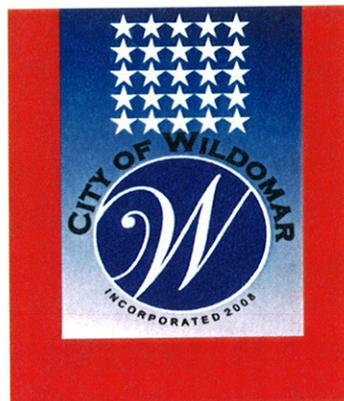


CITY OF WILDOMAR
CITY COUNCIL

AGENDA

7:00 P.M.

April 8, 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

City Manager
John Danielson

City Attorney
Julie Hayward Biggs

**WILDOMAR CITY COUNCIL
REGULAR MEETING AGENDA
APRIL 8, 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: Fire Department Monthly Update

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 special meeting minutes dated March 25, 2009, regular meeting minutes dated March 25, 2009 and the adjourned regular City Council meeting minutes of March 18, 2009.
- 1 C. Approve Warrant Register dated April 8, 2009 in the amount of \$294,770.93.

- 1 D. Consider authorizing the Mayor to execute letters of support for Senator Hollingsworth's introduction for **Senate Bill 568** (allow a taxpayer to elect to pay a tax on the sale or disposition of any capital asset that results in a net capital gain in an amount equal to 2% of the total net capital gain); **Senate Bill 566** (would make the unauthorized removal, disabling or tampering with a GPS device punishable); **Senate Bill 668** (would require registration, preregistration or reregistration of persons convicted of specified sex offenses be signed under penalty of perjury); **Senate Bill 669** (would provide whether a committed person should be conditionally released or unconditionally discharged if the person fails to engage in treatment would be considered evidence that his or her condition has not changed); and **Senate Bill 214** introduced by Senator Benoit (which would provide that a sober living home is exempt from licensure under certain provisions, and provide that a resident housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members).
- 1 E. Review and consider authorizing the Mayor to execute a letter to Governor Schwarzenegger for the approval and licensing of the Murrieta Rancho Springs Medical Center.
- 1 F. Review and consider supporting a joint Safe Route to School project with the Lake Elsinore Unified School District in the submission of a Safe Route to School grant for improvements at the David A. Brown Middle School.
- 1 G. Review and consider adopting a Resolution ordering annexation of Street Lighting Zone 88 of LLMD No. 89-1-Consolidated, confirming the diagram and assessment for said zone and levying assessments on all assessable lots for fiscal year 2009-10.

RESOLUTION NO. 09-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDERING THE ANNEXATION OF STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

Recommended motion: Direct the County of Riverside Auditor-Controller's Office to establish an interest-bearing sub-fund 20000 to receive deposits

and interest thereon from Street Lighting Zone 88 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

2. PUBLIC HEARINGS:

- 2 A. A public hearing to consider an amendment to Ordinance 824 adjusting the Transportation Uniform Mitigation Fee (TUMF) applicable to all development in the City of Wildomar.

ORDINANCE NO. 24 (Introduction and first reading) AN ORDINANCE OF THE CITY OF WILDOMAR AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

3. GENERAL BUSINESS ITEMS: None.

CITY MANAGER REPORT, Assistant City Manager, Terry Fitzwater:

CITY ATTORNEY REPORT, Julie Hayward Biggs:

COUNCIL COMMUNICATIONS:

FUTURE AGENDA ITEMS:

ADJOURNMENT:

The next regular meeting is scheduled for April 22, 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 scheduled meeting.

POSTING STATEMENT: On April 3, 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.

CONSENT CALENDAR ITEM 1 B.

**CITY OF WILDOMAR
CITY COUNCIL SPECIAL MEETING MINUTES
MARCH 25, 2009**

6:00 P.M.

The special meeting of March 25, 2009 of the Wildomar City Council was called to order by Mayor Scott Farnam at 6:00 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, City Attorney Julie Hayward Biggs, Development Services Director Michael Kashiwagi and City Clerk Sheryll Schroeder.

The Special Meeting was called to:

1. Present Certificates of Appreciation to the students of the David A. Brown Middle School for the donation of handmade quilts and teddy bears to the Riverside County Sherriff's Department.
2. Present Certificates of Appreciation to the participants of the CERT (Community Emergency Response Training) Training.

Mayor Farnam and Mayor Pro Tem Moore presented the David A. Brown Middle School students and their teacher, Diana Lee, with certificates.

Mayor Farnam and Mayor Pro Tem Moore presented certificates to the CERT participants.

ADJOURNMENT:

With no further business to come before the Council, Mayor Farnam adjourned the special meeting at 6:30 P.M.

Respectfully submitted:

Sheryll Schroeder, MMC
City Clerk

CONSENT CALENDAR ITEM 1 B.

**CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
MARCH 25, 2009**

The regular meeting of March 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, City Attorney Julie Hayward Biggs, Supervising Engineer Jon Crawford, Assistant Planning Director Dave Hogan, Finance Director Gary Nordquist and City Clerk Sheryll Schroeder.

FLAG SALUTE: Flag salute was led by Council Member Cashman.

PRESENTATIONS: Brett Farlow gave the Code Enforcement year to date update.

Council Member Ade asked that the Council be provided the written statistics.

Mayor Farnam told Mr. Farlow of a dumping incident on Lost Road and Mr. Farlow said there was surveillance on active dumping sites and he would look into the situation. He said it was the responsibility of the property owner if it occurred on private property.

Mayor Farnam and Mayor Pro Tem Moore presented Wendy Bankston, Prevent Child Abuse Riverside County, Southwest Chair, with a proclamation for Child Abuse Prevention Month.

Mayor Farnam and Mayor Pro Tem Moore presented Mary Mollway with a proclamation for Autism Awareness Month.

John Roberts presented United Way information.

Edie Esquivel informed everyone of the new Sycamore Academy of Science and Cultural Arts programs.

COMMUNICATIONS FROM THE PUBLIC:

There were not petitions to speak.

1. CONSENT CALENDAR:

Mayor Pro Tem Moore moved to approve the Consent Calendar, Items 1 A. through 1 E., seconded by Council Member Swanson. Roll Call vote: - 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 March 11, 2009.
- 1 C. Approve Warrant Register dated March 12, 2009 in the amount of \$4,616.89, Warrant Register dated March 18, 2009 in the amount of \$721.08, Warrant Register dated March 25, 2009 in the amount of \$43,294.70 and Payroll Warrant Register dated March 25, 2009 in the amount of \$1,280.28.
- 1 D. Consider approval of a Resolution approving the Parcel Map 35219, Renaissance Plaza (08-0027) and authorizing the Mayor to sign the Subdivision Agreement.

RESOLUTION NO. 09-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PARCEL MAP NO. 35219 – RENAISSANCE PLAZA (08-0027)

- 1 E. Consider signing an endorsement letter supporting the request for financial assistance in the form of a grant for the expansion of Anne Sullivan Nursery School and Kindergarten.

2. PUBLIC HEARINGS: None.

3. GENERAL BUSINESS ITEMS: None.

CITY MANAGER REPORT:

City Manager Danielson shared the Strategic Visioning Plan document. He explained that the participants were listed as co-authors of the report and encouraged any changes to the

document.

CITY ATTORNEY REPORT:

City Attorney Biggs reported the franchise agreements would be coming to Council shortly, along with the Jessica's Law ordinance.

COUNCIL COMMENTS:

Council Member Swanson reported she and other Council Members went to a Urban Land Institute conference. She wished her husband a happy birthday.

Mayor Pro Tem Moore announced the Rotary was producing a cook book and urged everyone to submit recipes and wished John Lloyd a happy birthday.

Ken Pollard of SiteCreators previewed the City's new website, www.CityofWildomar.org. Mayor Pro Tem Moore and Council Member Cashman spoke on the site and urged anyone with changes to contact the City.

Mayor Farnam announced three public meetings to discuss the I-15 proposed corridor improvements.

He noted that this weekend, March 28th, the San Diego State Ecological Reserve would hold an open house, meeting at the Temecula City Hall parking lot and transporting to their field station.

Mayor Farnam, speaking about the stimulus package, said the government was close to releasing funds for shovel ready projects. RCTC, WRCOG and transportation partners were working to make sure the funds came to California, Wildomar may receiving some of the funding, which he would update when information became available.

FUTURE AGENDA ITEMS:

Council Member Swanson, noting that the City had adopted the County's distressed and abandoned property ordinance, said that the City had not been enforcing or registering the properties here; they were registering in Riverside and paying the \$70 fee to Riverside. She asked that it be agendized so that it is registered locally and the fees paid to the City.

ADJOURNMENT:

With no further business to come before the Council, Mayor Farnam adjourned the meeting at 7:45 P.M.

Respectfully submitted:

Sheryll Schroeder, MMC
City Clerk

CONSENT CALENDAR ITEM 1 B.

**CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
MARCH 18, 2009
ADJOURNED FROM MARCH 11, 2009**

The regular adjourned meeting of March 11, 2009 adjourned to March 18, 2009 of the Wildomar City Council was called to order by Mayor Scott Farnam at 5:39 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, City Attorney Julie Hayward Biggs, Development Services Director Michael Kashiwagi, and City Clerk Sheryll Schroeder.

Mayor Farnam called the meeting to order and provided the flag salute.

COMMUNICATIONS FROM THE PUBLIC:

Sharon Heil asked what a norming session was and City Manager Danielson explained the process.

Gary Andre had requested to speak, he was unavailable, so Council Member Ade explained the maps he presented showing north and south Sedco Hills area.

The adjourned meeting was called to discuss Council Norms and Accepted Procedural Practices.

The following subjects were discussed and action noted:

Charitable, local & non-profit contributions and participation, will be discussed during the budget process; there will be a line item in the annual budget for contributions. The moratorium will remain in place until after budget process at which time the topic will be discussed again.

Fee waivers, staff to look at other city's guidelines, City Manager will have no authority to grant waivers, request for fee waivers must go to City Council and pass legal review. For joint city programs, consider sponsorship.

Continuing County services and expectations, staff to continue analyzing, return to Council with recommendations and cost comparisons, formed an ad hoc committee of Mayor Farnam and Council Member Swanson and City Attorney to prepare list of County property within City limits.

Road maintenance expectations, staff to continue identifying and inventorying all roads. Based on triage approach, determine what the residents want, cost, risk and priority. City Engineer to keep Council updated on progress.

Web site access and links, allow public agencies to have links, allow listings and contact information but disable link function for private non-profit organizations, churches, schools, with no email addresses. No selling of advertising on site. City sponsored events can go on site.

City Manager's responsibility when controversial items are placed on agenda, City Manager to notify Council Members if a known potential controversial item is placed on the agenda and Council to notify City Manager if they are aware of controversy.

The honor system for all Council expenses and reimbursements, expenses related to entertainment and alcohol, entertainment is to be paid for by the Council Member, no consensus on reimbursement for alcohol/adult beverages, subject possibly to return to Council at another norming session.

General plan expectations, subject to be brought back to Council at a full day workshop, to have budget considerations.

Expectations for Economic Development, to be brought back to Council at a full day workshop with general plan discussion.

Proclamations, recognitions, and letters of appreciation, agreed to apply standards provided by City Clerk.

Signature blocks, agreed that signature stamps would be kept by City Clerk and used when Council Members were unavailable for signature.

These norming procedures will be added to the current norming document.

COUNCIL COMMUNICATIONS:

It was discussed and agreed upon by Council Members to select a day within the next four weeks to schedule a full day norming session where Ethics Code, RDA and the City's role, transition costs, General Plan and economic development would be discussed.

ADJOURNMENT:

At 8:59 P.M., with no further business to come before the Council, Mayor Farnam adjourned the meeting.

Respectfully submitted:

Sheryll Schroeder, MMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 C.
CONSENT CALENDAR ITEM
Meeting Date: April 8, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Warrant Register dated April 8, 2009.

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated April 8, 2009 in the amount of \$294,770.93.

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 April 8, 2009 are submitted for approval.

DISCUSSION:

None.

FISCAL IMPACTS:

As indicated above, the Warrant Register for April 8, 2009 has a budgetary impact of \$294,770.93 which are all included in the FY08-09 Budget.

ALTERNATIVES:

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

Submitted by:

Gary Nordquist
Director of Finance

Approved by:

John Danielson
City Manager

Attachments: Warrant Register dated April 8, 2009.

City of Wildomar
Check Detail
 April 8, 2009

Date	Type	Num	Name	Memo/Description	Clr	Amount
10 1000 1 Cash - Wells Fargo						
04/08/2009	Bill Payment (Check)	1614	Sheryl Ade			-436.46 -436.46
04/08/2009	Bill Payment (Check)	1615	League of CA Cities			-453.60 -453.60
04/08/2009	Bill Payment (Check)	1616	Artisan Goldsmiths & Awards			-226.28 -226.28
04/08/2009	Bill Payment (Check)	1617	Naples Plaza Ltd.-Oak Creek II			-55,264.22 -55,264.22
04/08/2009	Bill Payment (Check)	1618	Diamond W Events			-3,602.25 -3,602.25
04/08/2009	Bill Payment (Check)	1619	FastSigns			-270.26 -270.26
04/08/2009	Bill Payment (Check)	1620	FedEx			-123.81 -123.81
04/08/2009	Bill Payment (Check)	1621	Guardian			-813.66 -813.66
04/08/2009	Bill Payment (Check)	1622	The Press-Enterprise			-236.80 -236.80
04/08/2009	Bill Payment (Check)	1623	AT&T			-317.34 -317.34
04/08/2009	Bill Payment (Check)	1624	Terry Fitzwater			-10,144.66 -10,144.66
04/08/2009	Bill Payment (Check)	1625	Timeless Portraits Photography by Rhonda			-1,153.95 -1,153.95
04/08/2009	Bill Payment (Check)	1626	Interwest Consulting Group			-221,727.64 -221,727.64
						<u>\$ (294,770.93)</u>

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 D.
CONSENT ITEM
Meeting Date: April 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Sheryll Schroeder, City Clerk, on behalf of Mayor Farnam and Mayor Pro Tem Moore

SUBJECT: City Council support of Senate Bill 568, Senate Bill 566, Senate Bill 668, Senate Bill 669 and Senate Bill 214

STAFF REPORT

RECOMMENDATION:

Authorize the Mayor to execute letters of support to Senator Hollingsworth for SB 568, SB 566, SB 668, SB 669 and Senator Benoit for SB 214.

BACKGROUND:

The City of Wildomar has been asked to send letters of support for Senate Bills currently under consideration.

Senate Bill 568, introduced by Senator Hollingsworth, would, for taxable years beginning on or after January 1, 2009, allow a taxpayer to elect to pay a tax on the sale or disposition of any capital asset, as defined, that results in a net capital gain, as defined, in an amount equal to 2% of the total net capital gain, as provided.

Senate Bill 566, introduced by Senator Hollingsworth, would make the unauthorized removal, disabling or tampering with a GPS device affixed as a condition of a criminal court order, juvenile court disposition, parole, or probation a crime, punishable as specified. Existing law provides various programs of in-home detention and monitoring, and regulations conduct on parole, including requiring parolees to wear global positioning system (GPS) devices.

Senate Bill 668, introduced by Senator Hollingsworth, would require that the registration, preregistration or reregistration be signed under penalty of perjury. Existing law requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California, and requires preregistration and reregistration as specified.

Senate Bill 669, introduced by Senator Hollingsworth, would provide that, at the hearing on the issue of whether the committed person should be conditionally released or unconditionally discharged, the committed person's failure to engage in treatment shall be considered evidence that his or her condition has not changed, and a jury shall be so instructed. Existing law provides that the Director of Mental Health shall provide each person who is committed as sexually violent predator with an annual written report which shall include consideration of whether the committed person currently meets the definition of a sexually violent predator and whether conditional or unconditional release is in the best interest of the committed person and the community, as specified.

Senate Bill 214, introduced by Senator Benoit, would provide that a sober living home, as defined, is exempt from licensure under these provisions. Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults. The bill will also provide that a resident housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members.

FISCAL IMPACT:

There is no fiscal impact to supporting the Senate Bills.

ALTERNATIVES:

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

ATTACHMENTS:

Senate Bills 568, Senate Bill 566, Senate Bill 668, Senate Bill 669 and Senate Bill 214 and accompanying letters of support.

Submitted by:

Sheryll Schroeder, City Clerk
As requested by Mayor Farnam
And Mayor Pro Tem Moore

Approved by:

John Danielson, City
Manager

The Honorable Senator Dennis Hollingsworth
Senate Minority Leader
California State Capitol, Room 305
Sacramento, CA 95814
Fax: (916) 447-9008

March 25, 2009

RE: Support of Senate Bill 568

Dear Senator Hollingsworth:

The City of Wildomar is pleased to SUPPORT **Senate Bill 568**. We strongly support your efforts to support taxpayers through your proposed legislation. The City of Wildomar strives to encourage a business friendly atmosphere while ensuring opportunity for all taxpayers in our community.

SB 568 removes capital gain from being considered as “ordinary” income and would set a flat rate of 2%. Our current system of taxation unnecessarily and unfairly penalizes California citizens for any gains made from the sale of a capital asset. If, however, California were to tax capital gains at a rate of 2%, it would create a more equitable rate of taxation that would also maintain conformity to federal law, neither penalizing nor benefiting one tax bracket over another.

With the instability of today’s economy and the jobless rates on the rise, income received from the sale of a home or other capital asset could mean the difference between paying the rent and feeding one’s family. For the government to take such a disproportionate share of a gain – which might be the only income a family may have – will only exacerbate the financial insecurity of our state and nation.

For these reasons and others, the City of Wildomar supports this important measure.

Sincerely,

Scott Farnam,
Mayor

Introduced by Senator Hollingsworth

February 27, 2009

An act to add Sections 17041.7 and 23151.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

SB 568, as introduced, Hollingsworth. Income and corporation taxes: capital gains.

The Personal Income Tax Law and the Corporation Tax Law provide that gain or loss upon the disposition of a capital asset is determined by reference to the adjusted basis of that asset.

This bill would, for taxable years beginning on or after January 1, 2009, allow a taxpayer to elect to pay a tax on the sale or disposition of any capital asset, as defined, that results in a net capital gain, as defined, in an amount equal to 2% of the total net capital gain, as provided.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17041.7 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 17041.7. (a) For each taxable year beginning on or after
- 4 January 1, 2009, in the case of the sale or exchange of any capital
- 5 asset, as defined in Section 1221 of the Internal Revenue Code, a
- 6 taxpayer may elect to pay a tax in an amount equal to 2 percent of

1 any net capital gain, as defined in paragraph (11) of Section 1222
2 of the Internal Revenue Code.

3 (b) Any tax on net capital gain paid by an electing taxpayer
4 pursuant to this section shall be in lieu of any other tax that would
5 otherwise be imposed on the net capital gain by this part.

6 SEC. 2. Section 23151.7 is added to the Revenue and Taxation
7 Code, to read:

8 23151.7. (a) For each taxable year beginning on or after
9 January 1, 2009, the sale or exchange of any capital asset, as
10 defined in Section 1221 of the Internal Revenue Code, a taxpayer
11 may elect to pay a tax in an amount equal to 2 percent of any net
12 capital gain, as defined in paragraph (11) of Section 1222 of the
13 Internal Revenue Code.

14 (b) Any tax on capital gain paid by an electing taxpayer pursuant
15 to this section shall be in lieu of any other tax that would otherwise
16 be imposed on the capital gain by this part.

17 SEC. 3. This act provides for a tax levy within the meaning of
18 Article IV of the Constitution and shall go into immediate effect.

The Honorable Senator Dennis Hollingsworth
Senate Minority Leader
California State Capitol, Room 305
Sacramento, CA 95814
Fax: (916) 447-9008

March 25, 2009

RE: Support of Senate Bill 566 (Hollingsworth)

Dear Senator Hollingsworth:

The City of Wildomar is pleased to support SB 566. We believe this legislation provides a much needed clarification to existing law by defining GPS tampering as a separate crime.

A number of California parolees who are required to wear an electronic monitor (i.e., GPS device) have been able to avoid monitoring and detection by removing, tampering with or disabling the GPS device. This bill will serve as a deterrent for parolees and probationers who are subject to electronic monitoring by making GPS tampering a new and separate offense.

The City of Wildomar believes that this bill will allow more rapid and direct punishment of these parole violations while additionally allowing more accurate tracking of this crime. SB 566 is an excellent step towards a more effective correction and rehabilitation process and improved public safety.

For these reasons and others, *The City of Wildomar* supports this important measure.

Sincerely,

Scott Farnam,
Mayor

Introduced by Senator HollingsworthFebruary 27, 2009

An act to add Section 653.77 to the Penal Code, relating to monitoring devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 566, as introduced, Hollingsworth. Monitoring devices: unauthorized removal, disabling, or tampering.

Existing law provides various programs of in-home detention and monitoring, and regulates conduct on parole, including requiring parolees to wear global positioning system (GPS) devices, as specified.

This bill would make the unauthorized removal, disabling, or tampering with a GPS device affixed as a condition of a criminal court order, juvenile court disposition, parole, or probation a crime, punishable as specified. The bill would require the court, if applicable, to order restitution in an amount equivalent to the replacement cost of the electronic, GPS, or other monitoring device. By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653.77 is added to the Penal Code, to
2 read:

3 653.77. (a) Any person who willfully removes, disables, or
4 tampers with an electronic, global positioning system (GPS), or
5 other monitoring device affixed to his or her person, or the person
6 of another, knowing that the device was affixed as a condition of
7 a criminal court order, juvenile court disposition, parole, or
8 probation, is guilty of a public offense.

9 (b) (1) Any person subject to an electronic, GPS, or other
10 monitoring device based on a misdemeanor conviction, a juvenile
11 adjudication for a misdemeanor offense, or a criminal court order
12 pending the adjudication of a misdemeanor who willfully violates
13 subdivision (a) is guilty of misdemeanor, punishable by
14 imprisonment in a county jail for up to one year, by a fine of up
15 to one thousand dollars (\$1,000), or by both that fine and
16 imprisonment. If applicable, the court shall also impose restitution
17 in an amount equivalent to the replacement cost of the electronic,
18 GPS, or other monitoring device.

19 (2) Except as provided in subdivision (e), any person who
20 willfully removes, disables, or tampers with an electronic, GPS,
21 or other monitoring device affixed to another person where that
22 device was affixed to the other person based on a misdemeanor
23 conviction, a juvenile adjudication for a misdemeanor offense, or
24 a criminal court order pending the adjudication of a misdemeanor
25 is guilty of misdemeanor, punishable by imprisonment in a county
26 jail for up to one year, by a fine of up to one thousand dollars
27 (\$1,000), or by both that fine and imprisonment. If applicable, the
28 court shall also impose restitution in an amount equivalent to the
29 replacement cost of the electronic, GPS, or other monitoring device.

30 (c) (1) Any person subject to an electronic, GPS, or other
31 monitoring device based on a felony conviction, a juvenile
32 adjudication for a felony offense, a condition of parole or probation
33 for a felony offense, or a criminal court order pending the
34 adjudication of a felony, who willfully violates subdivision (a) is
35 guilty of a felony, punishable by imprisonment in the state prison
36 for 16 months, or 2 or 3 years. If applicable, the court shall also
37 impose restitution in an amount equivalent to the replacement cost
38 of the electronic, GPS, or other monitoring device.

1 (2) Except as provided in subdivision (e), any person who
2 willfully removes, disables, or tampers with an electronic, GPS,
3 or other monitoring device affixed to another person, where that
4 device was affixed to the other person based upon a felony
5 conviction, juvenile conviction for a felony offense, or a criminal
6 court order pending the adjudication of a felony, is guilty of a
7 felony, punishable by imprisonment in the state prison for 16
8 months, or 2 or 3 years. If applicable, the court shall also impose
9 restitution in an amount equivalent to the replacement cost of the
10 electronic, GPS, or other monitoring device.

11 (d) This section shall not apply to the removal or disabling of
12 an electronic, GPS, or other monitoring device by a physician,
13 emergency medical services technician, or any other emergency
14 response or medical personnel when doing so is necessary during
15 the course of medical treatment of the person subject to the
16 electronic, GPS, or other monitoring device. This section shall
17 also not apply where the removal or disabling of the electronic,
18 GPS, or other monitoring device is authorized, or required, by a
19 court of law or by the law enforcement, probation, or parole
20 authority, or any other entity responsible for either placing or
21 monitoring the electronic, GPS, or other monitoring device upon
22 the person.

23 (e) For the purposes of this section, “global positioning system”
24 or “GPS” refers to a network of 24 satellites that orbit the earth
25 and make it possible for people with ground receivers to pinpoint
26 their geographic location. A GPS monitoring device means an
27 electronic device worn by a person, commonly in the form of an
28 ankle bracelet, that emits a signal denoting the person’s geographic
29 location, whether the person is moving or is stationary.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

O

The Honorable Senator Dennis Hollingsworth
Senate Minority Leader
California State Capitol, Room 305
Sacramento, CA 95814
Fax: (916) 447-9008

March 25, 2009

RE: Support of Senate Bill 668 (Hollingsworth)

Dear Senator Hollingsworth:

The City of Wildomar is pleased to support SB 668. We believe this legislation is important in order to ensure that accurate information is provided by sex offenders when they register with local authorities.

Existing law requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California. This bill would require that each registration be signed under penalty of perjury.

The City of Wildomar believes that California must send a clear message that will make offenders think twice before using false information when completing their registration forms. SB 668 is an excellent step towards a more effective corrections process and improved public safety.

For these reasons and others, *The City of Wildomar* supports this important measure.

Sincerely,

Scott Farnam,
Mayor

Introduced by Senator Hollingsworth

February 27, 2009

An act to amend Section 290 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 668, as introduced, Hollingsworth. Sex offenders.

Existing law requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California, and requires preregistration and reregistration, as specified. Willful failure to register, preregister, or reregister, as required, is a misdemeanor or felony, depending on the underlying offense.

This bill would require that the registration, preregistration, or reregistration be signed under penalty of perjury.

By expanding the crime of perjury, a felony, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290 of the Penal Code is amended to
2 read:

1 290. (a) Sections 290 to 290.023, inclusive, shall be known
2 and may be cited as the Sex Offender Registration Act. All
3 references to “the Act” in those sections are to the Sex Offender
4 Registration Act.

5 (b) Every person described in subdivision (c), for the rest of his
6 or her life while residing in California, or while attending school
7 or working in California, as described in Sections 290.002 and
8 290.01, shall be required to register with the chief of police of the
9 city in which he or she is residing, or the sheriff of the county if
10 he or she is residing in an unincorporated area or city that has no
11 police department, and, additionally, with the chief of police of a
12 campus of the University of California, the California State
13 University, or community college if he or she is residing upon the
14 campus or in any of its facilities, within five working days of
15 coming into, or changing his or her residence within, any city,
16 county, or city and county, or campus in which he or she
17 temporarily resides, and shall be required to register thereafter in
18 accordance with the Act.

19 (c) The following persons shall be required to register:

20 Any person who, since July 1, 1944, has been or is hereafter
21 convicted in any court in this state or in any federal or military
22 court of a violation of Section 187 committed in the perpetration,
23 or an attempt to perpetrate, rape or any act punishable under
24 Section 286, 288, 288a, or 289, Section 207 or 209 committed
25 with intent to violate Section 261, 286, 288, 288a, or 289, Section
26 220, except assault to commit mayhem, Section 243.4, paragraph
27 (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, paragraph
28 (1) of subdivision (a) of Section 262 involving the use of force or
29 violence for which the person is sentenced to the state prison,
30 Section 264.1, 266, or 266c, subdivision (b) of Section 266h,
31 subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286,
32 288, 288a, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, subdivision
33 (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10,
34 311.11, or 647.6, former Section 647a, subdivision (c) of Section
35 653f, subdivision 1 or 2 of Section 314, any offense involving
36 lewd or lascivious conduct under Section 272, or any felony
37 violation of Section 288.2; any statutory predecessor that includes
38 all elements of one of the above-mentioned offenses; or any person
39 who since that date has been or is hereafter convicted of the attempt
40 or conspiracy to commit any of the above-mentioned offenses.

1 *(d) Every registration, reregistration, and preregistration*
2 *required by the Act shall be signed under penalty of perjury.*

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

The Honorable Senator Dennis Hollingsworth
Senate Minority Leader
California State Capitol, Room 305
Sacramento, CA 95814
Fax: (916) 447-9008

March 25, 2009

RE: Support of Senate Bill 669 (Hollingsworth)

Dear Senator Hollingsworth:

The City of Wildomar is pleased to support SB 669. This bill restores standards for Sexually Violent Predators (SVPs) that were previously approved by the legislature but were chaptered out by Jessica's Law.

A vast majority of SVPs refuse treatment while in a state hospital. According to the Department of Mental Health, 68% of Sexually Violent Predators are currently refusing treatment. Treatment is imperative due to the alarmingly high recidivism rate of SVPs after they are released, which demonstrates the need for all SVPs to participate in and complete a treatment program.

This bill would restore a previous requirement that completion of a treatment program be a condition of release for SVPs. Under this bill, the refusal by a SVP to engage in treatment would be considered evidence that his or her condition has not changed.

The City of Wildomar is proud to support this bill. SB 669 is an excellent step towards a more effective rehabilitation process and improved public safety.

Sincerely,

Scott Farnam,
Mayor

Introduced by Senator HollingsworthFebruary 27, 2009

An act to amend Section 6605 of the Welfare and Institutions Code, relating to sexually violent predators.

LEGISLATIVE COUNSEL'S DIGEST

SB 669, as introduced, Hollingsworth. Sexually violent predators.

Existing law provides that the Director of Mental Health shall provide each person who is committed as a sexually violent predator with an annual written report which shall include consideration of whether the committed person currently meets the definition of a sexually violent predator and whether conditional or unconditional release is in the best interests of the committed person and the community, as specified.

Existing law also provides that if the department determines that the person is no longer a sexually violent predator or conditional release is in the best interests of the person and that conditions can be imposed to adequately protect the community, the director shall authorize the committed person to petition the court for conditional release or unconditional discharge, as specified.

Existing law further provides that upon receipt of such a petition for conditional release or unconditional discharge the court shall hold a show cause hearing to determine that probable cause exists for relief. If probable cause is found, then the court shall set a hearing on the issue.

This bill would provide that, at the hearing on the issue of whether the committed person should be conditionally released or unconditionally discharged, the committed person's failure to engage in treatment shall be considered evidence that his or her condition has not changed, and a jury shall be so instructed.

This bill would further require that completion of treatment programs be a condition of release.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6605 of the Welfare and Institutions Code
2 is amended to read:

3 6605. (a) A person found to be a sexually violent predator and
4 committed to the custody of the State Department of Mental Health
5 shall have a current examination of his or her mental condition
6 made at least once every year. The annual report shall include
7 consideration of whether the committed person currently meets
8 the definition of a sexually violent predator and whether conditional
9 release to a less restrictive alternative or an unconditional release
10 is in the best interest of the person and conditions can be imposed
11 that would adequately protect the community. The *State*
12 Department of Mental Health shall file this periodic report with
13 the court that committed the person under this article. The report
14 shall be in the form of a declaration and shall be prepared by a
15 professionally qualified person. A copy of the report shall be served
16 on the prosecuting agency involved in the initial commitment and
17 upon the committed person. The person may retain, or if he or she
18 is indigent and so requests, the court may appoint, a qualified
19 expert or professional person to examine him or her, and the expert
20 or professional person shall have access to all records concerning
21 the person.

22 (b) If the *State* Department of Mental Health determines that
23 either: (1) the person's condition has so changed that the person
24 no longer meets the definition of a sexually violent predator, or
25 (2) conditional release to a less restrictive alternative is in the best
26 interest of the person and conditions can be imposed that
27 adequately protect the community, the director shall authorize the
28 person to petition the court for conditional release to a less
29 restrictive alternative or for an unconditional discharge. The
30 petition shall be filed with the court and served upon the
31 prosecuting agency responsible for the initial commitment. The
32 court, upon receipt of the petition for conditional release to a less
33 restrictive alternative or unconditional discharge, shall order a

1 show cause hearing at which the court can consider the petition
2 and any accompanying documentation provided by the medical
3 director, the prosecuting attorney, or the committed person.

4 (c) If the court at the show cause hearing determines that
5 probable cause exists to believe that the committed person's
6 diagnosed mental disorder has so changed that he or she is not a
7 danger to the health and safety of others and is not likely to engage
8 in sexually violent criminal behavior if discharged, then the court
9 shall set a hearing on the issue.

10 (d) At the hearing, the committed person shall have the right to
11 be present and shall be entitled to the benefit of all constitutional
12 protections that were afforded to him or her at the initial
13 commitment proceeding. The attorney designated by the county
14 pursuant to subdivision (i) of Section 6601 shall represent the state
15 and shall have the right to demand a jury trial and to have the
16 committed person evaluated by experts chosen by the state. The
17 committed person also shall have the right to demand a jury trial
18 and to have experts evaluate him or her on his or her behalf. The
19 court shall appoint an expert if the person is indigent and requests
20 an appointment. The burden of proof at the hearing shall be on the
21 state to prove beyond a reasonable doubt that the committed
22 person's diagnosed mental disorder remains such that he or she is
23 a danger to the health and safety of others and is likely to engage
24 in sexually violent criminal behavior if discharged. *The committed*
25 *person's failure to engage in treatment shall be considered*
26 *evidence that his or her condition has not changed, for purposes*
27 *of any court proceeding held pursuant to this section, and a jury*
28 *shall be so instructed. Completion of treatment programs shall be*
29 *a condition of release.*

30 (e) If the court or jury rules against the committed person at the
31 hearing conducted pursuant to subdivision (d), the term of
32 commitment of the person shall run for an indeterminate period
33 from the date of this ruling. If the court or jury rules for the
34 committed person, he or she shall be unconditionally released and
35 unconditionally discharged.

36 (f) In the event that the State Department of Mental Health has
37 reason to believe that a person committed to it as a sexually violent
38 predator is no longer a sexually violent predator, it shall seek
39 judicial review of the person's commitment pursuant to the
40 procedures set forth in Section 7250 in the superior court from

- 1 which the commitment was made. If the superior court determines
- 2 that the person is no longer a sexually violent predator, he or she
- 3 shall be unconditionally released and unconditionally discharged.

The Honorable Senator John J. Benoit
Senator 37th District
California State Capitol, Room 4066
Sacramento, CA 95814
Fax: (916) 327-2187

March 25, 2009

RE: Support of Senate Bill 214 (Benoit)

Dear Senator Benoit:

The City of Wildomar is pleased to support SB 214. This bill would create a meaningful definition for the term “sober living home”.

Currently, sober living homes are undefined by statute, opening a large umbrella of State protection for residences to call themselves sober living homes. This shields them from local permitting and code enforcement. Unfortunately, many of these facilities fail to provide legitimate services or supervision of the residents, instead becoming places to house parolees and other offenders.

This bill would require that a sober living home be operated as a cooperative living arrangement to provide an alcohol and drug free environment for persons recovering from alcoholism or drug abuse, who seek a living environment in which to remain clean and sober. Under this bill, it would be comprised of residents, including live-in managers, operators, or owners, who are living a sober lifestyle. It would also oblige its residents to actively participate in legitimate recovery programs, including, but not limited to, outpatient treatment, 12-step recovery, and other recognized programs of recovery, and maintain current records and meeting attendance. It would mandate its owners, managers, operators and residents observe and promote a zero tolerance policy regarding the consumption or possession of alcohol or controlled substances.

The City of Wildomar is proud to support this bill. SB 214 is an excellent step towards a more effective rehabilitation process.

Sincerely,

Scott Farnam,
Mayor

Introduced by Senator BenoitFebruary 23, 2009

An act to add Section 11834.255 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 214, as introduced, Benoit. Sober living homes.

Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults.

This bill would provide that a sober living home, as defined, is exempt from licensure under these provisions. The bill also would provide that a residence housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.255 is added to the Health and
- 2 Safety Code, to read:
- 3 11834.255. (a) The purpose of this section is to provide a
- 4 definition of a "sober living home" so as to give both those
- 5 purporting to operate these facilities and local code and law

1 enforcement agencies the ability to determine whether residences
2 housing former drug and alcohol abusers are exempt from local
3 regulation or exercise of local police powers.

4 (b) For purposes of this chapter, “sober living home” means a
5 residential property that is operated as a cooperative living
6 arrangement to provide an alcohol- and drug-free environment for
7 persons recovering from alcoholism or drug abuse, or both, who
8 seek a living environment in which to remain clean and sober, and
9 that satisfies all of the following requirements:

10 (1) Residents of the facility, including live-in managers,
11 operators, or owners, are living a sober lifestyle.

12 (2) Residents actively participate in legitimate recovery
13 programs, including, but not limited to, outpatient treatment,
14 12-step recovery, and other recognized programs of recovery, and
15 maintain current records of meeting attendance.

16 (3) Owners, managers, operators, and residents observe and
17 promote a zero tolerance policy regarding the consumption or
18 possession of alcohol or controlled substances, except for
19 prescription medications obtained and used under direct medical
20 supervision. The observation and promotion of this policy may
21 take into account demonstrable efforts made by residents to respond
22 to, and prevent additional violations of, the policy.

23 (4) Owners, managers, operators, and residents do not provide
24 onsite any of the following services, as they are defined in Section
25 10501 of Title 9 of the California Code of Regulations:

26 (A) Detoxification services.

27 (B) Education sessions.

28 (C) Individual or group sessions.

29 (D) Alcoholism or drug abuse recovery or treatment planning.

30 (5) The number of residents who are subject to the sex offender
31 registration requirements of Section 290 of the Penal Code does
32 not exceed the limit set forth in Section 3003.5 of the Penal Code
33 and does not violate the distance provisions set forth in Section
34 3003 of the Penal Code.

35 (6) Residents do not require nonmedical care or supervision, as
36 those terms are defined in Section 1503.5 and in Title 22 of the
37 California Code of Regulations.

38 (7) Owners, managers, operators, and residents ensure that the
39 property and its use comply with applicable state and local law.

1 (c) A residence housing those purporting to be recovering from
2 drug and alcohol abuse shall be presumed to be a sober living home
3 if the residence has been certified, registered, or approved by a
4 recognized nonprofit organization that provides a credible quality
5 assurance service for applicants or members.

6 (d) A sober living home shall be exempt from licensure under
7 this chapter.

8 (e) Nothing in this section shall be construed to prohibit minor
9 children who are dependents of a resident of the facility from also
10 residing in the facility.

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 E.
CONSENT CALENDAR ITEM
Meeting Date: April 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Sheryll Schroeder, City Clerk, on behalf of Mayor Farnam and Mayor Pro Tem Moore

SUBJECT: Letter of support for Rancho Springs Medical Center

STAFF REPORT

RECOMMENDATION:

That the City Council authorize the Mayor to send a letter of support for the approval and licensing of the Murrieta Rancho Springs Medical Center to Governor Schwarzenegger.

BACKGROUND:

The Office of Statewide Health Planning and Development (OSHDP) and the California Department of Health Services (CDPH) are responsible for reviewing and approving applications to construct and license new healthcare facilities in California. In early November of 2008, Rancho Springs Medical Center in Murrieta completed a state of the art expanded hospital facility and five months after completion, the Rancho Springs facility has not received final approval licensing to open the facility. The facility is fully furnished and staffed but unable to provide medical services.

A letter of support has been requested by the Southwest California Legislative Council, the Regional Business Advocacy Coalition of the Temecula Valley, Murrieta, Lake Elsinore Valley, Menifee and Wildomar Chambers of Commerce.

FISCAL IMPACT:

There is no fiscal impact to the City of Wildomar.

ALTERNATIVES:

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

ATTACHMENTS:

Letter to Governor Schwarzenegger from Southwest California
Legislative Council
Draft letter to Governor Schwarzenegger from Wildomar City
Council

Submitted by:

Approved by:

Sheryll Schroeder, City Clerk on behalf
of Mayor Farnam & Mayor Pro Tem Moore

John Danielson, City Manager

April 8, 2009

The Honorable Governor Arnold Schwarzenegger
Governor, State of California
State Capital
Sacramento, CA 95814

Dear Honorable Governor Schwarzenegger:

The City Council of the City of Wildomar would like to bring to your attention a dire medical service issue that impacts thousands of southwest Riverside County residents.

It is our understanding that the Office of Statewide Health Planning and Development (OSHPD) and California Department of Health Services (CDPH) are responsible for reviewing and approving applications to construct and license new healthcare facilities in California. In early November 2008, Rancho Springs Medical Center located in the City of Murrieta, completed a state of the art expanded hospital facility and five months after completion, Rancho Springs still has not received final approval licensing to open the facility. The facility is fully furnished and staffed but unable to provide much needed medical services. The opening of the new Emergency Department, Women's Unit and Neonatal Intensive Care Unit is stalled due to CDPH unwillingness to approve the project, negatively impacting the taxpaying citizens of the region.

We fear that an unconscionable event, including potential patient deaths, may take place as the population continues to grow and Rancho Springs is denied the ability to open its new facility.

The City Council of the City of Wildomar requests your involvement to address the immediate issues of certifying the Rancho Springs Hospital. California residents requiring hospital care are being denied medical services due to uncontrolled bureaucracy. We are asking your assistance in a solution by curtailing the increasing difficulties with hospital construction and licensing in order to provide medical care and employment in our region.

Sincerely,

Scott Farnam,
Mayor
On behalf of the Wildomar City Council

SOUTHWEST CALIFORNIA LEGISLATIVE COUNCIL

The Regional Business Advocacy Coalition of the
Temecula Valley Chamber of Commerce, Murrieta Chamber of Commerce, Lake Elsinore Valley Chamber of Commerce,
Menifee Chamber of Commerce and Wildomar Chamber of Commerce

26790 Ynez Court | Temecula, CA 92591 | (866) 676-5090
www.SouthwestCA.biz

March 23, 2009

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

The Southwest California Legislative Council (SWCLC) is writing to bring to your attention a potentially dire medical services issue that impacts thousands of lives throughout Southwest Riverside County, an area with a population of approximately 500,000 persons. SWCLC represents 3,120 businesses which employ 63,200 employees.

It is SWCLC's understanding that the Office of Statewide Health Planning and Development (OSHPD) and the California Department of Health Services (CDPH) are responsible for reviewing and approving applications to construct and license new healthcare facilities in California. Once OSHPD issues a "Certificate of Occupancy", it is entered into a process for an array of further reviews by CDPH. The CDPH has the authority to license the new facility for use.

In early November 2008, Rancho Springs Medical Center located in the City of Murrieta completed a \$53,000,000 state of the art expanded hospital facility; almost five months after completion Rancho Springs still has not received final approval licensing to open the facility. The completed facility is fully furnished and staffed with 60 medical professionals including nurses, nurse practitioners, and physicians, but unable to provide much needed medical services to an already statistically proven underserved population.

The opening of the new Emergency Department, Women's Unit, and Neonatal Intensive Care Unit is stalled due to CDPH unwillingness to approve the project, directly and negatively impacting the taxpaying citizens of the region.

The Southwest California region's population has almost tripled in recent years and will continue to grow in the years to come. The regions hospital needs are woefully underserved based on state and federal recommendations and a recently completed study by the University of California Riverside regarding its new School of Medicine. Had CDPH acted expeditiously five months ago in licensing, the facility at Rancho Springs Medical Center would be providing : (1) 130 patient-bed capacity up from the current 96, (2) 17 labor/delivery rooms, and 24 post-partum rooms to serve 315 baby deliveries per month; (3) Neonatal Intensive Care Unit with 11 beds, the first and only tertiary care unit in Southwest Riverside County [currently all babies have to be helicopter evacuated to San Diego County]; (4) Emergency Department with 27 bays compared to the 8 bays currently available to treat over 30,000 patients per year. (5) A Sexual Assault Response Team room for privacy in evaluation of sexual assault issues, currently these victims are required to travel 35 miles to the City of Riverside for follow-up. The hospital's workforce will also increase by 5% with 60 new full-time equivalency jobs, without considering the job multiplier factor, providing employment at a time when California faces an unemployment rate of over 10%.

Our citizens and business communities are being denied access to a state of the art medical care facility due to the lack of immediate action by CDPH. Unfortunately, the Riverside County office for CDPH has been unable and/or unwilling to recognize such negative impacts on our communities. From a purely economic development standpoint, State of California RIMS II Multipliers studies have proven that for every hospital staff person employed, 20.7 jobs are created and added to the local economy. We fear that an unconscionable event(s) including potential patient deaths may take place as the population continues to grow and Rancho Springs is denied the ability to open its new facility. Southwest California has a patient bed ratio of 1.05 per 1000 residents; the State of California average is 2.2 bed ratio per 1000 residents a rate less than half the rate of the State of California, because of CDPH failure to act in the best interest of the citizens of the State of California.

SWCLC has already opened a channel of communication with our local state legislators, cities and community members. It is essential that your office get involved in an official capacity addressing the immediate issues of certifying the Rancho Springs Hospital and to investigate the ineffective CDPH who failed to serve the taxpayers of the region. California resident's requiring hospital medical care are being denied due to bureaucracy run amok. We are asking for you to join with us to solve this problem. We are hoping to find a solution by curtailing the increasing difficulties with hospital construction and licensing in order to provide medical care and employment in our region. Let us fix this problem here and now so we may prevent similar issues from happening throughout California.

We look forward to your response.

Sincerely,



Roger Ziemer
Chair
Southwest California Legislative Council

CC: State Senator Dennis Hollingsworth 916-447-9008
State Senator Bob Dutton 916-327-2272
State Senator John J. Benoit 916-327-2187
Assembly Member Paul Cook 916-319-2165
Assembly Member Kevin Jeffries 916-319-2166
Assembly Member Brian Nestande 916-319-2164
California Chamber of Commerce 916-325-1272
City of Temecula 951-694-6499
City of Murrieta 951-698-9885
City of Lake Elsinore 951-674-2392
City of Menifee 951-679-3843
City of Wildomar 951-698-1463

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 F.
CONSENT CALENDAR ITEM
Meeting Date: April 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Sheryll Schroeder, City Clerk on behalf of Mayor Farnam and Mayor Pro Tem Moore

SUBJECT: Expressing Council's support of a joint Safe Route to School project with the Lake Elsinore Unified School District for the submission of a Safe Route to School grant for improvements at the David A. Brown Middle School.

STAFF REPORT

RECOMMENDATION:

Council support Safe Routes to School joint project with the Lake Elsinore School District.

BACKGROUND:

The Lake Elsinore School District is looking to partner with the City of Wildomar regarding the submission of a Safe Route to School grant for off-site improvements adjacent to and contiguous with David A. Brown Middle School located within the City of Wildomar. The applicant must be an incorporated City, so the City of Wildomar will be applying and the District, which has conducted a preliminary traffic study and existing conditions analysis identifying several off-site improvements, will do all the front end work. This is a 90 percent reimbursable program and the District anticipates having the funds to move forward if the grants are approved.

FISCAL IMPACT:

There is no fiscal impact to the City of Wildomar.

ALTERNATIVES:

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

ATTACHMENTS:

None.

Submitted by:

Approved by:

Sheryll Schroeder, City Clerk on
behalf of Mayor Farnam and Mayor
Pro Tem Moore

John Danielson, City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 G.
CONSENT CALENDAR ITEM
Meeting Date: 04/08/09

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 adopt the following Resolution:

1. ADOPT RESOLUTION NO. 09-17, RESOLUTION OF THE CITY OF WILDOMAR ORDERING THE ANNEXATION, AND CONFIRMING THE DIAGRAM AND ASSESSMENT OF STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED, AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2009-10.
2. DIRECT THE COUNTY OF RIVERSIDE AUDITOR-CONTROLLER'S OFFICE TO ESTABLISH AN INTEREST-BEARING SUB-FUND 20000 TO RECEIVE DEPOSITS AND INTEREST THEREON FROM STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED; IN ACCORDANCE WITH SECTION 22655-22656 OF THE STREETS AND HIGHWAYS CODE.

BACKGROUND:

On March 11, 2009, a public hearing was held to receive all 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"). After closing the public hearing, the City Council directed the County of Riverside Director of Transportation, or his designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on March 12, 2009 at 10:00 a.m. in Conference Room D on the

8th Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Street Lighting Zone 88 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 09-17 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2009-10 for Street Lighting Zone 88 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2009-10.

FISCAL IMPACTS:

The proposed budget for fiscal year 2009-10 for Street Lighting Zone 88 is \$660.00 that will result in an assessment for fiscal year 2009-10 within Street Lighting Zone 88 of \$125.22 per acre. Street Lighting Zone 88 includes 1 commercial parcel, totaling 5.27 acres. For the fiscal year in which the future streetlight improvements at Clinton Keith Rd and I-15 are completed, the annual assessment may be increased to an amount not to exceed \$187.84 per acre, adjusted for inflation. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2009.

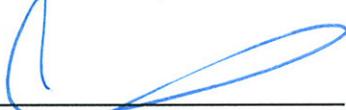
ALTERNATIVES:

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

ATTACHMENTS:

Exhibit A
Resolution No. 09-17

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

RESOLUTION NO. 09-17

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDERING THE ANNEXATION OF STREET LIGHTING ZONE 88 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

WHEREAS, on January 14, 2009 the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City") adopted Resolution No. 09-02, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the City Council to order the annexation of Street Lighting Zone 88 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the City pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 7:00 p.m. on March 11, 2009 at the meeting room of the City Council and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Street Lighting Zone 88 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 09-02, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Street Lighting Zone 88 as shown on the equalized tax roll; and

WHEREAS, at 7:00 p.m. on March 11, 2009, as set forth in Resolution No. 09-02, the City Council held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the County of Riverside Director of Transportation, or his designee, as an impartial person having no vested interest in the annexation of Street Lighting Zone 88 to L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots that had been received prior to the close of the public hearing; and

WHEREAS, the tally of the assessment ballots show that assessment ballots were timely received from the owner of 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the assessment ballots received) voted in favor of annexation of Street Lighting Zone 88 to L&LMD No. 89-1-C and the levy of an

annual assessment in said Street Lighting Zone 88 beginning fiscal year 2009-10; and

WHEREAS, the City Council may proceed, pursuant to Section 22631 of the Streets and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally proposed, or as changed by the City Council, and the adoption of such a resolution shall constitute the levy of an assessment on all assessable lots and parcels of land within Street Lighting Zone 88 of L&LMD No. 89-1-C beginning fiscal year 2009-10.

NOW, THEREFOR, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the City Council in regular session on April 8, 2009 as follows:

SECTION 1 Findings: The City Council finds:

- (a) the proceeding recitals are correct;
- (b) compliance has been had with all the requirements of the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the Government Code;
- (c) a majority protest to the annexation of and annual assessment of Street Lighting Zone 88 of L&LMD No. 89-1-C has not been filed;
- (d) the tally of the assessment ballots timely received was 100 percent voted in favor of the annexation of Street Lighting Zone 88 to L&LMD No. 89-1-C and the levy of an annual assessment beginning fiscal year 2009-10, and 0 percent voted no;
- (e) the City Council may proceed to adopt a resolution ordering the annexation of Street Lighting Zone 88 to L&LMD No. 89-1-C;
- (f) the City Council may proceed to adopt a resolution confirming the diagram and assessment for Street Lighting Zone 88 of L&LMD No. 89-1-C either as originally proposed or as changed by it; and
- (g) the assessments to be levied on the assessable lots and parcels of land within Street Lighting Zone 88 of L&LMD No. 89-1-C for the provision of electricity to all streetlights in said Street Lighting Zone 88 during the fiscal year 2009-10 as contained in the report of the County of Riverside Director of Transportation which is on file with the City Clerk (hereinafter the "Report") are based on benefits derived by such lots and parcels from the availability of such streetlights, and are not based upon the ownership of such lots and parcels.

SECTION 2 Annexation: Street Lighting Zone 88, as proposed to be annexed to L&LMD No. 89-1-C, includes all the property subject to Conditional Use Permit No. 03504R1 in the City of Wildomar, County of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No. 89-1-C.

SECTION 3 Improvements: The improvements authorized for Street Lighting Zone 88 of L&LMD No. 89-1-C are:

- (a) Providing electricity to all streetlights within the public right-of-way including incidental costs and expenses.

SECTION 4 Confirmation of Report: The Report and the assessment diagram and the assessment of estimated costs for the provision of electricity to all streetlights in Street Lighting Zone 88 of L&LMD No. 89-1-C for fiscal year 2009-10 as contained in the Report are confirmed.

SECTION 5 Levy of Assessment: Pursuant to Section 22631 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the assessment for the provision of electricity to all streetlights in Street Lighting Zone 88 of L&LMD No. 89-1-C during fiscal year 2009-10, as contained in the Report, and such assessment is levied. The City Clerk is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

SECTION 6 Effective Date: This Resolution shall take effect from and after its date of adoption.

PASSED, APPROVED, AND ADOPTED this 8th day of April, 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, Interim City Attorney

CITY OF WILDOMAR – CITY COUNCIL

Agenda Item 2 A.

PUBLIC HEARING ITEM

Meeting Date: April 8, 2009

TO: Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: A public hearing to consider amending Ordinance 824, adjusting the Western Riverside County Transportation Uniform Mitigation Fee (“TUMF”) applicable to all developments in the City of Wildomar

STAFF REPORT

RECOMMENDATION:

Introduce and waive the full reading, by substitution of title only, an amendment to Ordinance 824 adjusting the Transportation Uniform Mitigation Fee (TUMF) applicable to all development in the City of Wildomar.

BACKGROUND:

In 2002, the Western Riverside Council of Governments (WRCOG) adopted the Transportation Uniform Mitigation Fee (TUMF) Program pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.

The TUMF Program was created in response to the significant growth of new development in Riverside County. Faced with inadequate funding to improve the regional transportation system to accommodate new development, the member agencies of WRCOG developed the TUMF as a solution. The County of Riverside adopted the TUMF Program on December 10, 2002 and last amended Ordinance 824 with Ordinance 824.5 on July 1, 2008.

On August 27, 2008, the City of Wildomar adopted the County Ordinances, including Ordinance 824 (and its amendments) which authorizes participation in the Western Riverside County Transportation Uniform Mitigation Fee Program, hereinafter referred to as the TUMF Ordinance.

Section 4.C of the TUMF Ordinance authorizes periodic review and adjustment to the applicable TUMF fees in accordance with any adjustments made by the WRCOG Executive Committee. On February 2, 2009, the WRCOG Executive Committee approved an adjustment of the TUMF in light of recent decreases in the cost of constructing the regional transportation system. This adjustment was based on decreases to the Construction Cost Index (“CCI”) which WRCOG has determined to be

an accurate reflection of the cost of constructing the regional transportation system which was identified in the TUMF Nexus Study.

The proposed Ordinance amendment to Ordinance 824 incorporates these adjustments into the TUMF fee schedule contained in Section 4.A of Ordinance 824. Overall, the proposed amendment to Ordinance 824 will maintain the integrity of the TUMF Program by ensuring that there is sufficient funding to construct the regional improvements necessitated by new development.

SCHEDULE

April 8, 2009 – First Reading to amend Ordinance 824.

April 22, 2009 – Second Reading to amend Ordinance 824. Ordinance takes into effect 60 days after adoption.

FISCAL IMPACT

The proposed resolution amending the applicable TUMF applicable to all developments in the City of Wildomar will decrease the TUMF fee in order to accurately reflect the current cost of constructing the regional transportation improvement authorized by the TUMF Program.

ENVIRONMENTAL ANALYSIS

The proposed resolution amending the applicable TUMF Fee applicable to all developments in the City of Wildomar is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

John Danielson
Interim City Manager

Attachment:

1. City of Wildomar Ordinance No. 824.6

