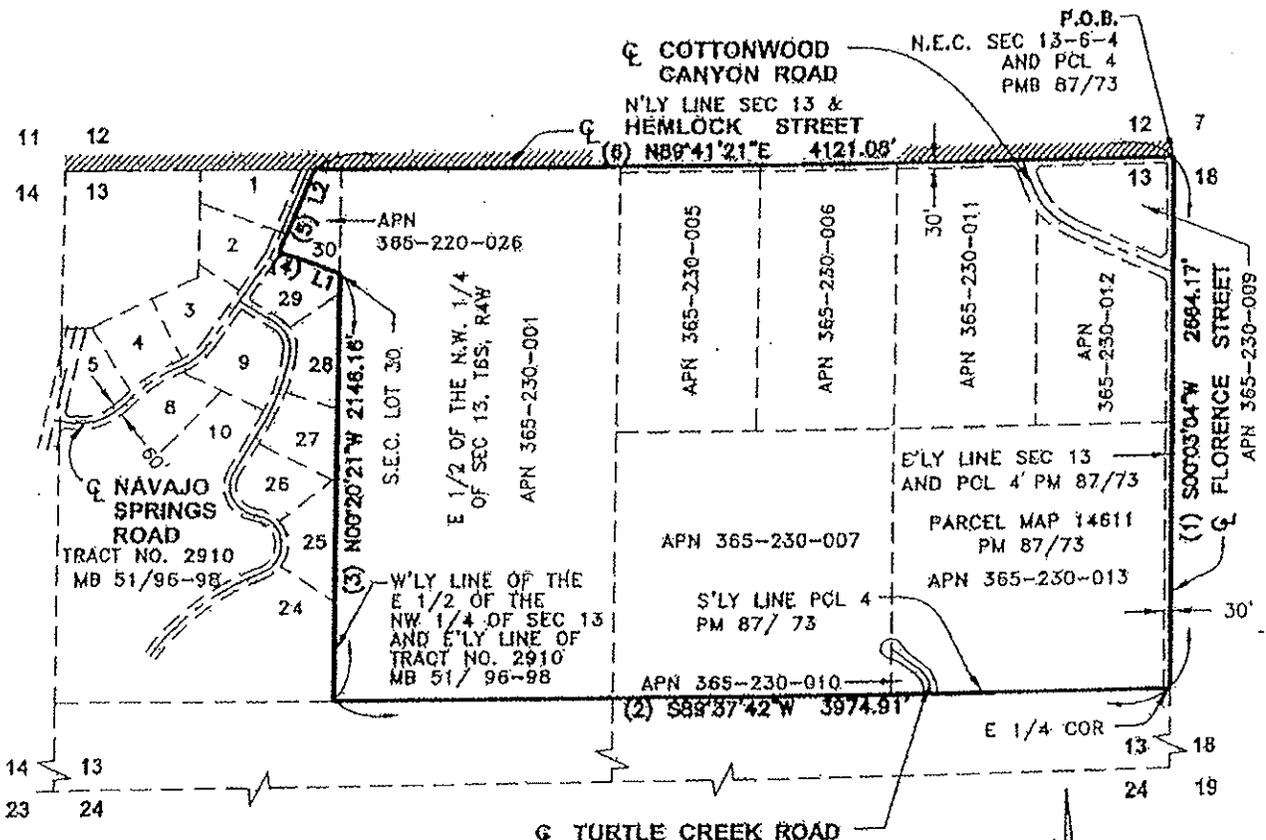
MAP OF TRUMARK PROPERTIES WITHIN
THE CITY OF LAKE ELSINORE'S
SPHERE OF INFLUENCE AND CITY BOUNDARY

[TO BE INSERTED]

EXHIBIT "A"

REORGANIZATION TO INCLUDE ANNEXATION 75 TO THE CITY OF LAKE ELSINORE,
ANNEXATION TO THE NORTHWEST MOSQUITO AND VECTOR CONTROL DISTRICT
AND DETACHMENT FROM THE WILDOMAR UNINCORPORATED COMMUNITY AND
THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT

LAFCO 2007-05-1&3

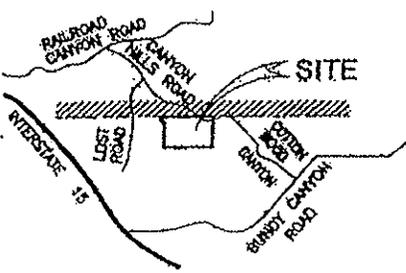


LINE	BEARING	LENGTH
(4) L1	N69°13'02"W	306.65'
(5) L2	N20°40'58"E	441.66'

AREA SUMMARY:
GROSS AREA: 246.17 ACRES

BASIS OF BEARINGS:
THE CENTERLINE OF FLORENCE STREET
BEING NORTH 00°03'04" EAST PER
PARCEL MAP NO. 14611, M.B. 87/73
RIVERSIDE COUNTY.

LEGEND:
 AREA OF ANNEXATION
 EXISTING BOUNDARY CITY OF LAKE ELSINORE



VICINITY MAP
NOT TO SCALE

1 OF 1

EXHIBIT "A"
RIVERSIDE COUNTY
CALIFORNIA

TAIT & ASSOCIATES INC.
Engineering · Surveying · Environmental
701 PARKCENTER DRIVE, SANTA ANA, CALIFORNIA 92705
TEL. (714) 566-8888

EXHIBIT B

ASSESSOR'S PARCEL NUMBERS FOR ANNEXATION PROPERTY

[TO BE INSERTED]

EXHIBIT B

ASSESSOR'S PARCEL NUMBERS FOR ANNEXATION PROPERTY

365-230-001

365-230-005

365-230-006

365-230-007

365-230-009

365-230-010

365-230-011

365-230-012

365-230-013

365-220-026

EXHIBIT C

LEGAL DESCRIPTION FOR ANNEXATION PROPERTY (LAFCO 2007-05-1&3)

[TO BE INSERTED]

EXHIBIT "C"

REORGANIZATION TO INCLUDE ANNEXATION 75 TO THE CITY OF LAKE ELSINORE,
ANNEXATION TO THE NORTHWEST MOSQUITO AND VECTOR CONTROL DISTRICT
AND DETACHMENT FROM THE WILDOMAR UNINCORPORATED COMMUNITY AND
THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT

LAFCO 2007-06-1&3

THAT PORTION OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID SECTION 13, SAID SECTION CORNER ALSO BEING THE NORTHEASTERLY CORNER OF PARCEL 4, AS SHOWN ON PARCEL MAP NO. 14611, RECORDED IN BOOK 87 PAGE 73 OF PARCEL MAPS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

- (1) THENCE, SOUTH $00^{\circ} 03' 04''$ WEST, ALONG THE EASTERLY SECTION LINE OF SAID SECTION 13, A DISTANCE OF 2664.17 FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF SAID PARCEL 4, SAID INTERSECTION ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 13, SAID EASTERLY LINE ALSO BEING THE CENTERLINE OF FLORENCE STREET (30.00 FOOT HALF-WIDTH) AS SHOWN ON SAID PARCEL MAP;
- (2) THENCE, SOUTH $89^{\circ} 37' 42''$ WEST, ALONG THE QUARTER SECTION LINE OF SAID SECTION 13 AND SAID SOUTHERLY LINE, 3974.91 FEET TO THE WESTERLY LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13, SAID WESTERLY LINE ALSO BEING THE EASTERLY LINE OF TRACT NO. 2910, RECORDED IN BOOK 51 PAGES 96 THROUGH 98 OF MAPS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;
- (3) THENCE, NORTH $00^{\circ} 20' 21''$ WEST, ALONG SAID WESTERLY LINE, 2146.16 FEET TO THE SOUTHEASTERLY CORNER OF LOT 30 OF SAID TRACT;
- (4) THENCE, NORTH $69^{\circ} 19' 02''$ WEST, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 30, A DISTANCE OF 306.85 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 30, SAID LINE ALSO BEING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NAVAJO SPRINGS ROAD (60.00 FOOT IN WIDTH);
- (5) THENCE, NORTH $20^{\circ} 40' 58''$ EAST, ALONG SAID NORTHWESTERLY LINE, 441.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 30, SAID NORTHWEST CORNER ALSO BEING A POINT ON THE NORTHERLY LINE OF SAID SECTION 13, SAID NORTHERLY LINE ALSO BEING THE CENTERLINE OF HEMLOCK STREET (30.00 FOOT HALF-WIDTH);
- (6) THENCE, NORTH $88^{\circ} 41' 21''$ EAST, ALONG SAID NORTHERLY LINE, 4121.08 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 246.17 ACRES, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Michael Simon 5/10/07
MICHAEL SIMON, P.L.S. 6034 DATE
REGISTRATION EXPIRES 6/30/07



EXHIBIT D

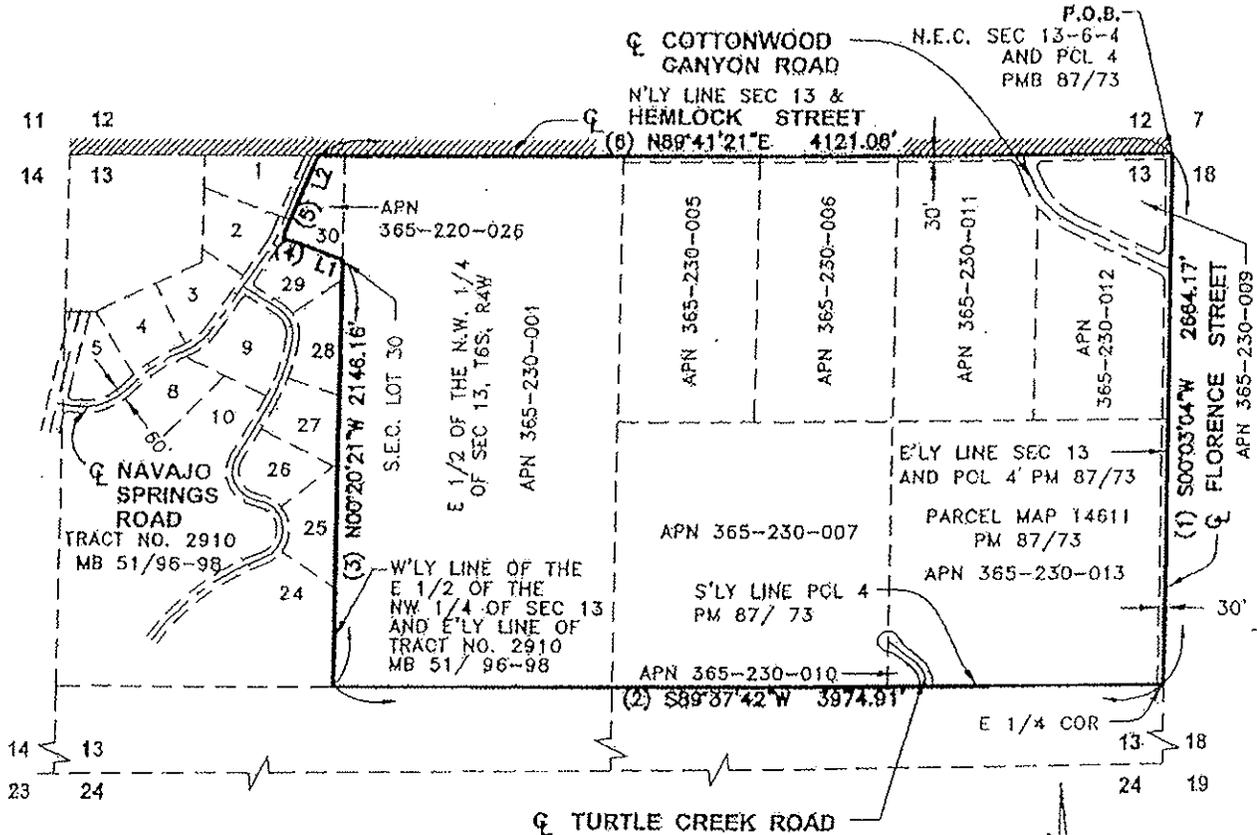
PLAT OF ANNEXATION PROPERTY (LAFCO 2007-05-1&3)

[TO BE INSERTED]

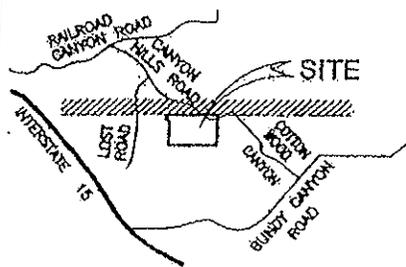
EXHIBIT "A" "D"

REORGANIZATION TO INCLUDE ANNEXATION 75 TO THE CITY OF LAKE ELSINORE,
ANNEXATION TO THE NORTHWEST MOSQUITO AND VECTOR CONTROL DISTRICT
AND DETACHMENT FROM THE WILDOMAR UNINCORPORATED COMMUNITY AND
THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT

LAFCO 2007-05-1&3



LINE TABLE		
LINE	BEARING	LENGTH
(4) L1	N69°43'02\" W	306.85'
(5) L2	N20°40'58\" E	441.56'



VICINITY MAP
NOT TO SCALE

AREA SUMMARY:

GROSS AREA: 246.17 ACRES

BASIS OF BEARINGS:

THE CENTERLINE OF FLORENCE STREET
BEING NORTH 00°03'04\" EAST PER
PARCEL MAP NO. 14611, M.B. 87/73
RIVERSIDE COUNTY.

LEGEND:

- AREA OF ANNEXATION
- EXISTING BOUNDARY CITY OF LAKE ELSINORE



(IN FEET)
1 inch = 800 ft.

1 OF 1

EXHIBIT "A"
RIVERSIDE COUNTY
CALIFORNIA

TAIT & ASSOCIATES INC.
Engineering · Surveying · Environmental
701 PARKCENTER DRIVE, SANTA ANA, CALIFORNIA 92705
TEL. (714) 561-1111

LAFCO 2007-05-1&3 Use: Exhibit A SURVEY MAP NO. 14611, M.B. 87/73 5/10/2007 2:16:54 PM PCT

EXHIBIT E

LEGAL DESCRIPTION FOR ROAD MAINTENANCE AREA

[TO BE INSERTED]

RBF Consulting
14725 Alton Parkway
Irvine, California 92618

September 19, 2006
JN 10-104414
Page 1 of 1

EXHIBIT "A" "E"

LEGAL DESCRIPTION

STREET RIGHT-OF-WAY DEDICATION
OVER DOCUMENT NO. 2006-0518402, O.R.

That certain parcel of land situated in the unincorporated territory of the County of Riverside, State of California, being that portion of the Northwest quarter of Section 13, Township 6 South, Range 4 West, San Bernardino Meridian described in the Grant Deed to Cary Schroeder and Brenda L. Schroeder, Trustees of The Cary Schroeder and Brenda L. Schroeder Revocable Trust dated June 30, 2006, and being more particularly described as follows:

A strip of land 88.00 feet wide, the centerline of which is described as follows:

COMMENCING at the Northwest corner of said Section 13; thence along the northerly line of said Section 13, South 89°55'06" East 16.32 feet to the TRUE POINT OF BEGINNING and a point on a non-tangent curve concave easterly and having a radius of 1600.00 feet, a radial line of said curve from said point bears South 89°55'06" East; thence along said curve southerly 197.86 feet through a central angle of 07°05'07"; thence tangent from said curve South 07°00'13" East 311.03 feet to the beginning of a tangent curve concave westerly and having a radius of 1100.00 feet; thence along said curve southerly 283.78 feet through a central angle of 14°46'52" to the northerly line of Lot "C" of Tract No. 2910 as shown on a map thereof filed in Book 51, Pages 96 through 98 of Maps, in the Office of the County Recorder of said Riverside County.

Said strip of land shall be lengthened or shortened so as to originate in said northerly line of Section 13 and terminate in said northerly line of Lot "C".

EXCEPTING THEREFROM that portion lying west of the westerly line of said Section 13.

EXHIBIT "B" attached and by this reference made a part hereof.



Gregory A. Helmer, L.S. 5134



RBF Consulting
14725 Alton Parkway
Irvine, California 92618

September 19, 2006
JN 10-104414
Page 1 of 1

EXHIBIT "E"

LEGAL DESCRIPTION

STREET RIGHT-OF-WAY DEDICATION
OVER O.R. 1978-100446

That certain parcel of land situated in the unincorporated territory of the County of Riverside, State of California, being that portion of the Northeast quarter of the Northeast quarter of Section 14, Township 6 South, Range 4 West, San Bernardino Meridian described in the Quitclaim Deed to Lucille Ferguson Hoya recorded May 19, 1978 in Book 1978, Page 100446 of Official Records, in the Office of the County Recorder of said Riverside County, and being more particularly described as follows:

COMMENCING at a point on the easterly line of said Section 14, said point being the northeast corner of Parcel 1 of Parcel Map No. 14,195 as shown on a map thereof filed in Book 83, Pages 66 and 67 of Parcel Maps, in the Office of the County Recorder of said Riverside County; thence along the northerly line of said Parcel 1, North 89°57'59" West 2.51 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said northerly line North 89°57'59" West 89.89 feet to the northeast corner of Parcel 4 of said Parcel Map No. 14,195; thence along the northerly prolongation of the easterly line of said Parcel 4, North 11°48'43" East 450.79 feet to said easterly line of Section 14; thence along said easterly line of Section 14, South 00°00'57" East 429.33 feet to an intersection with a line parallel with and 88.00 feet southeasterly of said course hereinabove described as being "North 11°48'43" East 450.79 feet"; thence along said parallel line South 11°48'43" West 12.23 feet to the **TRUE POINT OF BEGINNING**.

CONTAINING: 20,373 square feet, more or less.

EXHIBIT "B" attached and by this reference made a part hereof.



Gregory A. Helmer, L.S. 5134



H:\pdata\10104414\CADD\Mapping\Legals\414-LGL-002.doc

EXHIBIT F

PLAT OF ROAD MAINTENANCE AREA

[TO BE INSERTED]

TRACT NO. 23848-11
M.B. 308 / 73
LOT 'H' LOT 'A'

TRACT NO. 29811
M.B. 304 / 95 - 100
LOT 8 LOT 15

P.O.C.
NW CORNER
SECTION 13

T.P.O.B.

NW 1/4, SECTION 13

NE 1/4, SECTION 14

DATA TABLE

NO.	BRNG/DELTA	RADIUS	LENGTH
1	S89°55'06"E	(RAD)	16.32'
2	07°05'07"	1600.00'	197.86'
3	14°46'52"	1100.00'	283.78'
4	N89°55'06"W	--	64.05'

DOCUMENT NO. 2006-0518402, O.R.
(REC 07/17/2006)

S.B.M.

R. 4 W.

T. 6 S.



N00°00'57"W 789.00'

S07°00'13"E 311.03'

LOST ROAD
(PROPOSED)

W'LY LINE SECTION 13

S82°13'21"E
(RAD)

N'LY LINE LOT 'C'
TRACT NO. 2910

M.B. 51 / 96 - 98
2910 LOT 4

LOT 'C'
TRACT NO. 1
LOT 5

EXHIBIT F
SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

STREET RIGHT-OF-WAY
DEDICATION OVER
DOCUMENT NO. 2006-0518402, O.R.

SHEET 1 OF 1 SHEET



PLANNING • DESIGN • CONSTRUCTION
1725 ALTON PARKWAY
IRVINE, CALIFORNIA 92618-2027
949.472.3505 • FAX 949.472.8073 • www.RBF.com

SEPTEMBER 19, 2006

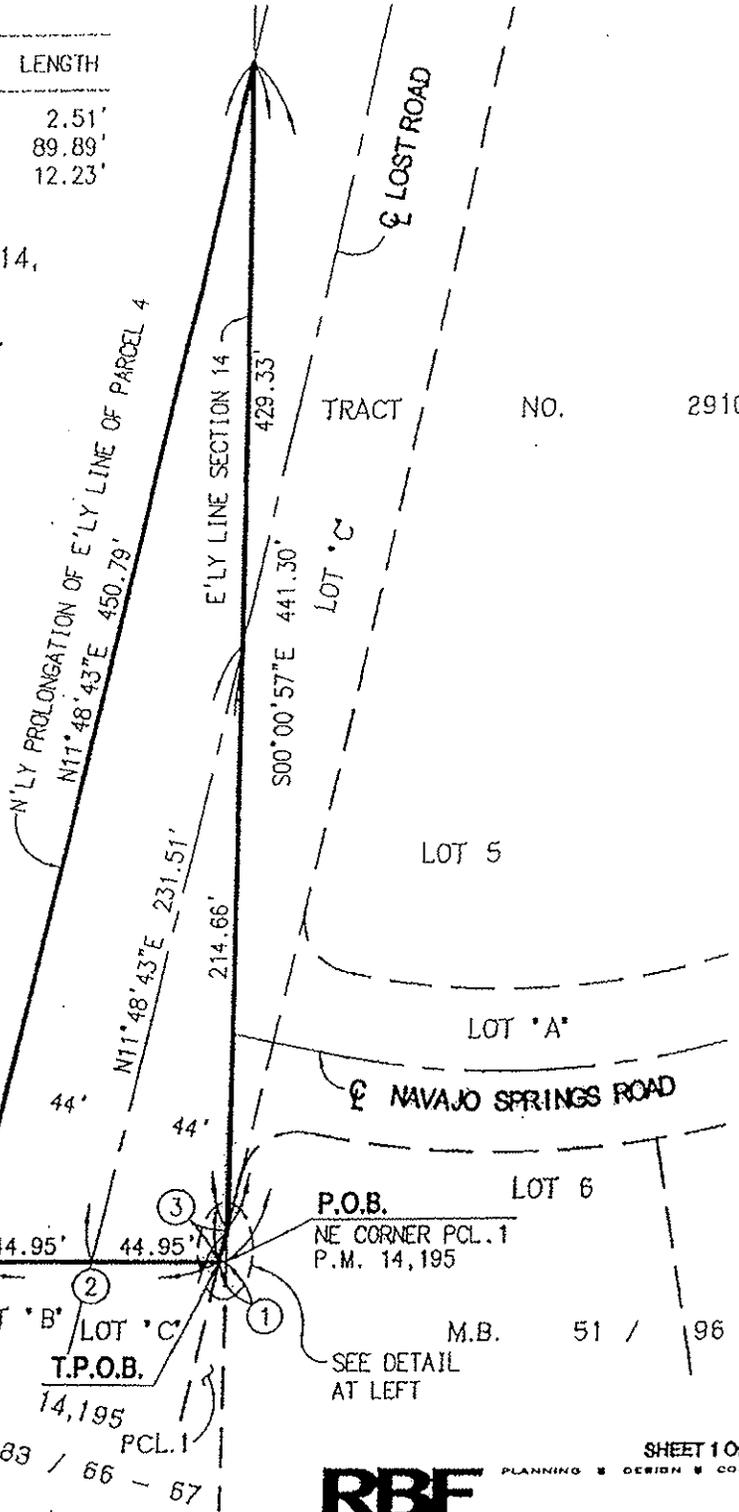
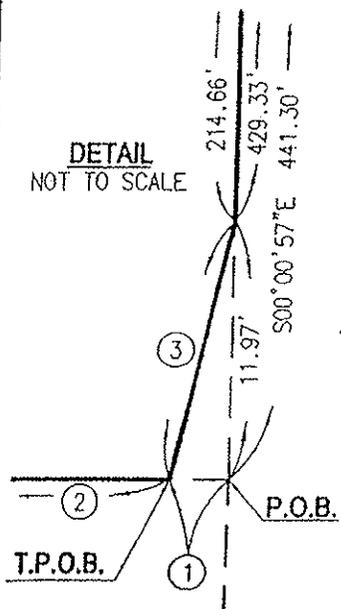
Agenda Item No. 23
Page 15 of 21

DATA TABLE

(NO.)	BRNG/Delta	RADIUS	LENGTH
1	N89°57'59"W	--	2.51'
2	N89°57'59"W	--	89.89'
3	S11°48'43"W	--	12.23'

NE 1/4, NE 1/4, SEC. 14,
TOWNSHIP 6 SOUTH
RANGE 4 WEST, S.B.M.

O.R. 1978-100446
(REC 05/19/1978)



NE CORNER PCL. 4
P.M. 14, 195
E'LY LINE OF PCL. 4
PARCEL PCL. 4
MAP

P.O.B. LOT 6
NE CORNER PCL. 1
P.M. 14, 195

LOT 'B' LOT 'C'
T.P.O.B. 14, 195
P.M.B. 83 / 66 - 57

SEE DETAIL AT LEFT
M.B. 51 / 96 - 98

EXHIBIT
SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

STREET RIGHT-OF-WAY
DEDICATION OVER
O.R. 1978-100448
CONTAINING: 20,373 S.F.



SHEET 1 OF 1 SHEET
PLANNING • DESIGN • CONSTRUCTION

14725 ALTON PARKWAY
IRVINE, CALIFORNIA 92618-2027
949.472.3505 • FAX 949.472.0373 • WWW.RBF.COM

SEPTEMBER 19, 2005

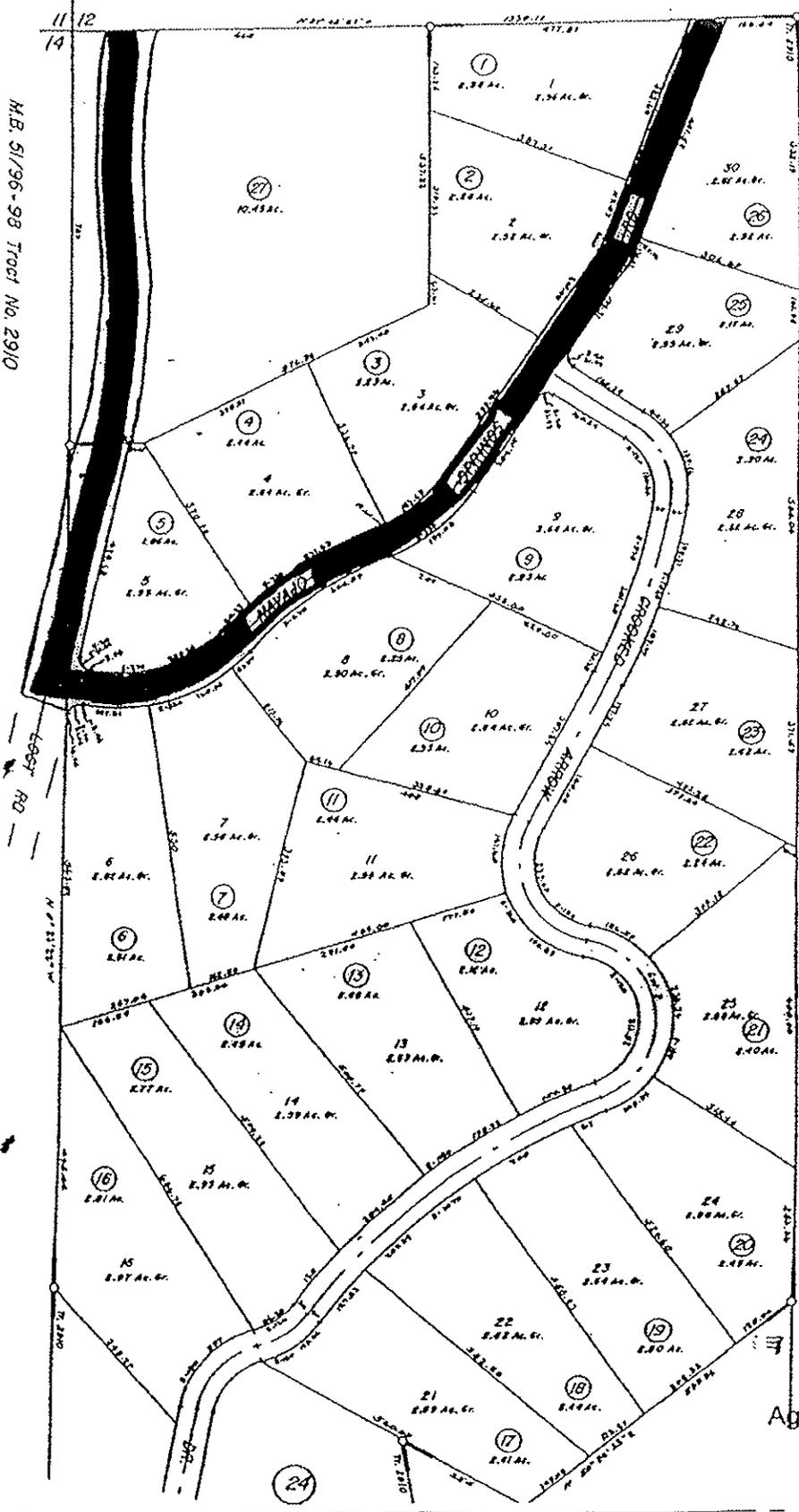
EXHIBIT 'F'

365-22

T.R.A. 6539
6560

1:200'

POR. W/2 SEC. 13, T. 6S., R. 4W.



NOV. 1972

M.B. 51/96-98 Tract No. 2910

ASSESSOR'S MAP BK 365 PG. 22
RIVERSIDE COUNTY, CALIF.

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 F.
Consent Calendar Item
Meeting Date: March 11, 2009

TO: Mayor Farnam, Members of the City Council
FROM: Gary Wayne, Development Services
SUBJECT: Report Planning Commission Action Regarding a Parcel Map

STAFF REPORT

RECOMMENDATION:

Receive and file.

BACKGROUND AND DISCUSSION:

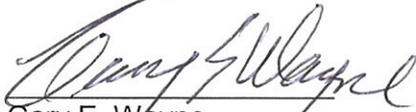
On March 4, 2009, at a duly noticed public hearing, the Wildomar Planning Commission considered the following parcel map and unanimously approved it (5-0):

Tentative Parcel Map No. 35219 (PM35219), MGMD.Inc., Authorized Agent: A request to subdivide a 10.93 net acre parcel into seven lots within the General Commercial zone (C-1/C-P), generally located southerly of Clinton Keith Road and easterly of Palomar Street. The tentative parcel map revises a parcel map approved by the County for the subject property. The proposal reconfigures several parcels and reduces the number of parcel from eight to seven from the previously approved parcel map. The parcel map revision is prompted by the proposed revision to the approved plot plan (by the County).

The plot plan revision was requested to revise the approved plot plan by eliminating a 2-story, 11,717 sq. ft. office building and an approximately 7,700 sq. ft. retail structure and replacing them with an approximately 26,000 sq. ft. car wash and auto service facility. The revised plot plan also includes architectural elevations for an approved drive-thru restaurant that was approved as a use and a pad. Elimination of two structures (office and retail buildings) and replacing them with the single car was necessitates the reconfiguration of several parcels and the elimination of one lot. (Wildomar Planning Commission approved the revision at its March 4, 2009 meeting).

Pursuant to the Wildomar Subdivision Ordinance, Schedule E subdivisions are considered and acted upon by the Planning Commission with a report to the City Council. This report satisfies the requirements of the ordinance. The City did not receive an appeal for the approval during the appeal period, which technically ends March 14th. If an appeal is filed before the deadline, the parcel map approval will come before the City Council for further action. If no appeal is filed by the deadline, Planning Commission action will be final.

Submitted by:



Gary E. Wayne
Development Services

Approved by:



John Danielson
Interim City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item # 1 G.
CONSENT CALENDAR ITEM
Meeting Date: March, 11, 2009

TO: Mayor Farnam, Members of the City Council

FROM: Gary Wayne, Development Services

SUBJECT: Bella Rosa Housing Project, Change of Zone No. 7207 (County project numbers and City project number PI 08-0168).

STAFF REPORT

RECOMMENDATION:

Approve the project subject to the attached ordinance approving the Change of Zone (Second reading of the Ordinance approving the Change of Zone).

BACKGROUND:

On February 25, 2009, the City Council considered four (4) action items relative to the Bella Rosa proposal. The first, was a Resolution approving a Mitigated Negative Declaration and related Mitigation Monitoring Report for the following three (3) actions: second; was a General Plan amendment to change land use designations from Medium Density Residential to Commercial Office and Medium High Density Residential for various lots created by an associated tentative map; third was an Ordinance adopting a change of zoning to correspond to and implement the General Plan amendment (Specifically: Lot 1 and the remainder parcel [R-R to R-3]; Lot 2 [R-R toW-1]; and Lots 3 and 4 [R-R to C-O]); and, fourth was a Resolution approving the tentative map subdividing the 24.37 acre property into 4 parcels (lots) and one remainder parcel corresponding to the zoning districts of the subject change of zone and to further subdivide one of the parcels into an 81 unit air space residential condominium.

The City Council action was to approve the Mitigated Negative Declaration, the General Plan amendment and Change of Zone (First Reading of the Ordinance) and to return the tentative map to staff for the processing of revisions. To accomplish the Change of Zone, a seconding reading of the Ordinance of adoption is required. The second reading of the ordinance initiates a 30-day referendum period before the ordinance can become effective. Note that the approval of the General Plan amendment (GPA) on February 25, 2009 also initiated a 30-day referendum period before the GPA can become effective.

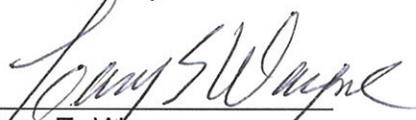
ALTERNATIVES:

1. Deny the Application for the Change of Zone would effectively deny the approval of the tentative map at the density proposed.
2. Provide Staff with Further Direction

ATTACHMENTS:

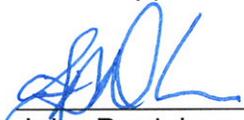
1. Ordinance approving change of zone (CZ No, 7207 and PL08-0168)
(Second Reading)

Submitted by:



Gary E. Wayne
Development Services

Approved by:



John Danielson
Interim City Manager

ORDINANCE NO. 23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FOR LOT 1 AND A REMAINDER PARCEL OF TENTATIVE TRACT MAP 33987 FROM RURAL RESIDENTIAL TO MEDIUM HIGH DENSITY RESIDENTIAL AND FOR LOT 2 OF TENTATIVE TRACT MAP 33987 FROM RURAL RESIDENTIAL TO WATERCOURSE, WATERSHED & CONSERVATION AREA, AND FOR LOTS 3 AND 4 FROM RURAL RESIDENTIAL TO COMMERCIAL OFFICE FOR PROPERTIES IDENTIFIED WITH ASSESSORS PARCEL NUMBERS 376-410-002 AND 376-410-024.

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose and Authority

The purpose of this Ordinance is to amend the Official Zoning Map for the City of Wildomar for property located south of La Estrella Road north of Glazebrook Road and east of Interstate 15 and identified as portions of Assessor's Parcel Numbers 376-410-002 and 376-410-024.

SECTION 2. Findings

A. Compliance with the California Environmental Quality Act

The Initial Environmental Study for the proposed project was prepared by the County of Riverside and circulated for public review. The Initial Environment Study indicated that the proposed project would not have a significant adverse impact on the environment and that a Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA).

B Consistency with the General Plan

The proposed zoning designations are consistent with and implement the provisions of the General Plan and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.

SECTION 3. Action

The Official Zoning Map for the City of Wildomar is hereby amended for property identified with Assessor's Parcel Numbers 376-410-002 and 376-410-024 from Rural Residential (R-R) to General Residential (R-3), Rural Residential (R-R) to Watercourse, Watershed & Conservation Areas (W-1), Rural Residential (R-R) to One Family Dwelling (R-1), and Rural Residential (R-R) to Commercial Office (C-O) as shown in Exhibit A to this Resolution.

SECTION 4. 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 5. Certification and Publication.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 6. Effective Date

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

The foregoing Ordinance was introduced and placed upon its first reading at a regular meeting of the City Council of the City of Wildomar on the 25th day of February, 2009, and thereafter passed and adopted at the regular meeting of City Council of the City of Wildomar on the 11th day of March, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item # 1 H.
CONSENT CALENDAR ITEM
Meeting Date: March 11, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: John Danielson, City Manager
SUBJECT: Green Valley Initiative

STAFF REPORT

RECOMMENDATION:

1. That the City Council adopt the Resolution supporting the efforts of the Green Valley Initiative in the Inland Empire.

BACKGROUND:

The Mayor has requested that this item be placed on the agenda for the City Council's discussion and possible consideration. The Green Institute for Village Empowerment (GIVE) is a non-profit organization dedicated to developing sustainable communities with a higher quality of life in the Inland Empire. On June 1, 2007, GIVE sponsored a meeting attended by 98 representatives from local cities and government agencies, universities, school districts, businesses and environmental groups in the Inland Empire. The result of this meeting was the establishment of the Green Valley Initiative (GVI). The goal of the Initiative is to encourage the business sector to help transform the Inland Empire into the nation's leader in the emerging industries of renewable energy, green technology and recyclable materials as a means to bring about the creation of new jobs, to provide more opportunities for prosperity, as well as increase our quality of life. Since the initial meeting in June of 2007, the GVI has brought together nearly 500 of the region's most influential leaders from government, education, business, tribal, and community organization to establish stakeholder working groups in the areas of policy, education, and economic development to expand and implement strategic plans in these areas. Receipt

In preparation for these strategic plans, the Initiative coordinated the establishment of the Green Brain Trust, harnessing the expertise of students and faculty of the region's colleges, universities, and school districts. Moreover, in conjunction with California State University, San Bernardino, the Initiative completed a regional Quality of Life survey to gauge the community's understanding of, and position on, green and sustainable choices with regard to lifestyle, economic development and responsibilities. The Initiative cataloged the region's green assets to recognize existing resources and

opportunities for expansion, identified sources of funding and capital, and developed many outreach mechanisms. The ongoing outreach programs include symposiums, promotional events, speaker's bureau and other cooperative efforts, as well as a scholarship program for local students. These efforts have already attracted the attention of more than a dozen green-tech companies interested in relocating to the region. An Executive Summary of Green Valley Initiative and a List of Supporting jurisdictions and businesses are included in Attachments B and C, respectively.

To date, the Initiative has received proclamations of support from Paul Biane, Chairman of the Riverside County Board of Supervisors, and support from 17 cities as Green Valley jurisdictions committed to incorporating sustainable land-use and green building, business and purchasing programs. GVI has also received accolades and support from California Secretaries of State, Dale E. Bonner and Mike Chrisman.

FISCAL IMPACT:

The adoption of this Resolution has no direct fiscal impact on the City.

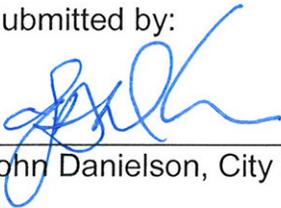
ALTERNATIVES:

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

ATTACHMENTS:

- A. Resolution No. 09-13
- B. Executive Summary
- C. Accomplishments of the GVI

Submitted by:



John Danielson, City Manager

Approved as to form:



Julie Hayward Biggs
City Attorney

ATTACHMENT A
RESOLUTION

RESOLUTION NO. 09 - 13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR RECOGNIZING THE GREEN VALLEY
INITIATIVE, SUPPORTING ITS GOALS, AND ENDORSING
PARTICIPATION AS A GREEN VALLEY JURISDICTION**

WHEREAS, Riverside Counties and San Bernardino have convened initial efforts in June 2007 with over 400 other parties to participate in the development of the recommendations for the Green Valley Initiative;

WHEREAS, the Green Valley Initiative is a project of the Green Institute for Village Empowerment which seeks to empower, encourage, and promote the principles of sustainability through education, training and leading by example;

WHEREAS, the vision of the Green Valley Initiative is to work toward an Inland Empire Region becoming a center of green technology with a balanced economy and community development;

WHEREAS, its mission is to transform Riverside and San Bernardino counties into a region that integrated people and business with natural resources to create jobs, new ventures, greater opportunities, and a higher quality of life;

WHEREAS, the Green Valley Initiative works with the Counties and all jurisdictions, civic, business, economic development, education, and tribal groups to develop model policies and programs for sustainable economic development, education and growth;

WHEREAS, regional organizations, counties, cities, and businesses will work together through the Green Valley Coordinators to accomplish the goal of creating a healthy economy and environmental future; and

WHEREAS, the efforts of this initiative benefit all Green Valley participants and the general public in the Inland Empire area.

NOW THEREFORE, BE IT RESOLVED by the City of Wildomar that we hereby become a Green Valley jurisdiction, working to support its economic and quality of life goals, and participating in the development and implementation of sustainable model standards, policies, and programs to benefit the Inland Empire region.

PASSED AND ADOPTED by the City Council of the City of Wildomar this 11th day of March, 2009 by the following roll call vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

ATTACHMENT B
EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

The time has come for us to think differently about the way we use our natural resources. If the threat of Global Warming doesn't get us to change our habits, regulatory requirements put into place by our lawmakers will. California in 2006 enacted AB 32, a comprehensive program of regulatory and market mechanisms to reduce greenhouse gases by roughly 25 percent to 1990 levels by 2010. The goal of the California Global Warming Solutions Act is to curb emissions by up to 80 percent of 1990 levels by 2050.

There are challenges in these regulations, but inherent opportunities as well. Today, the Inland Empire is working together on a plan to capitalize on the situation by establishing Riverside and San Bernardino counties as a hub for clean and green technologies. This plan is called the Green Valley Initiative, (GVI).

What is GVI?

It is a regional business and economic development initiative to promote investment in both counties and to establish the region as a leader in green and clean technologies. Its mission: to create jobs, greater opportunities and a higher quality of life for the region.

How did it start?

The Green Valley Initiative was launched in June 2007 at the First Principals' meeting, a conference of more than 100 stakeholders coordinated by the Green Institute for Village Empowerment, (GIVE).

Who is involved?

More than 500 key leaders from throughout Riverside and San Bernardino counties are contributing to the initiative, representing county and city government, water and utility agencies, business organizations, colleges, universities and school districts, environmental groups and the community-at-large. GVI has been formally endorsed by both counties and more than 30 cities and other agencies, with many more scheduled soon to adopt resolutions of support.

What has been accomplished?

Tangible results of these efforts include:

- The ongoing involvement of more than 500 key community and business leaders.
- Formal support from both counties and more than 30 cities and public agencies through the adoption of resolutions. Many other cities are scheduled to adopt resolutions soon.

- The coordination of key target areas linking green technologies with the trade and logistics industries.
- The completion of a Comprehensive Economic Development Study, which qualified the region for federal funding through the U.S. Department of Commerce Economic Development Administration.
- Development of GVI name recognition throughout the region and beyond, established through the ongoing promotion of events, programs and media coverage related to the Green Valley Initiative.

What's next?

GVI is assembling a core team of leaders from across the region to draft a detailed strategic plan for GVI that will refine its mission, goals, objectives and strategies. A central theme of this plan will be that whatever we choose to do, it must be driven by the power of the community and the market forces that shape our destiny.

Proposed steps to be taken in the months ahead include:

- A board of directors will be established, comprised of strategic partners and stakeholders representing the region.
- Administrative responsibilities will be assigned.
- A comprehensive strategic plan will be approved.
- Tasks will be assigned and implemented.
- Clean and green technology projects will be launched throughout the region to create jobs. Some possible examples include:
 - Solar energy projects on the rooftops of warehouses, parking structures, and elsewhere. (Solar Council will help to facilitate projects.)
 - Transportation projects will include clean and renewable fuels, electric, biodiesel, etc. A particular focus will be put on the logistics industry – warehousing, trucking, rail and the like.
 - Resource efficiency, promoting recycling and the generation of fuel through pyrolysis.
 - Green Business development and workforce training through a nanotechnology center and workforce incubators.

For more information, visit www.greenvalleynow.org

ATTACHMENT C
ACCOMPLISHMENTS OF THE GVI

GVI ACCOMPLISHMENTS

As a project initially launched by the Green Institute for Village Empowerment, the Green Valley Initiative is making great strides. The mission: to create jobs, greater opportunities and a higher quality of life for the region.

Support

More than 500 key leaders from throughout Riverside and San Bernardino counties are involved in the initiative, representing county and city government, water and utility agencies, business organizations, colleges, universities and school districts, environmental groups and the community-at-large.

Key leaders in California have praised GVI, identified in late 2007 by the Washington Post as one of the key green movements in the nation. Governor Arnold Schwarzenegger, State Resources Secretary Mike Chrisman, Department of Conservation Director Bridget Luther and Business, Housing and Transportation Secretary Dale Bonner have supported the initiative.

Both counties, several cities and organizations have adopted resolutions in support of GVI and its mission, including:

- County of Riverside
- County of San Bernardino
- Western Riverside COG
- CVAG
- City of Adelanto
- City of Apple Valley
- City of Banning
- City of Beaumont
- City of Barstow
- City of Calimesa
- City of Canyon Lake
- City of Cathedral City
- City of Chino
- City of Coachella
- City of Corona
- City of Desert Hot Springs
- City of Fontana
- City of Grand Terrace
- City of Indian Wells
- City of La Quinta
- City of Loma Linda
- City of Norco
- City of Ontario
- City of Perris
- City of Rancho Cucamonga
- City of Redlands
- City of Rialto
- City of Riverside
- City of San Bernardino
- City of San Jacinto
- City of Upland
- City of Yucaipa
- City of Yucca Valley
- Cucamonga Valley WD
- Eastern Muni WD
- Western Muni WD
- March AFB JPA
- Frontier Project
- Cherry Valley WD
- Community Action Partnership of SB County

The Green Valley Initiative, (GVI), has received direct financial sponsorship from:

- The Bank of America Foundation
- California Department of Conservation
- Riverside County Economic Development Agency
- City of Riverside
- City of Rancho Cucamonga
- Morgan Family Foundation
- Sempra/Gas Company
- Southern California Edison
- South Coast AQMD
- HMC Architects
- SE Corporation
- Other public and private entities

GVI has also received in-kind contributions totaling thousands of dollars from companies, individuals, agencies and associations that have provided information, assistance and meeting locations for events. Partnerships have been formed with the Economic Development agencies of both counties and area cities, as well as Inland Empire Economic Partnership, area chambers of commerce and businesses.

Grants and studies

State grants: GVI has developed grant applications for more than \$1.25 million, including two from the state of California for workforce development and recycling.

Curriculum: It has partnered with educational institutions in a survey of environmental and sustainability related programs at 27 universities and colleges in the region, and is coordinating with CREEC to provide educational leaders with information about environmental curriculum changes.

Target areas: A yearlong study, implemented in cooperation with the University of Southern California Center for Economic Development, is near completion, and will identify specialized fields of green technology ideally suited for the region.

Board and organization development

GVI will facilitate the formation of broad stakeholder representation on its Board of Directors to match the participation in the region. This will be coupled with development of an independent organization and partnerships needed to accomplish the vision.

CITY OF WILDOMAR – COUNCIL
Agenda Item 2A
DISCUSSION/ACTION ITEM
Meeting Date: 03/11/09

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Juan C. Perez, Director of Transportation, County of Riverside acting on behalf of the City of Wildomar

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 88.

STAFF REPORT

RECOMMENDATION:

That the City Council:

WITH REGARD TO THE ANNEXATION OF STREET LIGHTING ZONE 88 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, CONDUCT THE PUBLIC HEARING AND, AFTER CLOSING THE PUBLIC HEARING, DIRECT THE COUNTY OF RIVERSIDE DIRECTOR OF TRANSPORTATION, OR HIS DESIGNEE, WHO THE CITY COUNCIL FINDS TO BE AN IMPARTIAL PERSON AS THAT TERM IS USED IN SECTION 53753(E) OF THE GOVERNMENT CODE, TO TALLY ALL BALLOTS RECEIVED PRIOR TO THE CLOSE OF PUBLIC HEARING. ALL BALLOTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC HEARING WILL BE TALLIED AT 10:00 A.M. ON THURSDAY, MARCH 12, 2009 IN CONFERENCE ROOM D ON THE 8TH FLOOR OF THE COUNTY ADMINISTRATIVE CENTER, 4080 LEMON STREET, RIVERSIDE, CALIFORNIA. STAFF IS DIRECTED TO CAUSE THE APPROPRIATE RESOLUTION, BASED ON THE ELECTION TALLY, TO BE PREPARED AND RETURNED TO THE CITY COUNCIL FOR ITS CONSIDERATION.

BACKGROUND:

Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 09-02 adopted January 14, 2009, the City of Wildomar City Council noticed a public hearing for March 11, 2009, to receive testimony regarding the annexation of Street Lighting Zone 88 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Street Lighting Zone 88 will fund the provision of electricity for streetlights within public rights-of-way

located northeasterly of Hidden Springs Rd, and southeasterly of Clinton Keith Rd and includes 1 commercial parcel, totaling 5.27 acre(s).

On January 15, 2009 a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 09-02, and an information sheet was mailed to all property owners within Street Lighting Zone 88, proposed for annexation to L&LMD No. 89-1-C. Pursuant to the notice, all ballots must be returned prior to the conclusion of the public hearing.

Notice of the public hearing was also given by publication of a certified copy of Resolution No. 09-02 in The Press Enterprise at least ten (10) days prior to the public hearing date.

Section 53753 of the Government Code has been amended. It requires that the City Council after conducting the public hearing designate an impartial person, having no vested interest in the outcome of the proposed annexation, to tally the ballots received by the close of the public hearing at a specified time, date and place.

ALTERNATIVES:

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

ATTACHMENTS:

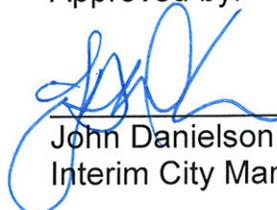
None.

Submitted by:



Juan C. Perez
Director of Transportation,
County of Riverside acting
on behalf of the City of Wildomar

Approved by:



John Danielson
Interim City Manager

Approved as to form:



Julie Hayward Biggs
City Attorney

CITY OF WILDOMAR – COUNCIL
Agenda Item # 3 A.
GENERAL BUSINESS ITEM
Meeting Date: March 11, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: John Danielson, City Manager
SUBJECT: Support of Temecula's annexation request to LAFCO

STAFF REPORT

RECOMMENDATION:

That Council consider adoption of a Resolution supporting the City of Temecula's annexation request submitted to the Local Agency Formation Commission.

BACKGROUND:

The City of Temecula recently submitted an annexation request to the Riverside Local Agency Formation Commission (LAFCO) to preserve 4,997 acres of natural habitat to ensure it remains open space in accordance with their General Plan. The habitat lies adjacent to the eastern border of the Santa Margarita Ecological Reserve, which has protected habitat and remains one of the last pristine open areas in southern California. In addition, the area contains the Santa Margarita River, the last free-flowing waterway in this area.

The City of Temecula's General Plan anticipated this area would be annexed since the inception of the City for the goal of protecting open space. Leaving this area open space will make certain air quality can be improved in the future, since the prevailing winds descend from the Santa Rose Plateau and the Santa Ana Mountain Range onto the Temecula and Murrieta Valleys. By annexing this area, Temecula would be able to maintain local control over land use issues that could adversely affect its population and would prohibit incompatible land uses from affecting the Santa Margarita Ecological Reserve.

FISCAL IMPACT:

None.

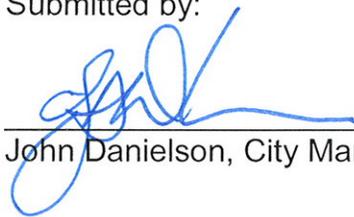
ALTERNATIVES:

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

ATTACHMENTS:

Draft Resolution supporting Temecula's annexation request to LAFCO

Submitted by:



John Danielson, City Manager

Approved as to form:



Julie Hayward Biggs
City Attorney

RESOLUTION NO. 09-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA,
SUPPORTING THE CITY OF TEMECULA'S ANNEXATION REQUEST SUBMITTED TO THE
LOCAL AGENCY FORMATION COMMISSION

WHEREAS; the City of Temecula has submitted a proposal seeking annexation of an area adjacent to the Santa Margarita Ecological Reserve to the Local Agency Formation Commission (LAFCO); and

WHEREAS; the City of Temecula has established zoning districts that, upon annexation, would prohibit incompatible land uses from affecting the Santa Margarita Ecological Reserve; and

WHEREAS; the stated purpose of annexing the 4,997 acre project area is founded upon a number of goals, policies, and implementation programs identified in the City of Temecula's General Plan which indicates that the annexation of this area has been anticipated since the City's inception with the goal of protect open space; and

WHEREAS; the cities of Wildomar and Temecula have a combined population of over 150,000 people; and

WHEREAS; the City of Wildomar supports the efforts of the City of Temecula to maintain local control over land use issues that could adversely affect its population.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wildomar respectfully encourages LAFCO to approve the annexation request of the City of Temecula to insure the future health and well-being of its residents, and strongly supports the right of a city to maintain local control over land use issues.

PASSED AND ADOPTED THIS 11th day of March, 2009 by the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk
APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

CITY OF WILDOMAR – COUNCIL
Agenda Item # 3 B.
GENERAL BUSINESS ITEM
Meeting Date: March 11, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: Julie Hayward Biggs, City Attorney
SUBJECT: Sex Offender Ordinances - Jessica's Law

STAFF REPORT

BACKGROUND:

Councilmember Moore forwarded the attached ordinances from Temecula and Murrieta to our office for review and consideration by the City Council as to whether they would be appropriate ordinances for the City of Wildomar. Both of these ordinances impose regulations on convicted sex offenders. These ordinances appear to have preceded the voted enacted proposition 83, commonly known as "Jessica's Law." Since adoption of Jessica's Law in 2006, courts have ruled on its provisions and we are now in a position to know the parameters of legal regulation in this area of law. Both of the ordinances sent to us for review have provisions that are simply no longer enforceable.

The Temecula ordinance prohibits sex offenders from living within 2000 ft of a park, school or child day care center. The Murrieta ordinance prohibits sex offenders from loitering within 300 ft of any location primarily dedicated to providing programs or services for children. We have reviewed both ordinances and have done some preliminary research. Because the law is continually evolving with regard to convicted sex offenders, we do not recommend adopting either ordinance in its current form.

The Temecula prohibits sex offenders from living within 2000 ft of a park, school or day care center, but excludes from its regulation those sex offenders whose residence was already established prior to the effective date of the ordinance or whose residence becomes in violation of the ordinance because a new school, park or day care center is constructed nearby. Current law requires that this exception apply to all sex offenders who were convicted prior to the effective date of the ordinance and to all sex offenders who were paroled, placed on probation or released prior to the effective date of the ordinance. The court in *Doe v. Schwarzenegger*, held that the residency restrictions on sex offenders passed as part of Jessica's Law cannot apply retroactively to sex offenders who have completed their punishment. Allowing retroactive application to any sex offender would violate the prohibition on *ex post facto* laws.

The Murrieta ordinance also has several problems. The most critical problem is the definition of "loiter." It is very broad and blatantly conflicts with case law holding that such anti-loitering ordinances are overbroad unless "loiter" is interpreted to mean that the person has the purpose of committing a crime if the opportunity presents itself. The Murrieta definition defines loitering so loosely that on its face it is clear that a person engaged in lawful activity could be in violation of the ordinance. Also, it looks like the Murrieta ordinance could be preempted by state law. Penal Code 653b makes loitering "about any school or public place at or near which children attend or normally congregate" a misdemeanor and contains specific provisions applicable to sex offenders who violate this section. It appears that the Murrieta ordinance is an attempted to circumvent the statute's more restrictive definition of loitering. The case law interpreting 653b refines the statutory definition of loitering to mean that there must be substantial evidence of a specific intent to commit a crime if the opportunity presents itself to the person.

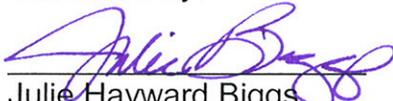
In sum, although the intent of these ordinances may be appropriate, as written they are both out of date and are either pre-empted or superseded by statutory and case law. Consideration of the whether the City of Wildomar wishes to adopt an ordinance consistent with Jessica's law and the case law that has interpreted it is certainly a productive exercise. To further that effort, we have attached a memorandum analyzing the current state of the law relating to Jessica's Law and a draft ordinance that complies with current judicial interpretation of that law. You should also be aware that a new case, *In re E.J.*, S156933, is now pending before the California Supreme Court that could dramatically alter the interpretations under which the proposed ordinance has been prepared.

After the Council has had time to consider the direction it wishes to take with regard to this matter, we would be pleased to return to the Council with an ordinance that meets legal standards in effect and that is tailored to meet the needs of the City.

ATTACHMENTS:

None.

Submitted by:


Julie Hayward Biggs,
City Attorney

Approved by:


John Danielson,
City Manager



LEGAL MEMORANDUM TO CITY MANAGER

TO: Mayor and City Council Members

FROM: The Office of the City Attorney

PREPARED BY: Erica Ball

DATE: March 5, 2009

RE: Jessica's Law – Establishing and Enforcing Predator Free Zones

Proposition 83 was approved by the voters at the November 2006 general election. The law increases the penalties imposed on those who commit certain sex offenses and authorizes residency restrictions on sex offenders, among other things. Immediately after its passage, several lawsuits were filed challenging the constitutionality of the law. This memo discusses the residency restrictions in Proposition 83 and the court rulings interpreting it, and provides the City with options for courses of action it may take with respect to the imposition of further residency restrictions on sex offenders.

SUMMARY OF PROPOSITION 83

In November of 2006, the voters approved Proposition 83, commonly known as "Jessica's Law," which, among other things, amended California Penal Code § 3003.5, which restricts where registered sex offenders may live. Before Jessica's Law was passed by the electorate, Penal Code § 3003.5 only limited registered sex offenders from living with other registered sex offenders during his or her parole period, unless the two were related by blood, marriage, or adoption. Jessica's Law retained this restriction and added subsections (b) and (c) to Section 3003.5, which read:

"(b) Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school, or park where children regularly gather.

(c) Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person for whom registration is required pursuant to Section 290."

Penal Code § 290 defines who must register as a sex offender, and thus sets to whom the 2000 ft restriction and further municipal residency restrictions may apply. A complete list of who is required to register is contained in Attachment A to this memorandum.

Jessica's Law made several other substantial changes to the existing law other than the increased restrictions on where registered sex offenders may live. First, it increased the penalties for some sex offenses. This was done by increasing the minimum amount of jail time, prohibiting probation in lieu of jail, extending parole periods and restricting who can be released from prison early. In addition, the definitions of some sex offenses have been broadened to encompass activities that were not considered to be sex offenses prior to the passage of Jessica's Law. Second, Jessica's Law requires all felony sex offenders who have served time in prison to wear a Global Positioning System ("GPS") at all time after their release from prison so that the state may track their whereabouts. Depending on the financial circumstances of the individual sex offender, he or she may be required to reimburse the state for the costs of GPS monitoring. Lastly, the Law makes more sex offenders eligible to be committed to a state mental institution as a Sexually Violent Predator ("SVP"), and removes the two year time restriction on SVP commitment and makes the period of commitment indefinite.¹

Jessica's Law's 2000 foot residency restriction applies equally to all registered sex offenders.² No distinctions are drawn between offenses, as is the case with public access to the online version of the sex offender database. In 1996, Megan's Law was passed, which authorized public access to the database of registered sex offenders kept by law enforcement agencies. Megan's Law required interested members of the public to call a "900" number or go to their local police station with a list of up to six specific individuals to check if those individuals were registered sex offenders.³ In 2004, a new statutory section was added to Megan's Law, which created online access to the sex offender database, and allows the public to search the sex offender database by name, address, city, county, zip code, or proximity to parks and schools, and view a list of all registered sex offenders meeting the search criteria.⁴ However, for the purposes of online disclosure of sex offender information, there are four categories of registered sex offenders. The California Attorney General's Office identifies the four categories as:

¹ California Legislative Analyst's Office, "Proposition 83", November 2006. www.lao.ca.gov/ballot/2006/83_11_2006.htm.

² However, 3003.5(c) says that local ordinances can restrict the residency of "any" registered sex offender. Therefore, a local ordinance could restrict the residency of certain types of registered sex offenders, but not others.

³ CA Penal Code § 290.4.

⁴ www.meganslaw.ca.gov.

- **Home Address:** The conviction of certain sex offenses requires that the home address of the offender be posted, along with other information about the registrant.
- **Zip Code:** Commission of certain other sex offenses requires that information about the offender, including his or her ZIP Code and other information, but not including the home address, be posted on the web site.
- **Conditional Home Address:** The conviction of one of the a list of offenses, along with the conviction of any other registrable sex offense, requires that the home address be posted, along with other information about the registrant.
- **Undisclosed:** This category of registered sex offenders may not be displayed on the Internet web site. These are registrants who have been convicted of sex offenses not listed in the above three categories.

Though these four categories do not apply to Jessica's Law, certain sex offenders are subject to more restrictive residency requirements while on parole than Jessica's Law provides. Penal Code § 3003(g) provides that parolees who have been convicted of lewd and lascivious acts with a minor under 14, or of continuous sexual abuse of a child, and who is considered a high risk to the public cannot live within a half mile (2,640 feet) of a grade school while on parole. Jessica's Law did not repeal or amend this requirement, and it is still in effect.⁵

DISCUSSION OF RULINGS & PENDING LITIGATION

Jessica's Law has been the subject of extensive litigation. Immediately after its adoption, two cases were filed in the federal courts specifically questioning the constitutionality of the 2000 foot residency restriction and authorization for further restrictions contained in Section 3003.5. In these two cases, the plaintiffs were convicted sex offenders who had already completed their punishments. Both plaintiffs argued that the residency restrictions created and authorized by Jessica's Law are unconstitutional because they impose an additional punishment on them for crimes which their judicially mandated punishments had been completed. These cases resulted in courts interpreting Jessica's Law as not applying to individuals "convicted prior to the effective date of the statute and who were paroled, given probation, or released from incarceration prior to that date."⁶ These rulings left the question open of whether the residency restrictions could be validly enforced on other sex offenders.

The ability to impose residency restrictions of registered sex offenders was further limited in the case of People v. Mosley. Jessica's Law imposes and authorizes residency restrictions on anyone who is required to register as a sex offender pursuant

⁵ CA Penal Code § 3003(g).

⁶ Doe v. Schwarzenegger, 476 F.Supp.2d 1178 (2007).

to Penal Code section 290. However, Penal Code section 290 grants judges the discretion to order an individual to register as a sex offender, regardless of whether the individual was convicted of a sex offense, if the judge finds that "the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification."⁷ In the Mosley case, the defendant was convicted of assaulting a 12 year old girl, and the judge ordered the defendant to register as a sex offender, which subjected the defendant to the residency restriction in Jessica's Law. The Court of Appeal held that the court had the authority to require the defendant to register as a sex offender, but the residency restriction could not be applied to the defendant in this case because it is punishment in excess of the statutory maximum for assault. "[A]ny fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt."⁸ Therefore, for the residency restrictions to be imposed on Mosely, the jury, not the judge, needed to find beyond a reasonable doubt the facts supporting the imposition of the residency restriction.

The practical effect of the Mosely ruling will preclude residency restrictions from being imposed on anyone who was convicted prior to the passage of Jessica's Law, because the juries in those cases did not make the requisite findings of fact to support the imposition of the residency restrictions. Furthermore, registered sex offenders who were convicted after the passage of Jessica's Law may also be exempt from the residency restrictions if the juries in their cases did not make the required findings.

There is litigation pending before the California Supreme Court that could further restrict the application of the residency restrictions. The Supreme Court agreed to hear the case of *In re E.J.* and all briefs have been submitted. The issues to be heard in this case include whether the residency restriction in Jessica's Law can validly be applied to sex offenders who have not been convicted of an offense involving a child, and whether the residency restrictions constitute cruel and unusual punishment because they force these individuals to choose between jail or homelessness. The case was brought by four registered sex offenders on parole who lived within 2000 feet of a school or park. The Department of Corrections and Rehabilitation sought to revoke these individuals' parole because they were in violation of the residency restriction in Jessica's Law.

Courses of Action and Recommendations

1. Adopt but Don't Enforce an Ordinance Establishing the Predator Free Zones – Recommended

This is the recommended course of action for two reasons. First, the City can only apply the Ordinance prospectively from the date of its adoption. Therefore, by adopting the ordinance now, the City will maximize the number of registered sex offenders against whom the Ordinance can be enforced. Second, by delaying enforcement until the constitutionality of the Law is settled by the courts, the City will be

⁷ People v. Mosley, 168 Cal.App.4th 512 (2008).

⁸ *Id.* at p. 523, quoting Apprendi v. New Jersey, 530 U.S. 466 (2000).

minimizing the risk of litigation. The only caveat to this course of action is that if Section 3003.5 is found to be unconstitutional, the City Council will have to repeal the Ordinance.

A sample ordinance has been prepared and is attached as an Attachment B to this memorandum

2. Adopt and Enforce an Ordinance Establishing the Predator Free Zones – Not Recommended

Enforcement of a residency restriction on sex offenders could expose the City to legal liability if Section 3003.5 is found to be unconstitutional, or if the City's ordinance contains provisions that are later found to be unconstitutional. Therefore, in order to minimize the City's risk of legal liability, the City should not enforce any residency restrictions it chooses to adopt.

3. Don't Adopt an Ordinance Establishing the Predator Free Zones– Not Recommended

As stated in course of action 1, if the City delays adoption of the residency restrictions, it will result in making the law inapplicable to all registered sex offenders who were convicted in the interim. The only advantage to this course of action over course of action 1 is that the City Council will not have to repeal or amend the Ordinance if the court finds Section 3003.5 to be unconstitutional in whole or part. However, this benefit is minor compared to the disadvantage that would result from waiting to adopt the Ordinance. Waiting would reduce the number of sex offenders to whom the Ordinance will apply because the Ordinance cannot be applied retroactively to sex offenders who have already completed their criminal punishment at the time the Ordinance is adopted. Therefore, this is not a recommended course of action.

Respectfully submitted,

Julie Biggs

Julie Hayward Biggs
Burke, Williams & Sorensen, LLP

Attachment A

California Penal Code Section 290(a)(2)

Section 290(a)(2) requires the following individuals to register as sex offenders with the local police or county sheriff:

1. Any person who has been convicted in any court in California, or a federal or military court, since July 1, 1944 of:
 - Murder (Penal Code § 187) committed in the perpetration or attempt to perpetrate an act punishable under the California Penal Code as rape (§ 261), sodomy (§ 286), lewd or lascivious acts (§ 288), oral copulation (§ 288a), or forcible acts of sexual penetration (§ 289);
 - Kidnapping (§§ 207, 209) committed with the intent to commit rape (§ 261), sodomy, lewd or lascivious acts, oral copulation, or forcible acts of sexual penetration;
 - Assault (§ 220) with intent to commit rape, sodomy, oral copulation, but not intent to commit mayhem;
 - Sexual battery (§ 243.4);
 - Rape, as defined in § 261(a)(1), (2), (3), (4), and (6), but not (5) and (7);
 - Spousal rape if committed by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury (§ 262(a)(1)) and the perpetrator is sent to state prison;
 - Aiding and abetting the commission of a rape, a spousal rape, or forcible acts of sexual penetration (§ 264.1);
 - Inveiglement or enticement of a minor female for purposes of prostitution (§ 266);
 - Unlawful sexual intercourse where consent was procured through false representations with the intent to create fear (§ 266c);
 - Pimping a minor (§266h(b));
 - Pandering a minor (§266i(b));
 - Procurement of a child under 16 for lewd or lascivious acts (§ 266j);
 - Abduction of a child under 18 for the purposes of prostitution (§ 267);
 - Aggravated sexual assault of a child under 14 (§ 269);
-

- Incest (§ 285);
 - Sodomy (§ 286);
 - Lewd or lascivious acts (§ 288);
 - Oral copulation (§ 288a);
 - Contact with a minor with the intent to commit a sexual offense (§ 288.3);
 - Continuous sexual abuse of a child (§ 288.5);
 - Sexual contact with a child (§ 288.7);
 - Forcible acts of sexual penetration (§ 289);
 - Possessing, producing, etc., obscenity depicting a minor (§§ 311.1; 311.2 9b), (c), (d); 311.3; 311.4; 311.10; 311.11);
 - Annoying or molesting a child under 18 (§ 647.6);
 - Solicitation with the intent to commit rape by force or violence, sodomy by force or violence, oral copulation by force or violence, or any violation of § 264.1, 288, or 289 (§ 653f(c));
 - Lewd or obscene conduct and indecent exposure (§ 314);
 - Contributing to delinquency of persons under 18 years, or persuading, luring, or transporting minors 12 years of age or younger, which involves lewd or lascivious conduct (§ 272);
 - Sending harmful matter to a minor with the intent to seduce, which is deemed a felony under § 288.2;
 - Attempt or conspiracy to commit any of the above offenses.
2. Any person who has been released, discharged, or paroled from a penal institution since July 1, 1944 where he or she was held for the commission of one of the crimes listed in 1.
 3. Any person who has been determined to be a mentally disordered sex offender under Article 1, Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code, or who has been found guilty of one of the offenses listed in 1, but was found not guilty by reason of insanity in the sanity phase of the trial.
 4. Any person convicted in any other court since July 1, 1944 that, if the crime had been committed or attempted in California, would have been one of the crimes listed in 1.
 5. Any person ordered by any other court required to register as a sex offender in another state, unless the conviction was for: indecent exposure, unlawful sexual intercourse (i.e. statutory rape), incest, consensual sodomy, consensual oral copulation, pimping, or pandering.

However, if the out of state offense contains all of the elements of one of the offenses listed in 1, the person must register.

6. Any person ordered to register by any other court if the court found the person committed the crime as a result of sexual compulsion or for purposes of sexual gratification.

However, Penal Code § 290.5 provides relief from the duty to register for those who have committed certain of the less serious offenses mentioned in number 1 above. Those sex offenders are relieved from their duty to register after obtaining a certificate of rehabilitation, and in some cases a pardon and/or 10 years of compliance with probation is also required. Also, under § 290 individuals who were convicted before 1976 for acts of sodomy or oral copulation that have since been decriminalized are not required to register with local law enforcement.

Attachment B

ORDINANCE BILL NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING SECTION 11.04.040 OF THE WILDOMAR MUNICIPAL CODE, RELATING TO REGISTERED SEX OFFENDER RESIDENCY RESTRICTIONS

WHEREAS, On November 7th, 2006, the California voters approved Proposition 83 also know as "The Sexual Predator Punishment and Control Act: Jessica's Law," which among other changes amended Section 3003.5 of the California Penal Code permitting further restrictions on the residency of registered sex offenders. The new law provides that a registered sex offender may not reside within 2,000 feet of any public or private school or park where children regularly gather. In addition, the new law authorizes the City to enact legislation to further restrict the residency of sex offenders as it sees proper within the law.

WHEREAS, The City of Wildomar places a high priority on maintaining public safety within its borders. Sex offenders have very high recidivism rates, higher than any other type of violent felon. Therefore the City Council must take all necessary actions in order to protect children from these dangerous predators.

WHEREAS, The City, therefore, desires to add Section 11.04.040 of the Municipal Code to further restrict the residency of sex offenders within the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Registered Sex Offender Residence Restrictions. The City Council hereby adds Section 11.04.040 to the Wildomar Municipal Code to read as follows:

"11.04.040. Registered Sex Offender Residence Restrictions"

In addition to the residency restrictions provided by California Penal Code Section 3003.5, it shall be unlawful for any person for whom registration is required by California Penal Code Section 290 to reside within the boundaries of any of the "Predator Free Zones" established by the City Council of the City of Wildomar. Violation of this section shall subject the offender to those penalties provided for in State law."

A map of the approved Predator Free Zones is attached to this ordinance as Exhibit A.

SECTION 3. Severability. If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be

affected thereby and shall be valid and enforceable. 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 4. Non-Exclusivity. Nothing in this Ordinance shall limit or preclude the enforcement of other applicable laws.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its enactment in accord with California law.

SECTION 6. The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (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 pasting procedure authorized under Government Code Section 39633(c).

INTRODUCED at the regular meeting of Wildomar City Council on _____ 2009.

APPROVED AND ADOPTED this ____ day of _____ 2009.

Scott Farnam, Mayor

ATTEST:

APPROVED AS TO FORM:

Sheryll Schroeder, City Clerk

Julie Hayward Biggs, City Attorney

State of California)
County of Riverside)
City of Wildomar)

I, Sheryll Schroeder, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance was introduced and first read on the ___ day of _____ 2009, and had its second reading at the regular meeting of the Wildomar City Council on the ___ day of _____, 2009, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sheryll Schroeder, City Clerk

ORDINANCE NO. _____-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA,
AMENDING TITLE 9 BY ADDING CHAPTER 9.20 RESTRICTING THE PROXIMITY OF SEX
OFFENDERS TO CHILDREN'S FACILITIES

WHEREAS, the City of Murrieta, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City of Murrieta has determined that the presence of registered sex offenders who have committed offenses against children within a certain distance of locations that cater primarily to children poses a health and safety risk to the citizens of Murrieta in general, and to children in particular; and

WHEREAS, convicted sex offenders have high recidivism rates; and

WHEREAS, the City Council finds that the risk of allowing registered sex offenders to loiter near locations regularly frequented by children requires the Council to take action to preserve the public health and safety of the citizens of Murrieta; and

WHEREAS, the City Council desires to add location restrictions to such sex offenders where state law is silent, in furtherance of the goal of protecting children and all residents of Murrieta,

NOW, THEREFORE, the City Council of the City of Murrieta does ordain as follows:

SECTION 1. That Title 9 of the City of Murrieta Municipal Code is hereby amended by adding Chapter 9.20 to read as follows:

CHAPTER 9.20
PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN'S FACILITIES

9.20.010 Title

This chapter shall be known as the "Child Safety Zone Ordinance" and may be so cited.

9.20.020 Purpose and Intent

The purpose of these regulations is to reduce the potential risk of harm to children in Murrieta by restricting the ability of sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are primarily used by, children, including, but not limited to, the grounds of public or private schools for children, centers or facilities that provide day care or children's services, video arcades, playgrounds, parks, or amusement centers. The City desires to add location restrictions for such sex offenders where state law is silent, in furtherance of the goal of protecting children and all residents of Murrieta.

9.20.030 Definitions

The terms as used in this chapter or in any resolution or standard adopted by the City Council pursuant to this chapter shall have the following meanings:

“Child” or “children” means any person under the age of eighteen (18) years of age.

“Loiter” or “loitering” means remaining or wandering without visible or lawful business or purpose for the apparent purpose of observing any child or children, or with the apparent purpose of engaging or soliciting any person to engage in any sexual act of any kind, or staying on a premises after having been told to leave by the owner or any authorized official of such place or facility.

“Protected location” means any location primarily dedicated to providing programs or services for children, including, but not limited to, public or private schools for children, child-care facilities, child development facilities, video arcades open to children, child-themed commercial establishments, parks, recreation facilities, swimming pools, amusement centers, sports/athletic fields, skateboard parks, and school bus stops.

“Sex offender” means any person required by law to register with a governmental entity as a sex offender for an offense against or involving a child or children, including, but not limited to, the California Sex Offender Registration Act, Penal Code section 290, et seq.

9.20.040 Prohibition

- A. It is unlawful for any sex offender to loiter on or within three hundred (300) feet of any protected location.
- B. The City shall make a list of the protected locations available to the public. The list shall be updated on an annual basis, but may be updated more frequently should new protected locations be established or where uses in existing protected locations have changed.
- C. Distance from protected locations shall be measured in a straight line from the outer boundaries of the properties on which the protected location is situated.

9.20.050 Exceptions

- A. This chapter does not restrict access to public parks for the purpose of exercising the rights of free expression and assembly, so long as such activity does not amount to loitering as defined by this chapter.
- B. This chapter does not apply to restrict a sex offender’s place of residence where that residence is lawful under applicable state law, including, but not limited to, California Penal Code section 3003.5.
- C. This chapter does not restrict access to protected locations for purposes limited to the education and care of a child for whom the sex offender is a parent or legal guardian.
- D. This chapter does not apply to restrict a sex offender’s lawful employment at a location within three hundred (300) feet of a protected location.

9.20.060 Enforcement

- A. Any person who violates this chapter is guilty of a misdemeanor.

B. Any violation of this chapter shall be subject to a \$500.00 fine, in addition to any other applicable penalties and enforcement pursuant to Chapter 1.32. A person is guilty of a separate offense for each and every day during which a violation occurs.

SECTION 2. Effective Date. This ordinance shall become effective thirty (30) days from and after its adoption.

SECTION 3. Severability. If any part of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance, and this City Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

SECTION 4. Adoption. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance. This ordinance shall take effect thirty (30) days after the date of its adoption.

ADOPTED by the City Council, signed by the Mayor, and attested by the City Clerk this ____day of _____, 2009.

Gary Thomasian, Mayor

ATTEST:

A. Kay Vinson, City Clerk

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney

I, A. Kay Vinson, City Clerk of the City of Murrieta, California hereby certify under penalty of perjury that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on _____, 2009 and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the ___ day of _____, 2009, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this ___ day of _____, 2009.

A. Kay Vinson, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA, CALIFORNIA, ADDING CHAPTER 9.60 ("SEX OFFENDERS") TO TITLE 9 ("PUBLIC PEACE, MORALS AND WELFARE") OF THE TEMECULA MUNICIPAL CODE TO ESTABLISH LOCATION RESTRICTIONS FOR SEX OFFENDERS

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Purpose.

A. The City Council is gravely concerned about the high rate of recidivism among convicted sex offenders and their dangerousness as a class. The City Council takes legislative notice of the fact that, based on U.S. Department of Justice statistics, several members of the U.S. Supreme Court recently concluded: "When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault." [*McKune v. Lile*, 536 U.S. 24, 33 (2002).]

B. On November 7, 2006, the people of the State of California enacted the Sexual Predator Punishment and Control Act: Jessica's Law (also known as Proposition 83). That initiative measure: (i) increases penalties for violent and habitual sex offenders and child molesters; (ii) prohibits sex offenders from residing within 2,000 feet of any school or park; (iii) requires lifetime Global Positioning System monitoring of felony registered sex offenders; (iv) expands the definition of a sexually violent predator; and (v) changes the system for involuntary civil commitment of sexually violent predators. Additionally, that initiative measure authorizes municipalities to enact ordinances that further restrict the locations where registered sex offenders may reside.

C. The City has a compelling governmental interest in protecting the victims and potential victims of sex offenders in its jurisdiction. The City Council finds that the sex offender location restrictions imposed by this Ordinance are a reasonable means of promoting that governmental interest.

D. This Ordinance is enacted by the City Council pursuant to Jessica's Law and pursuant to the City of Temecula's general police power to provide for the public health, safety and general welfare.

E. In enacting this Ordinance, the City Council does not intend to punish sex offenders for their prior illegal conduct. Rather, the purpose of this Ordinance is to create a regulatory and non-punitive scheme to protect children at child day care centers, parks, and schools in Temecula.

Section 2. Environmental Determination. The City Council has determined that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations (the "CEQA Guidelines").

Section 3. Code Amendment. Title 9 ("Public Peace, Morals and Welfare") of the Temecula Municipal Code is hereby amended by adding a new Chapter 9.60 ("Sex Offenders") to read as follows:

"Chapter 9.60 SEX OFFENDERS

9.60.010 Short Title.

This chapter shall be known and may be cited as the "Temecula Sex Offender Ordinance."

9.60.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Adult" means a person over the age of 18 years.
- B. "Child" means a person under the age of 18 years.

C. "Child day care center" means a licensed facility that provides non-medical care on a less than 24-hour basis to children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. "Child day care center" does not include a "family day care home" as that term is defined in California Health and Safety Code Section 1596.78.

D. "Park" means an open space intended for recreational use where children regularly gather.

E. "School" means the buildings and grounds of any public or private school used for the education of children in kindergarten or in grades 1 through 12, inclusive.

F. "Sex offender" means an adult who is required by law to register with a governmental entity as a sex offender as a result of a conviction of a sex crime against a child.

9.60.030 Residency Restriction.

No sex offender shall reside within a two thousand (2,000) foot radius of any child day care center, park, or school.

9.60.040 Exceptions.

Section 9.60.030 shall not apply in any of the following circumstances:

A. The sex offender established the residency prior to the effective date of this chapter.

B. The sex offender established the residency prior to the initial operation of the child day care center, park, or school.

9.60.050 Penalties.

A. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished as set forth in Chapter 1.20 of the Temecula Municipal Code.

B. Any person who violates any provision of this Chapter shall be subject to the enforcement remedies of Chapters 1.21 and 1.24 of the Temecula Municipal Code."

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this _____ day of _____, 2009.

Maryann Edwards, Mayor

ATTEST:

Susan W. Jones, MMC
City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Susan W. Jones, MMC, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 08-___ was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the ___ day of ____, 2008, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the _____ day of _____, 2008, by the following vote:

AYES: COUNCIL MEMBERS
NOES; COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS

Susan W. Jones, MMC
City Clerk

**CITY OF WILDOMAR-CITY COUNCIL
Agenda Item 3 C.
General Business Item
Meeting Date: March 11, 2009**

TO: Mayor and City Council

**FROM: Terry L. Fitzwater, Assistant City Manager/Director of
Administrative Services**

SUBJECT: Fire Protection

AGENDA TITLE: Contract for Fire Protection and Related Services

RECOMMENDATION:

Staff recommends the City Council of the City of Wildomar adopt the attached Agreement for fire protection, fire prevention, disaster preparedness and response and rescue and emergency medical services.

BACKGROUND INFORMATION:

The City of Wildomar, with its July 1, 2008 incorporation will require continuing fire and emergency services for an indeterminate amount of time. This agreement is to arrange for COUNTY, through its Cooperative Fire Programs, Fire Protection Reimbursement Agreement ("Cal Fire Agreement") with the California Department of Forestry and Fire Protection ("Cal Fire") to provide CITY with fire protection, disaster preparedness and response, fire prevention rescue, hazardous materials mitigation, technical rescue response, medical emergency services and public service assists.

DISCUSSION:

Fire protection, prevention and rescue and emergency services will be performed within the corporate limits of The City of Wildomar to the extent and in the manner set forth in the attached agreement. The services shall encompass duties and functions of the type typically falling under the jurisdiction of and customarily rendered by a fire department of a City. Such services are pursuant to the authority granted by Government Code Sections 55603, 55603.5, 55606, 55632 and 55642 and will provide a unified, cooperative, integrated, and effective fire services system.

The contract will run from July 1, 2008 through June 30, 2011. However, either party may terminate the Agreement with a written notice of no less than one year. In no event shall the Agreement be terminated by either party after June 30,

2010. This contract may be amended at any time upon the consent of both parties.

FISCAL IMPACT:

The current impact of this contract is \$1.820 million. This includes a fire engine use agreement in an amount of \$16,050. The totals are subject to change annually thereafter in consultation with the City of Wildomar and the Fire Department. These numbers are consistent with the City's initial CFA report.

There is an additional fee for a wild land "insurance" contract that council will need to consider at its convenience.

ATTACHMENTS:

- (1) Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Wildomar, California.
- (2) Exhibit A-To the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Wildomar
- (3) Exhibit B-To the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Aid for the City of Wildomar, Payment for Services Additional Terms
- (4) Exhibit C-To the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Aid for the City of Wildomar, Payment for Additional Services, Fire Engine Use Agreement
- (5) Table 2A-Forecast Assumptions and Calculations-Wildomar Incorporation Analysis

**A COOPERATIVE AGREEMENT
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE
AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF WILDOMAR**

THIS AGREEMENT, made and entered into this ____ day of _____, 2009, by and between the County of Riverside (hereinafter referred to as "COUNTY") and the City of Wildomar (hereinafter referred to as "CITY"), whereby it is agreed as follows:

SECTION I: PURPOSE

The purpose of this Agreement is to arrange for COUNTY, through its Cooperative Fire Programs Fire Protection Reimbursement Agreement ("CAL FIRE Agreement") with the California Department of Forestry and Fire Protection ("CAL FIRE") to provide CITY with fire protection, disaster preparedness and response, fire prevention, rescue, hazardous materials mitigation, technical rescue response, medical emergency services, and public service assists (hereinafter called "Fire Services"). This Agreement is entered into pursuant to the authority granted by Government Code Sections 55603, 55603.5, 55606, 55632 and 55642, and will provide a unified, cooperative, integrated, and effective fire services system. COUNTY's ability to perform under this Agreement is subject to the terms and conditions of the CAL FIRE Agreement.

SECTION II: DESIGNATION OF FIRE CHIEF

A. The County Fire Chief appointed by the Board of Supervisors, or his designee, (hereinafter referred to as "Chief") shall represent COUNTY and CITY during the period of this Agreement and Chief shall, under the supervision and direction of the County Board of Supervisors, have charge of the organization described in Exhibit "A", attached hereto and made a part hereof, for the purpose of providing Fire Services as deemed necessary to satisfy the needs of both the COUNTY and CITY, except upon those lands wherein other agencies of government have responsibility for the same or similar Fire Services.

B. CITY may budget for the position of a Deputy Chief or a Division Fire Chief or COUNTY may assign an existing Chief Officer as the Contract City representative ("City Representative"). The Chief may delegate certain authority to the City Representative, as the Chief's duly authorized designee and the City Representative shall be responsible for directing the Fire Services provided to CITY as set forth in Exhibit "A".

C. COUNTY will be allowed flexibility in the assignment of available personnel and equipment in order to provide the Fire Services as agreed upon herein.

SECTION III: PAYMENT FOR SERVICES

A. CITY shall annually appropriate a fiscal year budget to support the Fire Services designated at a level of service mutually agreed upon by both parties and as set forth in Exhibit "A." This Exhibit may be amended in writing by mutual agreement by both parties in the event of an increase of salary or expenses or when CITY requests an increase in services.

1. Any changes to the salaries or expenses set forth in Exhibit "A" made necessary by action of the Legislature, CAL FIRE, or any other public agency with authority to direct changes in the level of salaries or expenses, shall be paid from the funds represented as set forth in Exhibit "A." There shall be no obligation on the part of CITY to expend or appropriate any sum in excess of Exhibit "A" which exceeds the yearly appropriation of CITY for the purposes of this Agreement. If within thirty (30) days after notice, in writing, from COUNTY to CITY that the actual cost of maintaining the services specified in Exhibit "A" as a result of action by the Legislature, CAL FIRE or other public agency will exceed the total amount specified therein, and CITY has failed to agree to make available the necessary additional funds, COUNTY shall have the right to unilaterally reduce the services furnished under this Agreement by an appropriate amount and shall promptly notify CITY, in writing, specifying the services to be reduced. Personnel reductions resulting solely due to an increase in employee salaries or expenses occurring after signing this Agreement and set forth in Exhibit "A" to this Agreement shall not be subject to relocation expense reimbursement by CITY. If CITY desires to add funds to the total included herein to cover the cost of increased salaries or services necessitated by actions described herein, such increase shall be accomplished by an amendment to Exhibit "A" and approved by the parties hereto.

2. In the event CITY requests an increase in services and paragraph A.1. of this Section is not applicable, an amendment to Exhibit "A" may be approved by the parties hereto.

B. COUNTY provides fire personnel, equipment and services through its CAL FIRE Agreement. In the event CITY desires a reduction in CAL FIRE or COUNTY civil service employees or services assigned to CITY as provided for in Exhibit "A," when paragraph A.1. of this Section is not applicable, CITY shall provide one hundred twenty (120) days written notice of the requested reduction. Proper notification shall include the following: (1) The total amount of reduction; (2) The effective date of the reduction; and (3) The number of employees, by classification, affected by the proposed reduction. If such notice is not provided, CITY shall reimburse COUNTY for relocation costs incurred by COUNTY because of the reduction, in addition to any other remedies available resulting from the reduction in services.

C. CITY shall pay COUNTY actual costs for Fire Services pursuant to this Agreement in an amount not to exceed that set forth in Exhibit "A," as amended. COUNTY shall make a claim to CITY for the actual cost of contracted services,

pursuant to Exhibit "A," on a quarterly basis. CITY shall pay each claim within thirty (30) days after receipt thereof.

D. Chief may be authorized to negotiate and execute any amendments to Exhibit "A" of this Agreement on behalf of COUNTY as authorized by the Board of Supervisors. CITY shall designate a "Contract Administrator" who shall, under the supervision and direction of CITY, be authorized to execute amendments to Exhibit "A" on behalf of CITY.

E. _____ [X] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit "B" are incorporated herein and shall additionally apply to this agreement regarding payment of services.

F. _____ [X] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit "C" are incorporated herein and shall additionally apply to this agreement regarding payment for the Fire Engine Use Agreement. The Fire Engine Use Agreement is utilized in the event that the CITY elects to have the COUNTY maintain responsibility of said fire engine(s).

G. Notwithstanding Paragraph F herein if applicable, additional terms as set forth are incorporated herein and shall additionally apply to this agreement regarding payment of services. In the event that fire engine, owned and maintained by the CITY has a catastrophic failure, the COUNTY Fire Chief may allow use of a COUNTY fire engine, free of charge up to one hundred twenty (120) days. After the initial one hundred twenty (120) days, a rental fee will be applied to the CITY invoice for use of said COUNTY fire engine. The rental fee shall be Nine Hundred Forty Four Dollars (\$944.00) per day, or Six Thousand Six Hundred Eight Dollars (\$6,608.00) per week.

SECTION IV: INITIAL TERM AND RENEWAL

A. The term of this Agreement shall be from July 1, 2008, to June 30, 2011. Either party to this Agreement may terminate this Agreement by providing a written notice of termination to the other party hereto no less than one (1) year prior to the expiration of the term hereof. If such notice is given unilaterally by COUNTY except any notice issued because of actions of CAL FIRE or CITY, COUNTY agrees to continue to provide Fire Services to CITY until such time as CITY has a reasonable opportunity to implement alternative Fire Services. In no event shall this Agreement be terminated by either party after June 30, 2010.

B. One (1) year prior to the date of expiration of this Agreement, CITY shall give COUNTY written notice of whether CITY intends to enter into a new agreement with COUNTY for Fire Services and, if so, whether CITY intends to change the level of Fire Services from that provided by this Agreement.

C. If CITY fails to provide such notice, as defined in paragraph B above, COUNTY shall have the option to extend this Agreement for a period of up to one (1) year from the original termination date and to continue providing services at the same or reduced level as COUNTY determines would be appropriate during the extended period of this Agreement. Six (6) months prior to the date of expiration of this Agreement, COUNTY shall give written notice to CITY of any extension of this Agreement and any changes in the level of Fire Services COUNTY will provide during the extended period of this Agreement. Services provided and obligations incurred by COUNTY during an extended period shall be accepted by CITY as services and obligations under the terms of this Agreement.

D. The cost of services provided by COUNTY during the extended period shall be based upon the amounts that would have been charged to CITY during the fiscal year in which the extended period falls, had a new agreement been entered into. Payment by CITY for services rendered by COUNTY during the extended period shall be provided as set forth in Exhibit "A," as amended.

SECTION V: TERMINATION

Either party to this Agreement may terminate this Agreement by providing a written notice of termination to the other party hereto no less than one (1) year prior to the expiration of the term hereof. This Agreement may be terminated by the voters of either the COUNTY or the CITY pursuant to Government Code §55603.5.

SECTION VI: COOPERATIVE OPERATIONS

All Fire Services contemplated under this Agreement shall be performed by both parties to this Agreement working as one unit; therefore, personnel and equipment belonging to either CITY or COUNTY may be temporarily dispatched elsewhere from time to time for mutual aid.

SECTION VII: MUTUAL AID

When rendering mutual aid or assistance as authorized in Health and Safety Code Sections 13050 and 13054, COUNTY shall, at the written request of CITY, demand payment of charges and seek reimbursement of CITY costs for personnel as funded herein, under authority given by Health and Safety Code Sections 13051 and 13054. COUNTY, in seeking said reimbursement, will represent the CITY in following the procedures set forth in Health and Safety Code Section 13052. Any recovery of CITY costs, less extraordinary collection expenses, will be credited to the CITY.

SECTION VIII: SUPPRESSION COST RECOVERY

As provided in Health and Safety Code Section 13009, COUNTY may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using CITY equipment and personnel under the terms of this Agreement, COUNTY may, on request of CITY, bring such an action for collection of costs incurred by CITY. In such a case CITY appoints and designates COUNTY as its agent in said collection proceedings. In the event of recovery, COUNTY shall apportion to CITY its pro-rata proportion of recovery, less the reasonable pro-rata costs including legal fees.

In all such instances, COUNTY shall give timely notice of the possible application of Health and Safety Code Section 13009 to the officer designated by CITY.

SECTION IX: PROPERTY ACCOUNTING

All personal property provided by CITY and by COUNTY for the purpose of providing Fire Services under the terms of this Agreement shall be marked and accounted for in such a manner as to conform to the standard operating procedure established by the County Fire Department for the segregation, care, and use of the respective property of each.

SECTION X: INDEMNIFICATION

A. COUNTY, to the extent permitted by law, agrees to indemnify, defend and hold harmless CITY, its officers, agents and employees from any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies in connection with any activities under this Agreement; and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by COUNTY in the performance of any activities under this Agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to CITY or from acts not within the scope of duties to be performed pursuant to this Agreement.

B. CITY, to the extent permitted by law, agrees to indemnify, defend and hold harmless COUNTY, its officers, agents and employees from any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies in connection with any activities under this Agreement; and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by CITY in the performance of any activities under this Agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to COUNTY or from acts not within the scope of duties to be performed pursuant to this Agreement.

SECTION XI: AUDIT

COUNTY and CITY agree that their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. COUNTY and CITY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, and to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records.

SECTION XII: DISPUTES

CITY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of CITY, be available for contract resolution or policy intervention with COUNTY, when, upon determination by the Chief that a situation exists under this Agreement in which a decision to serve the interest of CITY has the potential to conflict with COUNTY interest or policy. Any dispute concerning a question of fact arising under the terms of this Agreement which is not disposed of within a reasonable period of time (ten days), shall be brought to the attention of the Contract Administrator.

Disputes that are unable to be resolved by CITY and COUNTY representatives will attempt to be resolved through arbitration. If arbitration is unsuccessful, venue for litigation will be the County of Riverside.

SECTION XIII: ATTORNEY'S FEES

If CITY fails to remit payments for services rendered pursuant to any provision of this Agreement, COUNTY may seek recovery of fees through arbitration and/or litigation, in addition to all other remedies available.

In the event of arbitration or litigation between COUNTY and CITY to enforce any of the provisions of this Agreement or any right of either party hereto, the unsuccessful party to such litigation agrees to pay the prevailing party's costs and expenses, including reasonable attorneys' fees, all of which shall be included in and as a part of the judgment rendered in such arbitration and litigation.

SECTION XIV: DELIVERY OF NOTICES

Any notices to be served pursuant to this Agreement shall be considered delivered when deposited in the United States mail and addressed to:

COUNTY

County Fire Chief
210 W. San Jacinto Ave.
Perris, CA 92570

CITY OF WILDOMAR

City Manager
23873 Clinton Keith Road
Suite 111
Wildomar, CA 92595

Provisions of this section do not preclude any notices being delivered in person to the addresses shown above. Delivery in person shall constitute service hereunder, effective when such service is made.

SECTION XV: ENTIRE CONTRACT

This Agreement contains the whole contract between the parties for the provision of Fire Services. It may be amended or modified upon the mutual written consent of the parties hereto. This Agreement does NOT supplement other specific agreements entered into by both parties for equipment or facilities, and excepting those equipment or facilities agreements, this Agreement cancels and supersedes any previous agreement for the same or similar services.

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[Signature Provisions on following page]

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: _____

CITY OF WILDOMAR

By: _____
SCOTT FARNAM, MAYOR

ATTEST:

APPROVED AS TO FORM:

By: _____

Title: _____

(SEAL)

Dated: _____

COUNTY OF RIVERSIDE

By: _____
Chairman, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

NANCY ROMERO
Clerk of the Board

SYNTHIA M. GUNZEL
Deputy County Counsel
for JOE S. RANK
County Counsel

By: _____
Deputy

(SEAL)

EXHIBIT "A"

TO THE COOPERATIVE AGREEMENT
 TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE
 AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF WILDOMAR
 DATE JANUARY 14, 2009 FOR FY 09/10

	CAPTAINS	MEDIC CAPTAINS	ENGINEERS	MEDIC ENGINEERS	FF II'S	MEDIC FF II'S	ANNUAL TOTAL	
STA. #61	309,024	2	132,278	1	149,281	1	832,199	6.0
STA. Relief		171,583	1	132,278	1	112,879	416,740	3.0
	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>		<u>9.0</u>
ESTIMATED SUPPORT SERVICES								
Administrative/Operational				15,834	per assigned Staff **		163,407	10.32
Volunteer Program				9,666	per Volunteer Co.		9,666	1.0
Medic Program				11,703	per assigned Medics**		42,833	3.7
Battalion Chief Support				53,922	.25 FTE per Station		70,099	1.3
Fleet Support				37,287	per Fire Suppression Equip		48,473	1.3
ECC Support					Calls/Station Basis		69,185	
Comm/IT Support					Calls/Station Basis		115,886	
SUPPORT SERVICES SUBTOTAL							<u>519,549</u>	
ESTIMATED DIRECT CHARGES								
FIRE ENGINE USE AGREEMENT			16,050	each engine			16,050	1
WILDOMAR ESTIMATED FIRE TAX CREDIT							(1,820,642)	
ESTIMATED CITY BUDGET							<u>(0)</u>	
TOTAL STAFF								<u>10.32</u>

** Vacation Relief added into Administrative/Operational Staff (1/3 of 3 positions-FC, FAE medic, FFII medic)

** Vacation Relief added into Medic Program Staff (1/3 of 2 medic positions-FAE medic, FFII medic)

SUPPORT SERVICES

Administrative & Operational Services	** 9.0	Assigned Staff
Finance	0.32	Battalion Chief Support
Training	1.0	Vacation Relief (1/3 of 3 positions)
Data Processing	10.32	Total Assigned Staff
Accounting	1.3	Fire Stations
Personnel	1,960	Estimated Number of Calls

Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

EXHIBIT "B"

**TO THE COOPERATIVE AGREEMENT
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE
AND MEDICAL AID FOR THE CITY OF WILDOMAR
DATED _____, 2009**

**PAYMENT FOR SERVICES
ADDITIONAL TERMS**

COUNTY shall make a claim to CITY for the actual cost of contracted services as shown on Exhibit "A" during each of the following periods:

- (1) July 1 through September 30, claim in October;
- (2) October 1 through December 31, claim in January;
- (3) January 1 through March 31, claim in April; and
- (4) April 1 through June 30, claim in July

The claims shall be for 25% of the estimated costs of services after any deduction for fire taxes, with final reconciliation to actual costs resulting in an additional claim or refund to CITY, the subsequent quarter with the final reconciliation in August. CITY shall pay each claim within 30 days after receipt thereof. COUNTY shall allow a credit in the amount of the Structural Fire taxes as determined by COUNTY to be collected in each fiscal year of this Agreement. The allowed credit shall not exceed the cost of contracted services.

EXHIBIT "C"

TO THE COOPERATIVE AGREEMENT
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE
AND MEDICAL AID FOR THE CITY OF WILDOMAR
DATED _____, 2009

PAYMENT FOR SERVICES
ADDITIONAL SERVICES
FIRE ENGINE USE AGREEMENT

Station 61

Engine 61 , RCO No. 05-801

\$ 16,050.00

\$ 16,050.00

The Fire Engine Use Agreement is utilized in the event that the CITY elects to have the COUNTY maintain responsibility of said fire engine(s). The Fire Engine Use Agreement guarantees the CITY the use of this fire engine(s), the COUNTY network of equipment, and resources of the COUNTY.

This fire engine(s) shall be used as an integrated unit for Fire Services as set forth in this Cooperative Agreement between the COUNTY and CITY, and shall be stationed primarily in the CITY. The change in ownership of the fire engine does not waive or supersede any responsibilities of the CITY pursuant to this agreement. This exhibit is strictly to further detail for the CITY, the responsibilities and costs associated within the Cooperative Agreement between the COUNTY and CITY; therefore, the Fire Engine Use Agreement is inseparable.

The COUNTY will maintain insurance on said fire engine(s).

The COUNTY will ensure a working fire engine(s) is available for the CITY at all times under this agreement. All capital improvements and/or betterments to the fire engine(s) listed above, will be the responsibility and paid for by the COUNTY under this Agreement.

When the Riverside County Fire Department Fleet personnel determine the fire engine(s) listed above is due for replacement, the COUNTY will purchase a new fire engine(s); and, survey the old fire engine(s).

The annual cost for this service is calculated at 1/20 of the replacement cost. The current replacement cost is \$321,000.00. If this Agreement is entered into mid-year, the annual cost will be prorated accordingly.

Table 2-A
Forecast Assumptions and Calculations
Wildomar Incorporation Analysis (Jul 1, 2008 Effective Date)

Item	Fiscal Year												
	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
GENERAL FUND EXPENDITURES													
General Government													
City Council													
City Manager	58,620	64,388	67,660	69,969	70,319	71,704	71,129	74,613	74,613	76,132	77,696	77,696	
City Clerk	311,225	307,619	309,845	311,150	311,150	311,150	311,150	311,150	311,150	311,150	311,150	311,150	
City Attorney	126,960	140,940	223,079	215,170	247,538	217,150	247,538	268,148	268,148	290,001	245,923	245,923	
Finance	207,500	247,725	251,151	270,696	278,817	297,181	297,181	298,797	298,797	304,631	314,611	314,611	
Community Development	138,455	261,865	281,646	298,676	310,130	328,984	334,937	347,225	347,225	360,560	374,412	374,412	
Community Services/Parks and Recreation	86,060	1,067,849	1,276,222	1,354,301	1,341,339	1,430,763	1,426,410	1,460,096	1,460,096	1,497,791	1,552,311	1,552,311	
Engineering/Building & Safety/Public Works	0	0	0	0	0	0	0	0	0	0	0	0	
Non-Departmental	201,090	1,802,767	1,970,397	2,015,462	2,185,663	2,313,131	2,392,646	2,489,411	2,489,411	2,589,921	2,653,777	2,653,777	
Total General Government	417,575	425,927	438,705	451,866	465,222	478,881	495,766	508,579	520,807	532,837	549,552	549,552	
Animal Control	3,583,463	4,501,171	5,045,711	5,328,836	5,471,307	5,794,983	5,863,946	6,037,246	6,037,246	6,320,507	6,196,604	6,196,604	
Estimated Population													
Total Animal Control	21,022	23,241	25,241	26,651	28,651	31,220	33,576	34,453	35,331	36,208	37,085	37,962	
Total Law Enforcement	210,070	224,264	238,890	247,729	256,568	265,407	274,246	283,085	291,924	300,763	309,602	318,441	
Total Fire Protection Services	1,678,995	1,729,365	1,781,346	1,834,653	1,890,481	1,948,809	2,009,637	2,072,965	2,138,793	2,207,121	2,277,449	2,349,777	
Total Contingency	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	
County Repayment	0	0	0	0	0	0	0	0	0	0	0	0	
4% Interest for 5 Years	0	0	0	0	0	0	0	0	0	0	0	0	
Total County Repayment	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL GENERAL FUND EXPENDITURES	3,098,617	3,124,264	3,192,273	3,264,516	3,342,136	3,425,136	3,513,136	3,606,136	3,703,136	3,804,136	3,909,136	3,978,136	
Law Enforcement (Sheriff)													
Sworn Personnel (per 1,000 Population (Base Year FY 05/06))	27,090	28,241	29,483	30,651	31,820	32,976	34,153	35,331	36,508	37,685	38,862	39,967	
Sworn Personnel Required (Maintain Existing 78 Ratio)	31.2	22.1	23.1	24.0	24.9	25.6	26.3	27.0	27.7	28.3	28.5	28.1	
General Law Enforcement	25,642	26,642	27,642	28,642	29,642	30,642	31,642	32,642	33,642	34,642	35,642	36,642	
Basic Year Cost (Includes Traffic)	1,847,719	1,871,241	1,895,241	1,919,741	1,944,741	1,969,741	1,994,741	2,019,741	2,044,741	2,069,741	2,094,741	2,119,741	
Cost per Sworn Personnel	1,124,264	1,322,273	1,645,516	1,834,653	2,009,481	2,188,809	2,368,137	2,547,465	2,726,793	2,906,121	3,085,449	3,264,777	
Total Law Enforcement	1,847,719	1,871,241	1,895,241	1,919,741	1,944,741	1,969,741	1,994,741	2,019,741	2,044,741	2,069,741	2,094,741	2,119,741	
Fire Protection Services													
Costs (with Station (Begin FY 09/10))	1,678,995	1,729,365	1,781,346	1,834,653	1,890,481	1,948,809	2,009,637	2,072,965	2,138,793	2,207,121	2,277,449	2,349,777	
Station 51 (100%) & Station 75 (30% with FY 09/10)	1,678,995	1,729,365	1,781,346	1,834,653	1,890,481	1,948,809	2,009,637	2,072,965	2,138,793	2,207,121	2,277,449	2,349,777	
Total Fire Protection Services	1,678,995	1,729,365	1,781,346	1,834,653	1,890,481	1,948,809	2,009,637	2,072,965	2,138,793	2,207,121	2,277,449	2,349,777	
Contingency													
Total Contingency	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	158,947	
County Repayment													
4% Interest for 5 Years	0	0	0	0	0	0	0	0	0	0	0	0	
Total County Repayment	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL GENERAL FUND EXPENDITURES	3,098,617	3,124,264	3,192,273	3,264,516	3,342,136	3,425,136	3,513,136	3,606,136	3,703,136	3,804,136	3,909,136	3,978,136	