

CITY OF WILDOMAR CITY COUNCIL
AGENDA

5:30 P.M. – CLOSED SESSION
6:30 P.M. – REGULAR MEETING

MAY 25, 2011
Council Chambers
23873 Clinton Keith Road



Marsha Swanson, Mayor
Ben Benoit, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Timothy Walker, Council Member

City Manager
Frank Oviedo

City Attorney
Julie Hayward Biggs

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA May 25, 2011

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 6:30 P.M. Closed Sessions begin at 5:30 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; Mission Trail Library, 34303 Mission Trail Blvd.; and on the City's website, www.cityofwildomar.org. 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.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Mayor will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (10 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 Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

PLEASE TURN ALL CELLULAR DEVICES TO VIBRATE OR OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – CLOSED SESSION - 5:30 P.M.

ROLL CALL

1. The City Council will meet in closed session pursuant to the provisions of Government Code section 54956.9(a) to confer with legal counsel with regard to one matter of significant exposure to litigation relating to Beutz v. County of Riverside, Riverside Superior Court Case No. RIC457351.
2. The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(b) to confer with legal counsel with regard to the following matter of pending litigation: City of Wildomar v. Wildomar Patients Compassionate Group, Inc., Riverside County Superior Court Case No. RIC10022903 and RIC10022476.

ADJOURN CLOSED SESSION

CALL TO ORDER – REGULAR SESSION - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PRESENTATIONS

Presentation – Energy Leader Participation Program

Presentation – Caltrans Update

Police Department Quarterly Update

PUBLIC COMMENTS

This is the time for citizens to comment on issues not listed on the agenda. Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on items not listed on the agenda. Each speaker is asked to fill out a "Public Comments Card" (located on the table by the Chamber door) and give the card to the City Clerk prior to the start of the meeting. Comments are limited to three (3) minutes per speaker. The Council encourages citizens to address them so that questions and/or concerns can be heard.

APPROVAL OF THE AGENDA AS PRESENTED

1.0 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 discussion and/or separate action.

1.1 Reading of Ordinances

RECOMMENDATION: Approve the reading by title only of all ordinances.

1.2 Minutes – April 27, 2011 Regular Meeting

RECOMMENDATION: Staff recommends that the City Council approve the Minutes as submitted.

1.3 Minutes – May 11, 2011 Regular Meeting

RECOMMENDATION: Staff recommends that the City Council approve the Minutes as submitted.

1.4 Warrant and Payroll Registers

RECOMMENDATION: Staff recommends that the City Council approve the following:

1. Warrant Register dated May 12, 2011, in the amount of \$442,633.25;
2. Warrant Register dated May 19, 2011, in the amount of \$47,957.97; and
3. Payroll Register dated May 25, 2011, in the amount of \$17,577.93.

1.5 Treasurer's Report

RECOMMENDATION: Staff recommends that the City Council approve the Treasurer's Report for April, 2011.

1.6 Waite Street Mobile Home Park – Conditional Use Permit No. 09-0301
RECOMMENDATION: Staff recommends that the City Council receive and file the report.

1.7 Reject Claims for Damages against the City of Wildomar
RECOMMENDATION: Staff recommends that the City Council reject the following claims:

1. Claim against the City of Wildomar received 1/17/2011 - Donald Gilbertson
2. Claim against the City of Wildomar received 3/11/2011 - Jose Anibal Castillo Ayala
3. Claim against the City of Wildomar received 8/16/2010 - Laura Hamilton

2.0 PUBLIC HEARINGS

2.1 Fiscal Year 2011/12 Proposed Budget
RECOMMENDATION: Staff recommends that the City Council continue the public hearing to the regular City Council meeting of June 8, 2011.

3.0 GENERAL BUSINESS

3.1 Park Closure Options
RECOMMENDATION: Staff recommends that the City Council discuss the park closure options and provide direction to Staff.

3.2 Joint Representation Agreement Regarding the City of Wildomar and the Wildomar Cemetery District
RECOMMENDATION: Staff recommends that the City Council approve the Joint Representation Agreement for the City of Wildomar and Wildomar Cemetery District relating to proceedings before the Riverside County Local Agency Formation Commission.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

2011 City Council Regular Meeting Schedule

June 8, 22	September 14, 28
July 13, 27	October 12, 26
August 10, 24	November 9, 23
	December 14, 28

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 that 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 phone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT: On May 20, 2011, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:
Wildomar City Hall, 23873 Clinton Keith Road
U.S. Post Office, 21392 Palomar Street
Mission Trail Library, 34303 Mission Trail Blvd

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
APRIL 27, 2011**

CALL TO ORDER – 6:30 P.M.

The regular meeting of April 27, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 6:30 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, and Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Planning Director Matt Bassi, Public Works Director Tim D’Zmura, Police Chief Fontneau, Community Services Director Willette, and City Clerk Lee.

Councilwoman Moore led the flag salute.

PRESENTATIONS

Mayor Swanson welcomed the 2011 Wildomar Queens.

Mayor Swanson presented a Proclamation recognizing Mental Health Month, May 2011.

Code Enforcement Officer Kowalski presented the monthly update.

Police Chief Fontneau gave a brief update on the parking citations stating he is working with Staff and the citizens to review policies and procedures. He expects to bring a full update at the next City Council meeting.

Mayor Swanson stated it was hoped to have a full report at this meeting, however, one of the citizens who is involved is had surgery and is unable to make it, so the full report will be on the next meeting.

PUBLIC COMMENTS

Robert MacHale, resident, stated he was unaware that his neighbor has multiple pit bulls in his house. He has been researching and has found that you cannot pass a law against a breed, but he would like to ask the City to consider a registration for killer pets. He and his nephew were walking down the sidewalk

when one of his neighbor's pit bulls got loose and attacked his dog. He doesn't want to file a police report, so he is asking for the City's help in pursuing some sort of registration process.

Henry Silvestre, resident, stated the Chamber breakfast is May 4 at D'Canter's at 7:30 a.m. The next mixer is on May 19 at the Corporate Room and after the mixer is a fundraiser poker tournament. The Wildomar Rotary, working with the City of Wildomar, will be holding the annual bicycle safety event on May 14. Also, he would like to sponsor the City's birthday this year. He would like to have a Ribfest BBQ, which will be free of charge to everyone. He would like to have it on July 2 at Elsinore High School. He is also trying to get Lake Elsinore and Wildomar Rotary Clubs to help out.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to approve the agenda as presented.

MOTION carried, 5-0.

1.0 CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to approve the Consent Calendar as presented.

MOTION carried, 5-0.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated April 14, 2011, in the amount of \$27,406.43;
2. Warrant Register dated April 21, 2011, in the amount of \$16,628.34; and
3. Payroll Register dated April 21, 2011, in the amount of \$17,677.57.

1.3 Treasurer's Report

Received and filed the Treasurer's Report for March, 2011.

- 1.4 **Accounting Services Contract Amendment - M. Cheng**
Approved the contract amendment and authorized the City Manager to execute the appropriate documents.
- 1.5 **Consultant Service Agreement with Psomas – Assessment Engineering Services for Community Service Areas 22, 142 & 103**
Adopted a Resolution entitled:

RESOLUTION NO. 2011 - 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR ASSESSMENT ENGINEERING SERVICES FOR COMMUNITY SERVICE AREAS 22, 142, AND 103 FOR A NOT-TOEXCEED AMOUNT OF \$17,907 PER YEAR

2.0 PUBLIC HEARINGS

- 2.1 **Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), Non-Disposal Facility Element (NDFE)**

City Clerk Lee read the title.

Mayor Swanson opened the public hearing.

Public Works Director D’Zmura presented the staff report stating the Council did hold a public hearing on this item in March, as required by law. To date no comments have been received.

There being no speakers Mayor Swanson closed the public hearing.

A MOTION was made by Councilwoman Moore, seconded by Councilman Walker, to adopt a Resolution entitled:

RESOLUTION NO. 2011- 23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, MAKING FINDINGS AND ADOPTING THE AB 939 PLANNING DOCUMENTS THAT INCLUDE THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NON-DISPOSAL FACILITY ELEMENT AND ADOPTING THE

NEGATIVE DECLARATION

MOTION carried, 5-0.

3.0 GENERAL BUSINESS

3.1 Parks Update

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report giving an overview of the recent events held.

3.2 Ratifying the Appropriations Limit for FY 2010-11

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report stating this is a clean-up item which should have come to the City Council last December. This item is in reference to the Measure that was on the November, 2010 ballot regarding the appropriations limit which was approved by the voters.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 24
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RATIFYING THE
APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-11

MOTION carried, 5-0.

3.3 Supervisorial District 1 Sub-Committee

City Clerk Lee read the title.

City Manager Oviedo presented the staff report

Councilman Cashman inquired if this was needed, or could an existing subcommittee handle this.

Sheryl Ade, resident, stated the Council does have numerous committees. There is an Intergovernmental subcommittee that has not met for some time. She feels another committee is political, especially since individual Council Members have already come out and stated who they will be supporting in the coming election. She does not feel another subcommittee is needed.

Councilman Walker stated he is the one who has been meeting with Supervisor Buster and his office. He would like another member to be included in these talks as they would like to meet monthly.

Mayor Swanson stated she feels meeting with Supervisor Buster and his office is beneficial. It does not matter who anyone is going to support in the next election, and that election is in 2012, a lot of things can change between now and then. The issues with the park land would not have happened if the City had open communication with Supervisor Buster's Office. She views this as a good thing.

Discussion ensued regarding meeting every month with Supervisor Buster and who would have the time to commit to meet.

Mayor Swanson appointed Councilmen Cashman and Walker to the subcommittee to meet with Supervisor Buster.

It was the consensus of the City Council to appoint Councilmen Cashman and Walker to the subcommittee to meet with Supervisor Buster on an as needed basis.

3.4 City Attorney Review

City Clerk Lee read the title.

City Attorney Biggs presented the staff report showing the presentation which was included in the agenda.

Gil Rasmussen, Wildomar Magazine, stated he is sorry that the City Attorney has to defend herself against an unwarranted attack. He hopes that wiser heads will prevail and tonight will be the end of it.

Sheryl Ade, resident, stated she thought the City Attorney's presentation was very good, especially the cost containment. She and Councilman Cashman have the historical knowledge on the selection of the City Attorney which occurred before the incorporation date. They went through

the applications which came in. They knew they didn't want Best, Best & Krieger or any of the larger firms in Los Angeles which would mean travel time. Ms. Biggs' firm is medium size and they had experience with new cities. She had met Ms. Biggs about two years prior and what struck her was her sense of humor. The entire Council agreed to hire her firm and she feels it is very important to not forget the history of how her firm was agreed to.

Councilman Cashman stated he has appreciated the firm bringing in specialty lawyers when it is needed.

City Attorney Biggs stated she feels this is an important they provide at the City Attorney rates. Private clients are paying much more for this. She also thanked Mr. Rasmussen for his kind words and also that she does not feel that she is under attack. It is appropriate to review legal costs and they are happy to do it.

Councilman Walker stated he appreciate it as he is new to the Council and is good to know. He did not view it as an attack on the attorney. He views this as information and feels it is important to do.

Mayor Pro Tem Benoit stated he agrees with Councilman Walker. They are the new Council Members, and whereas they review the City Manager annually, the Council does not review the attorney. He feels this is beneficial to both the attorney and the City. Is there a committee that deals with attorney review and is that normal.

City Attorney Biggs answered in some cities the attorney is reviewed, in some they are not. It is a little different because they are contract and not an employee. It is entirely the Council's decision if they wish to conduct an annual review or not.

Councilwoman Moore thanked Ms. Biggs for her service to the City.

Mayor Swanson stated she feels this is a good session to have every two years after an election. She does not view it as an attack, but as a way to bring new Council Members up to date and/or review everything to be sure that all is well.

CITY MANAGER REPORT

City Manager Oviedo announced closing of some on and off ramps of the I-15.

Tomorrow is the Southwest Riverside County Regional Healthcare Needs Symposium has been notified as it probably the off-ramp most will be taking. The Southwest Coalition committee of Mayor Pro Tem Benoit and Councilwoman Moore will be attending this.

City Clerk Lee reported important deadline for the June 7 election including last day to register to vote, early voting dates and locations, vote by mail drop off sites of which Wildomar City Hall is one location.

CITY ATTORNEY REPORT

There was nothing to report.

COUNCIL COMMUNICATIONS

Councilman Cashman stated he and Mayor Pro Tem Benoit attended a Regional Conservation workshop.

Mayor Pro Tem Benoit stated that it was a very good workshop.

Councilwoman Moore asked if the City will be making any comments on the environmental of the Taledega project.

City Manager Oviedo stated he was not planning to as the Council has not taken a position and has not given direction to do so.

It was the consensus of the City Council for Staff to send a letter asking them to address certain issues.

Councilman Walker stated he did meet with Supervisor Buster and Dave Stahovich, at their request. The meeting was in regards to some of the money they said they were going to backfill for the parks. They said it was after the election, when it fact it was before the election, to give us the \$62,000. He also attended the economic development event previous to the City Council. He felt it was very good and productive.

Mayor Swanson stated the egg hunt was great and thanked Staff for making it happen. On May 5 there is a public meeting in Norco regarding redistricting. Also on May 3 in the Council Chambers there will be a speaker regarding water safety. She urged everyone to attend.

FUTURE AGENDA ITEMS

*Caltrans presentation

ADJOURNMENT

There being no further business, at 7:45 p.m. Mayor Swanson adjourned the meeting.

Submitted by:

Approved by:

Debbie A. Lee, CMC
City Clerk

Marsha Swanson
Mayor

**CITY OF WILDOMAR
CITY COUNCIL REGULAR MEETING MINUTES
MAY 11, 2011**

CALL TO ORDER – CLOSED SESSION – 5:30 p.m.

The closed session of May 11, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 5:32 p.m.

City Council Roll Call showed the following members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, and Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, City Attorney Biggs, and City Clerk Lee.

City Clerk Lee announced the City Council will meet in closed session for the following matters:

1. Pursuant to the provisions of Government Code Section 54056.8 to confer with its real estate negotiator, Frank Oviedo, regarding possible acquisition of property located at 23873 Clinton Keith Road, Wildomar. Under discussion will be terms and conditions of acquisition. Negotiating parties are the City of Wildomar and Naples Plaza, Ltd.
2. Pursuant to the provisions of Government Code Section 54956.9 to confer with legal counsel with regard to the following matter of pending litigation: Beutz v. County of Riverside, Riverside Superior Court Case No. RIC457351.

At 6:30 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

There being no further business, at 6:30 p.m., Mayor Swanson adjourned the closed session.

CALL TO ORDER – REGULAR SESSION – 6:30 p.m.

The regular meeting of May 11, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 6:30 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, and Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Public Works Director D’Zmura, Planning Director Bassi, Police Chief Fontneau, Fire Chief Beach, Community Services Director Willette, and City Clerk Lee.

The Flag Salute was led by Councilwoman Moore.

PRESENTATIONS

Mayor Swanson presented a Proclamation for EMS Week – May 15 – 21, 2011.

Mayor Swanson presented a Certificate of Achievement to Boy Scout Troop 332 2011 for being named Camporee Winners.

Chief Beach presented the Fire Department monthly update.

Community Services Director Willette presented the monthly update.

The Chamber of Commerce presented the monthly update.

PUBLIC COMMENTS

Sharon Heil, Elks Lodge, stated she is presenting a check to the City to be used to help with maintenance for the parks. She also thanked the City for the letter for the non-profits.

Mayor Swanson thanked Sharon and Richard Heil for their assistance.

Dave Nicols, resident, stated he sent an email to everyone regarding an individual that he believes is living illegally on a property adjacent to him. The property has been abandoned for seven years. The individual moved a mobile home onto the property. He has contacted the City’s code enforcement regarding this. The man has since been arrested and the mobile home disappeared, so he felt the ordeal was over. However, he has moved back and is living in the abandoned house. He states he has a lease with the owner; however no one from the City can determine who the owner of the property is, so he is questioning that he has authority to be living there. He is asking what a reasonable time is to get a response back from the City as he had hoped to get a call back.

Robert MacHale, resident, stated he watched the City of Temecula's Council meeting and the core of the meeting was how they manage homelessness. They also have a lawsuit with Pechanga. He would like to help homeless men and would like to speak to individual Council Members on how the City can manage homelessness.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to approve the agenda as presented.

MOTION carried, 5-0.

1.0 CONSENT CALENDAR

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to approve the Consent Calendar as presented.

MOTION carried, 5-0.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – April 13, 2011 Regular Meeting

Approved the Minutes as submitted.

1.3 Warrant and Payroll Registers

Approved the following:

1. Warrant Register dated April 29, 2011 in the amount of \$2,108.00;
2. Warrant Register dated May 5, 2011 in the amount of \$426,549.83;
and
3. Payroll Register dated May 11, 2011 in the amount of \$18,499.23.

2.0 PUBLIC HEARINGS

There were no hearings scheduled.

3.0 GENERAL BUSINESS

3.1 Parking Enforcement Report

City Clerk Lee read the title.

Police Chief Fontneau presented the staff report stating that some of the citations written were given in error. They are in the process of clearing up the confusion regarding the RV parking. In the meantime, citizens can go through the process of protesting the citation or contacting his office.

Kathy Crebar, resident, stated she gave a handout to each Council Member. She reviewed the information contained in the handout and the conflict between the signage and the Ordinance regarding RV parking.

Councilman Cashman stated he has a problem with tickets being given in a cluster type of arrangement. He would rather the Deputies report that there appears to be a problem in a particular area and we deal with it that way, not by going to a call and seeing a lot of cars that could be ticketed.

Mayor Swanson stated she disagrees in that if you are breaking the law, you are breaking the law. If there is a problem with parking by being too far away from the curb, or blocking a fire hydrant or the sidewalk, they need to be ticketed.

Discussion ensued regarding how citations should be given and warnings should be given instead of tickets.

Mayor Pro Tem Benoit thanked the citizens for coming forward and letting the City know the problem.

3.2 Parks Update

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report. He advised that the County has sent out letters regarding the refunding of monies paid for the park assessment that was successfully challenged.

City Attorney Biggs stated she has been in contact with County Counsel and the process for refunding tax monies is complicated. What Wildomar residents are asking is how do they get the refund, but have it stay with the City for the on-going maintenance of the parks. The best way to

achieve this is to not get the refund and leave the money where it is. Refunding of tax monies is very strict and can only be done through the Legislature. It is a complicated process and both sides are looking into this issue. She expects the County will be making an announcement shortly regarding the refunds.

John Lloyd, Citizens for Wildomar Parks, reviewed what has been happening with the Citizens for Wildomar Parks campaign. They have had a great outpouring from the citizens in terms of their contributions and volunteering their time to go door to door. What they are finding is people are confused.

3.3 Unpaved Roadway Enhancement Program for Fiscal Year 2011/2012

City Clerk Lee read the title.

Public Works Director D'Zmura and Supervising Engineer Palmer presented the staff report.

Discussion ensued regarding the cost; Property owners understanding it is a chip seal and not pavement;

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to select Valencia Street, Shoemaker Drive and Cash Lane, and Windsong Lane for enhanced maintenance for the Fiscal Year 2011/2012 Unpaved Roadway Enhancement Program and direct staff to initiate proceedings to form a district to fund roadway maintenance.

MOTION carried, 5-0.

3.4 City Council Summer Hiatus

City Clerk Lee read the item.

City Manager Oviedo presented the staff report.

Councilman Cashman stated we should also look at the second meeting of December as well since we usually go dark.

It was the consensus of the City Council to direct the City Manager to bring an item for Council consideration regarding permanently going dark for one meeting in August and one in December.

CITY MANAGER REPORT

City Manager Oviedo stated there will be a budget workshop on May 17 at 6:30 p.m. to give the residents an opportunity to have input on the budget.

City Clerk Lee reported on important dates regarding the June 7 election.

CITY ATTORNEY REPORT

There was nothing to report.

COUNCIL COMMUNICATIONS

Councilman Walker stated he attended Career Day at David A. Brown Middle School. He stated that he took pictures of the founders of Wildomar and was surprised when all the kids knew who they were and also history of Wildomar. The parks issue was something that the kids were asking about as well.

Councilwoman Moore stated she attended the following: RTA monthly meeting; Wildomar Elementary to accept a check; Bicycle Safety Event; Citizen Corps meeting; Library event; League dinner; and Safe Routes to School Coalition meeting. She stated the Boy Scouts will be cleaning up the cemetery on May 22 in preparation of the Memorial Day event.

Councilman Cashman stated he would Staff to look at some rough road grading for the dirt roads that are not scheduled to be paved.

Mayor Pro Tem Benoit stated he attended RCTC earlier. Bundy Canyon is on the list of their projects, but it's not very high on the list. They did vote to continue funding the Metrolink through the County.

Mayor Swanson stated the League dinner was very interesting. The big issue is redistricting and it is moving fast. It appears we may get another Federal Representative in Wildomar. This is important to keep track of and offer input.

FUTURE AGENDA ITEMS

*Caltrans Update

ADJOURNMENT

There being no further business, at 7:48 p.m. Mayor Swanson declared the meeting adjourned.

Submitted by:

Approved by:

Debbie A. Lee, CMC
City Clerk

Marsha Swanson
Mayor

CITY OF WILDOMAR CITY COUNCIL
Agenda Item#1.4
CONSENT CALENDAR
Meeting Date: May 25, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant and Payroll Registers

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the following:

1. Warrant Register dated May 12, 2011 in the amount of \$442,633.25;
2. Warrant Register dated May 19, 2011 in the amount of \$47,957.97; and
3. Payroll Register dated May 25, 2011 in the amount of \$17,577.93.

DISCUSSION:

The City of Wildomar requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant and Payroll Registers are submitted for approval.

FISCAL IMPACT:

These Warrant and Payroll Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2010-11 Budget.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS:

Voucher List 5/12/2011
Voucher List 5/19/2011
Payroll Warrant Register May 25, 2011

vchlist
05/12/2011 1:06:39PM

Voucher List
City of Wildomar

Page: 1

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200482	5/12/2011	000033 AMERICAN FORENSIC NURSES	59819 59837		BLOOD DRAW BLOOD DRAW/ URINE SPECIMEN C	41.08 492.96 Total : 534.04
200483	5/12/2011	000273 BELL, LINTON	42011		DEVELOPER PROJECT REFUND -	591.85 Total : 591.85
200484	5/12/2011	000068 COUNTY OF RIVERSIDE, FIRE DEPARTM	230956		FIRE PROTECTION SRVCS 1/1-3/31	393,703.39 Total : 393,703.39
200485	5/12/2011	000035 COUNTY OF RIVERSIDE, TLMA	TL0000007956		MARCH 2011 SLF COSTS	185.71 Total : 185.71
200486	5/12/2011	000011 CR&R INC.	0251297		DUMP/RETURN & DISPOSAL FEE 4	537.33 Total : 537.33
200487	5/12/2011	000271 D & S SIGNS	5911		DEVELOPER DEPOSIT REFUND 11-	195.09 Total : 195.09
200488	5/12/2011	000036 DATAQUICK	B10926927		CODE ENF SOFTWARE 4/1/11-4/30/	100.68 Total : 100.68
200489	5/12/2011	000019 DEVINE, ROBERT	51111		PLANNING COM MTGS. 2/2/11,4/6/1	225.00 Total : 225.00
200490	5/12/2011	000015 DYKSTRA, HARV	51111		PLANNING COM MTG: 2/2/11,4/6/11,	225.00 Total : 225.00
200491	5/12/2011	000022 EDISON	5311 5511 5611 5811A 5811B 5711		CSA 103 - PALOMAR- ELECT SRVC: ZONE 73- FUND 89 ELECTRICAL 3/ CITY LAMPS ELECTRICAL SRVCS 4 CSA 22 ELECTRICAL SRVCS 4/1-5/ CSA 103 ELECTRICAL SRVCS 1/27- CSA 142 ELECTRICAL SRVCS 4/1-5	34.57 93.09 380.11 3,029.44 13,512.52 2,030.20 Total : 19,079.93
200492	5/12/2011	000012 ELSINORE VALLEY MUNICIPAL, WATER	51011		REFUND-DEVELOPER OVER PAID 1	23,390.56

Page: 1

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Voucher List
City of Wildomar

Page: 2

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200492	5/12/2011	000012	000012 ELSINORE VALLEY MUNICIPAL, WA		(Continued)	Total : 23,390.56
200493	5/12/2011	000272	INLAND URGENT CARE	304W	PRE EMPLOYMENT PHYSICAL SER	45.00
						Total : 45.00
200494	5/12/2011	000085	KAZMIER, MICHAEL	51111	PLANNING COM MTGS 2/2/11, 4/8/11	225.00
						Total : 225.00
200495	5/12/2011	000222	LANGWORTHY, VERONICA	51111	PLANNING COM MTGS 2/2/11, 4/8/11	225.00
						Total : 225.00
200496	5/12/2011	000274	LOOPNET, INC.	INV11390552	PREMIUM MEMB SRVCS 4/16-4/15/	1,797.00
						Total : 1,797.00
200497	5/12/2011	000147	MARATHON REPROGRAPHICS	62860	TRAIL MAP COPIES	37.79
						Total : 37.79
200498	5/12/2011	000084	MUNISERVICES, LLC	0000024811	SALES AND USE TAX REPORTING :	382.50
						Total : 382.50
200499	5/12/2011	000018	ONTRAC	7115936	OVERNIGHT DELIVERY SRVCS	29.82
						Total : 29.82
200500	5/12/2011	000246	RIVERSIDE COUNTY RECORDER	39113	CODE ENFORCEMENT RELEASE O	13.00
						Total : 13.00
200501	5/12/2011	000223	SMITH, STAN	51111	PLANNING COM MTG 2/2/11, 4/8/11,	225.00
						Total : 225.00
200502	5/12/2011	000275	SUPERIOR COURT OF CALIFORNIA, CO	42611	SMALL CLAIMS JUDGEMENT TODD	280.00
						Total : 280.00
200503	5/12/2011	000020	VERIZON	5111	TELEPHONE CHRGS 5/1-5/31/11	35.61
				5111A	OFFICE PHONE CHRGS 5/1-5/31/11	568.95
						Total : 604.56
22 Vouchers for bank code : wf						Bank total : 442,633.25

Page: 2

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Voucher List
City of Wildomar

Page: 3

Bank code : wf

<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>	
22	Vouchers in this report					Total vouchers :	442,833.25

Page: 3

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200504	5/19/2011	000044 A&A JANITORIAL SERVICES	1657		JANITORIAL SRVCS - MARNIA 5/1-5	650.41
					Total :	650.41
200505	5/19/2011	000034 BIO-TOX LABORATORIES	6213 6213D		RC SHERIFF- LAB SERVICES	425.03
					RC SHERIFF- LAB SERVICES	1,677.10
					Total :	2,102.13
200506	5/19/2011	000028 CALPERS	0420110 0520113		CITY COUNCIL CONTRIBUTIONS 4/ CONTRIBUTIONS 4/25-5/8/11	305.41 3,138.37
					Total :	3,443.78
200507	5/19/2011	000277 CITY OF TEMECULA	5211		RIVCO DIVISION MTG. 5/9/11	90.00
					Total :	90.00
200508	5/19/2011	000276 CLARK FORENSIC SERVICES, INC.	4067	0000010	EMERGENCY SUPPLIES	2,501.25
					Total :	2,501.25
200509	5/19/2011	000279 CONNECT WIRELESS SOLUTIONS	51211		MOBILE DISASTER NET RADIO- EM	2,188.72
					Total :	2,188.72
200510	5/19/2011	000027 DIRECTTV	15133473371		CABLE SERVICES 5/12-5/11/11	86.99
					Total :	86.99
200511	5/19/2011	000278 HOLLYWOOD DANCE	1154		WILDOMAR RECREATION- DANCE	1,218.00
					Total :	1,218.00
200512	5/19/2011	000016 INNOVATIVE DOCUMENT SOLUTIONS	102987		CONTRACT COPIER SRVCS 4/1-4/3	448.51
					Total :	448.51
200513	5/19/2011	000184 NORTH COUNTY TIMES AND, THE CALIF 2280106			PUB HEARING NTCE 11-0073	135.92
					Total :	135.92
200514	5/19/2011	000185 PITNEY BOWES	952042		POSTAGE METER RENTAL 6/16-9/1:	97.88
					Total :	97.88
200515	5/19/2011	000042 PV MAINTENANCE, INC.	005-121		GAS TAX/ PUB WORKS SRVCS APF	20,606.77

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Voucher List
City of Wildomar

Page: 2

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200515	5/19/2011	000042	000042 PV MAINTENANCE, INC.	(Continued)		Total : 20,808.77
200516	5/19/2011	000131	RCAWRC	51911	MSHCP MITIGATION FEE APR 2011	11,628.00
						Total : 11,628.00
200517	5/19/2011	000053	SIEMENS INDUSTRY, INC.	RR-108487 RR-108488	TRAFFIC SIGNAL MAINT APR 2011 TRAFFIC SIGNAL RESPONSE/INSP	1,835.00 924.61
						Total : 2,759.61
14 Vouchers for bank code : wf						Bank total : 47,857.97
14 Vouchers in this report						Total vouchers : 47,857.97

Page: 2

City of Wildomar
Payroll Warrant Register
May 25, 2011

<u>ACH Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
5/13/2011	Payroll People	4/23-5/06/11 Staff	17,577.93
		TOTAL	17,577.93

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: May 25, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Treasurer's Report, April 2011

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the Treasurer's Report for April, 2011.

DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of April 2011.

FISCAL IMPACT:

None.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS:

Treasurer's Report

CITY OF WILDOMAR
 TREASURER'S REPORT FOR
 CASH AND INVESTMENT PORTFOLIO
April 2011

CITY CASH

FUND	ACCOUNT	INSTITUTION	BALANCE	RATE
All	All	WELLS FARGO	\$ 2,949,831.63	0.00%
		TOTAL	\$ 2,949,831.63	

FUND	ACCOUNT	INSTITUTION	BEGINNING BALANCE	+ DEPOSITS	(-) WITHDRAWALS	ENDING BALANCE	RATE
All	All	WELLS FARGO	\$ 2,469,737.99	\$ 947,554.68	\$ (467,461.04)	\$ 2,949,831.63	0.000%
		TOTAL	\$ 2,469,737.99	\$ 947,554.68	\$ (467,461.04)	\$ 2,949,831.63	

CITY INVESTMENT

FUND	ISSUER	BOOK VALUE	FACE VALUE	MARKET VALUE	PERCENT OF PORTFOLIO	DAYS TO MAT.	STATED RATE
All	LOCAL AGENCY INVESTMENT FUND	\$ 1,529,971.75	\$ 1,529,971.75	\$ 1,529,971.75	100.00%	0	0.588%
	TOTAL	\$ 1,529,971.75	\$ 1,529,971.75	\$ 1,529,971.75	100.00%		

CITY - TOTAL CASH AND INVESTMENT \$ 4,479,803.38

CITY INVESTMENT

FUND	ISSUER	BEGINNING BALANCE	+ DEPOSITS/ PURCHASES	(-) WITHDRAWALS/ SALES/ MATURITIES	ENDING BALANCE	STATED RATE
All	LOCAL AGENCY INVESTMENT FUNDS	\$ 1,528,060.08	\$ 1,911.67	\$ 0.00	\$ 1,529,971.75	0.588%
	TOTAL	\$ 1,528,060.08	\$ 1,911.67	\$ 0.00	\$ 1,529,971.75	

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.

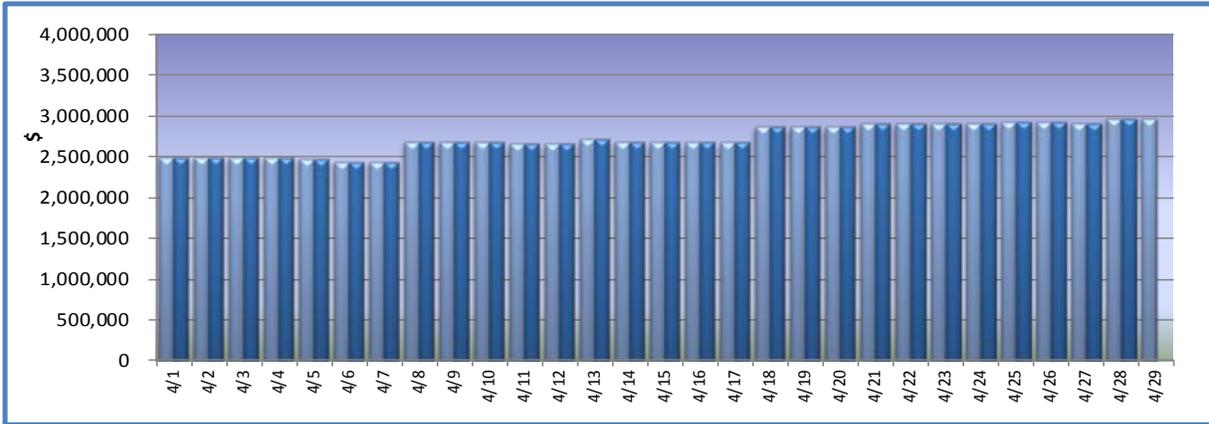
 Gary Nordquist
 ACM Finance & Administration /
 City Treasurer

 Date



April 2011

Daily Cash Balance All Funds Checking Only Pool Report Balance



Fiscal Year	Ending Balance	Monthly Net Activity
July 2009	2,027,072	-
Aug 2009	4,745,827	2,718,755
Sept 2009	4,201,825	(544,002)
Oct 2009	3,674,234	(527,592)
Nov 2009	3,098,110	(576,124)
Dec 2009	2,963,884	(710,350)
Jan 2010	2,801,810	(296,300)
Feb 2010	2,919,794	117,984
Mar 2010	2,397,718	(522,076)
April 2010	3,239,669	841,951
May 2010	3,200,801	(38,868)
June 2010	3,159,501	(41,300)
July 2010	3,008,802	(150,699)
Aug 2010	3,860,503	851,700
Sept 2010	3,069,412	(791,091)
Oct 2010	2,992,344	(77,068)
Nov 2010	2,365,924	(626,420)
Dec 2010	3,199,019	833,094
Jan 2011	2,661,091	(537,927)
Feb 2011	2,799,932	(399,087)
Mar 2011	2,469,738	(191,353)
Apr 2011	2,949,832	149,900

April 2011		
Date	Ending Balance In Whole \$	Net Change from Prior Day
4/1	2,469,929	-
4/2	2,469,929	-
4/3	2,469,929	-
4/4	2,471,610	1,682
4/5	2,466,952	(4,659)
4/6	2,429,231	(37,721)
4/7	2,428,658	(572)
4/8	2,667,733	239,075
4/9	2,667,733	-
4/10	2,667,733	-
4/11	2,646,638	(21,096)
4/12	2,645,636	(1,002)
4/13	2,701,248	55,613
4/14	2,675,821	(25,427)
4/15	2,665,935	(9,886)
4/16	2,665,935	-
4/17	2,665,935	-
4/18	2,851,745	185,810
4/19	2,851,496	(250)
4/20	2,851,530	34
4/21	2,894,737	43,207
4/22	2,896,249	1,512
4/23	2,896,249	-
4/24	2,896,249	-
4/25	2,907,596	11,347
4/26	2,903,839	(3,758)
4/27	2,897,186	(6,652)
4/28	2,951,370	54,184
4/29	2,949,832	(1,538)

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.6
CONSENT CALENDAR
Meeting Date: May 25, 2011

TO: Mayor and City Council Members
FROM: Matthew C. Bassi, Planning Director
SUBJECT: Waite Street Mobile Home Park - Conditional Use Permit No. 09-0301

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council receive and file the report.

DISCUSSION:

According to the City's Zoning Ordinance, a Conditional Use Permit (CUP) is required to establish a mobile home park in the R-R (Rural Residential) zone. As the Council is aware, the City's Code Enforcement department began legal proceedings against the property owner in 2010 in order to make the mobile home park legal. The City Council recently approved an extension for the Settlement Agreement to allow additional time for the property owner to obtain approval of a CUP.

On May 4, 2011, the Planning Commission held a public hearing on Conditional Use Permit No. 09-0301. There was public testimony taken and much discussion between the Commissioners on the project. In a unanimous 5-0 vote, the Planning Commission adopted a Mitigated Negative Declaration and approved Conditional Use Permit No. 09-0301, subject to conditions of approval.

A copy of the Commission staff report that includes staff's detailed analysis (with exhibits) is provided for Council consideration (Attachment 1). A copy of the draft meeting minutes from the May 4, 2011 Commission meeting and the approved development plans are also provided for Council consideration (Attachment 2 & 3, respectively).

FISCAL IMPACT:

There is no fiscal impact resulting from this "Receive and File" action.

Submitted by:

Approved by:

Matthew C. Bassi
Planning Director

Frank Oviedo
City Manager

ATTACHMENTS:

1. Planning Commission Staff Report (May 4, 2011)
2. Planning Commission Minutes (Excerpts from the May 4, 2011 meeting)
3. Full Size Plans (under separate cover)

ATTACHMENT 1

Planning Commission Staff Report

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 2.1
PUBLIC HEARING
Meeting Date: May 4, 2011

TO: Chairman Dykstra and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: **Conditional Use Permit 09-0301 (Waite Street Mobile Home Park):**
A request by Mr. John Reidy (Applicant) to establish a 10-unit mobile home park on a 1.79 acre site and located at 21517 & 21521 Waite Street.

RECOMMENDATION:

The Planning Department recommends the Planning Commission take the following actions:

1. Adopt a PC Resolution 2011-02 (Attachment A) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT NO. 09-0301 (A 10-UNIT MOBILE HOME PARK) LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

2. Adopt a PC Resolution 2011-03 (Attachment B) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 09-0301 WITH CONDITIONS TO ESTABLISH A 10-UNIT MOBILE HOME PARK LOCATED AT LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

BACKGROUND:

In August 2008, the former owner of the property established a mobile home park without applying for a Conditional Use Permit (CUP). Subsequent code enforcement violations were documented and legal proceedings were initiated by the City. In 2009, Mr. John Reidy repossessed the property and worked with the County and City to resolve the outstanding legal issues. As a result, a Settlement Agreement was prepared between Mr. Reidy, the County of Riverside and the City of Wildomar, and approved by the City Council in 2010.

The Agreement required Mr. Reidy to repay the County and City the legal fees incurred and allowed the owner to complete the previously submitted application for a CUP by October 2010. The agreement also required the City to process the CUP application and at a public hearing. It was understood that City had no obligation to approve the CUP to allow the 10-unit mobile home park. On April 13, 2011, the City Council approved an amendment to the Settlement Agreement extending the deadline for all requirements to November 2011.

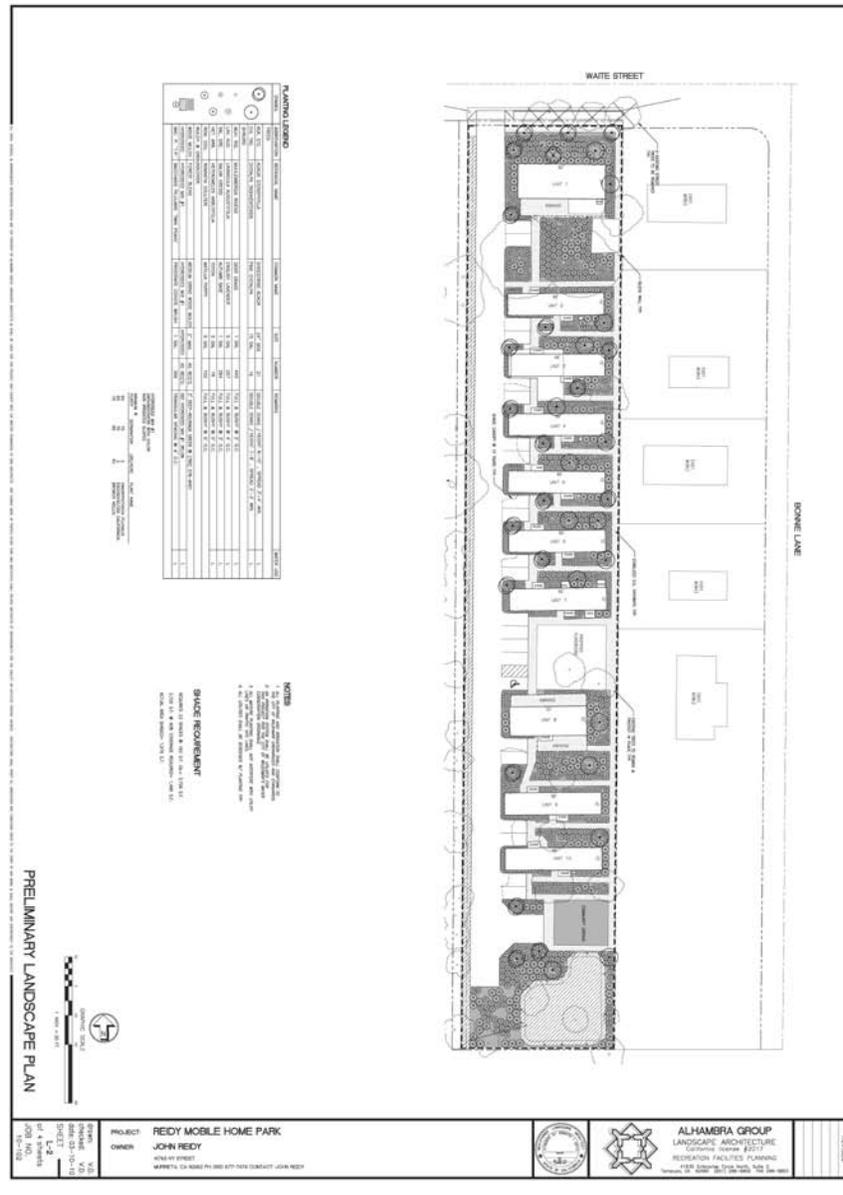
PROJECT DESCRIPTION

The project site is 1.79 acres and is located on the south side of Waite Street, mid-way between Mission Trail and Almond Street (Attachment C). The site is generally level and the grade varies only by 4 feet, and naturally drains from the east to west. The site consists of three (3) parcels which will be merged into one parcel via a Parcel Merger.

The property was previously used for residential purposes, and currently contains 11 mobile home units, but only 10 will exist with this approval. Scattered ornamental trees and scrub brush exists on the property at various locations. The layout of the property and landscaping information is provided in the attached full-size development plans (Attachment D).

Site access is provided via a driveway off of Waite Street. Onsite circulation is provided with a north-south drive aisle (meeting Fire Department standards) on the west side of the proposed units. The project also includes a 24-foot turn-around radius at the end of the a turn around at the southern portion of the site. The layout of the proposed mobile home park places the access drive and turn around along the western side of the site and the units, playground, and garden area along the eastern side of the property. The project will be surrounded by a six-foot decorative masonry wall. The project is not proposed to be gated. The exhibit on the following page shows the proposed site plan.

The conceptual landscape plan proposes a low water use design using low water use shrubs and trees. In addition to the existing trees along the western property line, the plans propose to add Shoestring Acacia (*Acacia stenophylla*) along the street and between the units with Pink Chitalpa (*Chitalpa tashkentensis*) added for color and accent. Most of the site landscaping will consist of a combination of Deer Grass (*Muhlenbergia Rigens*), English Lavender (*Lavandula Augustifolia*), Autumn Sage (*Salvi Greggii*), Toyon (*Heteromeles Arbutifolia*), and Matilja Poppy (*Romneya, Coulteria*). The groundcover will be Coyote Bush (*Baccharis Pilularis*). The only turf areas will be in the proposed playground area located between units 7 and 8 and in the water quality treatment swale along the western property line. All landscaping will be required to comply with City of Wildomar standards for water efficiency. The exhibit below shows the conceptual landscape plan.



PROJECT DISCUSSION:

The General Plan Land Use and Zoning designations, as well as the existing land uses for the project site and surrounding properties are provided in the following table.

ADJACENT ZONING, LAND USE AND APPLICABLE STANDARDS			
Location	Current Use	General Plan Land Use Designation	Zoning
Subject Property	Residential	Medium Density Residential	Rural Residential (R-R)
North	Residential	Medium Density Residential	Rural Residential (R-R)
South	Vacant	Business Park	Rural Residential (R-R)
East	Residential & Vacant	Medium Density Residential	Rural Residential (R-R)
West	Residential	Medium Density Residential	Rural Residential (R-R)

Section 17.264.030 of the Wildomar Zoning Ordinance provides specific standards and requirements for mobile home parks in the R-R (Rural Residential) Zone. The specific requirements and an evaluation of compliance with the standards are provided below:

- 1) The minimum size of the living area for each unit shall be at least 450 square feet.

All of the existing, and all future, units exceed 450 square feet. Thus, the project complies with this requirement.

- 2) Each units shall have an opaque skirt between the ground and the bottom of the unit.

All units will be conditioned to install the required opaque skirting prior to final occupancy of the mobile home park. Thus, the project as conditioned will comply with this requirement.

- 3) The minimum size of each space must be at least 2,250 square feet and shall be at least 30 feet wide.

All of the spaces exceed this minimum requirement and the individual spaces are all at least 30 feet wide. Thus, the project complies with this requirement.

- 4) A six-foot masonry wall shall be erected along the perimeter of the mobile home park..

The project plans reflect a six foot high masonry block wall with 12" x 12" block pilasters along the perimeter of the mobile home park. Staff has proposed a

condition that requires a decorative block wall (e.g., Slump-stone or Split-face) block). Thus, the project complies with this requirement.

- 5) Off-street parking shall be provided as required in Section 17.188 (Off-Street Vehicle Parking Standards) of the Zoning Ordinance.

Chapter 17.188 requires two parking spaces per unit, one guest parking space for each 8 units, and one handicapped parking space. The project proposes two spaces per unit and three visitor spaces. Thus, the project complies with this requirement.

REQUIRED FINDINGS:

Pursuant to Section 17.200 of the Wildomar Zoning Ordinance, and in light of the record before it including the staff report dated May 4, 2011 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0301, the Planning Commission hereby finds as follows.

- A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The proposed mobile home park is located in a mixed residential area with typical lot sizes ranging from 7,200 square feet to approximately ½ acre. The proposed residential use is consistent with the surrounding land uses. The southern most residential unit, adjacent to the Business Park Land Use Designation, is setback approximately 120 feet from the southern property line. The project complies with the applicable provisions of zoning ordinance including, but not limited to, Chapter 17.244 (Mobile Home Parks in Residential Zones), Chapter 17.188 (Off Street Vehicle Parking Standards), and Chapter 17.16 (Rural Residential Zone), and Chapter 17.276 (Water Efficient Landscapes). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards for mobile home parks in the Rural Residential Zone as illustrated in the Staff Report. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met.

- B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the zoning ordinance as described in the Staff Report relative to setbacks, unit size and spacing, and parking such that it will not be detrimental to the public health, safety or welfare. The project contains additional features that will help maintain the livability of the proposed mobile home park (in excess of the minimum zoning standards. The site does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

ENVIRONMENTAL ASSESSMENT:

In compliance with the California Environmental Quality Act (CEQA guidelines, the Planning Department prepared and circulated a draft Initial Study and Mitigated Negative Declaration (MND) and /Mitigation Monitoring Program (MMP) for Conditional Use Permit No. 09-0301. The required 20-day public review period commenced on March 30, 2011 and concluded on April 18, 2011. No comments were received during the review period. The Planning Department is recommending that the Planning Commission adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for CUP 09-0301. A copy of the MND is provided for Commission evaluation (Exhibit A of Attachment A).

CONCLUSION

In conclusion, the proposed project meets all of the Zoning Ordinance requirements and contains components in excess of the minimum requirements. Based upon the design of the project, staff believes that the proposed would not be detrimental to the health, safety or general welfare of the community. In addition, approval of the CUP and implementation of the conditions of approval and settlement agreement, the City's code enforcement efforts will have concluded.

Respectfully Submitted,

Matthew C. Bassi
Planning Director

ATTACHMENTS:

- A. PC Resolution 2011-02 for the Mitigated Negative Declaration
Exhibit 1 - Initial Study/Mitigated Negative Declaration
- B. PC Resolution 2011-03 for Conditional Use Permit 09-0301
Exhibit 1 – Conditions of Approval
- C. Location/Vicinity Map
- D. Full Size Development Plans (under separate cover)
- E. Mitigated Negative Declaration Packet (under separate cover)

ATTACHMENT A

PC Resolution No. 2011-02

PC RESOLUTION NO. 2011-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT NO. 09-0301 (A 10-UNIT MOBILE HOME PARK) LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

WHEREAS, an application for to allow the establishment and operation of a 10-unit mobile home park was filed by

Applicant/Owner: John Reidy
Project Location: 21517 & 21521 Waite Street
APN Number: 367-182-001, 367-182-002, and 367-182-057
Lot Area: 1.79 gross acres

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional Use Permit No. 09-0301 to establish a 10-unit mobile home park located at 21517 & 21521 Waite Street in the City of Wildomar; and

WHEREAS, on March 30, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided Notice of Intent to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program to the public, responsible agencies, trustee agencies,, and the Riverside County Clerk;

WHEREAS, the City made the proposed Mitigated Negative Declaration and Mitigation monitoring Program available for the required 20-day public review period that commenced on March 30, 2011 and concluded on April 18, 2011, and in which no comments were received from the pubic; and,

WHEREAS, on April 23, 2011, the City gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on May 4, 2011, the Wildomar Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

A. Adopt the Mitigated Negative Declaration: The Mitigated Negative Declaration for CUP No. 09-0301 to establish a 10-unit mobile home park is hereby adopted as attached hereto as Attachment D of this staff report.

B. Notice of Determination: In compliance with Public Resources Code §21152 and CEQA Guidelines §15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

C. Location: The Mitigated Negative Declaration, Mitigation Monitoring Program, and all documents incorporated therein or forming the record of decision, therefore, shall be filed with the Planning Department at the Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, California 92595, and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 4th day of May 2011, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

ATTACHMENT B

PC Resolution No. 2011-03

PC RESOLUTION NO. 2011-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 09-0301 WITH CONDITIONS TO ESTABLISH A 10-UNIT MOBILE HOME PARK LOCATED AT LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

WHEREAS, an application for to allow the establishment and operation of a 10-unit mobile home park was filed by

Applicant/Owner: John Reidy
Project Location: 21517 & 21521 Waite Street
APN Number: 367-182-001, 367-182-002, and 367-182-057
Lot Area: 1.79 gross acres

WHEREAS, the Wildomar Planning Commission conducted a duly noticed public hearing on May 4, 2011 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and mitigation Monitoring Program; and

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Zoning Ordinance to take action on Conditional Use Permit No. 09-0301 to establish a 10-unit mobile home park located at 21517 & 21521 Waite Street; and

WHEREAS, on April 23, 2011, the City gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on May 4, 2011, the Wildomar Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered Conditional Use Permit No. 09-0301; and

NOW THEREFORE, the Planning Commission of the City of Wildomar does hereby resolve, determine and order as follows:

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. REQUIRED CUP FINDINGS.

Pursuant to Section 17.200 of the Wildomar Zoning Ordinance, and in light of the record before it including the staff report dated May 4, 2011 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0301, the Planning Commission hereby finds as follows.

- A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The proposed mobile home park is located in a mixed residential area with typical lot sizes ranging from 7,200 square feet to approximately ½ acre. The proposed

residential use is consistent with the surrounding land uses. The southern most residential unit, adjacent to the Business Park Land Use Designation, is setback approximately 120 feet from the southern property line. The project complies with the applicable provisions of zoning ordinance including, but not limited to, Chapter 17.244 (Mobile Home Parks in Residential Zones), Chapter 17.188 (Off Street Vehicle Parking Standards), and Chapter 17.16 (Rural Residential Zone), and Chapter 17.276 (Water Efficient Landscapes). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards for mobile home parks in the Rural Residential Zone as illustrated in the Staff Report. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met.

- B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the zoning ordinance as described in the Staff Report relative to setbacks, unit size and spacing, and parking such that it will not be detrimental to the public health, safety or welfare. The project contains additional features that will help maintain the livability of the proposed mobile home park (in excess of the minimum zoning standards. The site does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

SECTION 4. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby approves Conditional Use Permit No. 09-0301 subject to the Conditions of Approval attached hereto and incorporated by this reference as Exhibit 1 of this Resolution.

PASSED, APPROVED AND ADOPTED this 4th day of May 2011, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT 1

CITY OF WILDOMAR CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 09-0301	
Project Description: The establishment and operation of a 10-unit mobile home park	
Assessor's Parcel Number(s): 367-182-001, 367-182-002, and 367-182-057	
Approval Date: May 4, 2011	Expiration Date: May 4, 2013

General Conditions:

1. No later than May 5, 2011, the applicant shall deliver to the Planning Department a cashier's check or money order made payable to the Riverside County Clerk in the amount of \$2,108.00 which includes the \$2,044.00 fee required by the California Department of Fish and Game per Code Section 711.4(d)(3), and the \$64.00 Riverside County administrative fee. Within 5 days of the project being approved, the Planning Department shall file a Notice of Determination (NOD) for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075.
2. The applicant shall review and sign below the Acceptance of Conditions of Approval provided by the Planning Department and return the signed page with an original signature to the Planning Department no later than May 25, 2011.

Applicant's Signature

Date

3. The applicant is required to pay all outstanding deposit account balances no later than May 25, 2011.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California

Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

5. Approval of Conditional Use Permit No. 09-0301 shall expire on May 4, 2013 (2 years after project approval) if the use approved under this permit has not commenced or building permits have not been issued. The applicant may file for an extension of time provided a written request and required filing fee is submitted to the Planning Department 60 days prior to the expiration date (March 1, 2013).
6. Conditional Use Permit No. 09-0301 shall comply with the following mitigation outlined in the Mitigation Monitoring Program adopted with the Mitigated Negative Declaration:

BIO -1

The project shall comply with Ordinance 663 in order to provide a method for mitigation of impacts to the Stephens' Kangaroo Rat caused by the loss of its habitat due to development. The proposed development project shall either provide on-site mitigation to protect potential habitat reserve sites, payment of the Mitigation Fee, or a combination of both, which upon implementation will satisfy U.S. Fish and Wildlife Service, California Department of Fish and Game, as well as Wildomar mitigation requirements for the Stephens' Kangaroo Rat and its habitat.

CUL-1

If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared. The report shall include a list of the resources recovered, documentation of each site/locality, and interpretation of resources recovered. The City of Wildomar shall designate repositories in the event the significant resources are recovered.

CUL-2

At least 30 days prior to seeking a grading permit, the project applicant shall contact the appropriate Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the City of Wildomar and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site

CUL-3

If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

CUL-4

The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.

CUL-5

All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the appropriate culturally affiliated Native American Tribe. To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2.

CUL-6

If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery and significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Wildomar.

CUL-7

Prior to the issuance of a grading permit, the developer shall identify the qualified paleontologist to the City of Wildomar who has been retained to evaluate the significance of any inadvertent discovery of paleontological resources. If paleontological resources are encountered during grading or project construction, all work in the area of the find shall cease. The project proponent shall notify the City of Wildomar and the qualified paleontologist shall investigate the find. The qualified paleontologist shall make recommendations as to the paleontological resource's

disposition to the Planning Director. The developer shall pay for all required treatment and storage of the discovered resources.

CUL-8

To address the possibility that cultural resources may be encountered during project construction, a qualified professional shall initially monitor all construction activities that could potentially impact archaeological and or paleontological deposits (e.g, grading, excavation and/or trenching). However, monitoring should be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources

GEO-1

Prior to grading of areas that may receive structural fill, engineered structures or other improvements; the areas shall be cleared of surface obstructions, any existing debris, and stripped of vegetation. Vegetation and debris shall be removed and properly disposed of off-site. Holes resulting from the removal of buried tree root systems, obstructions, structures or utilities, which extend below finished site grade shall be replaced with suitable compacted fill material. Areas to receive fill and/or other surface improvements shall be scarified to a minimum depth of 12 inches, brought to a near-optimum moisture condition, and re-compacted to at least 90 percent relative compaction (based on American Standard of Testing and Materials [ASTM] Test Method D1557).

GEO-2

Prior to the issuance of a grading permit, the developer shall identify a qualified geotechnical consultant to the City of Wildomar who has been retained to evaluate required over-excavation and re-compaction of the upper 12 inches of soils within the proposed playground area and upper 24 inches of soils within the proposed paved areas; as local conditions may be encountered which could require additional over-excavation beyond these depths. The actual depth and lateral extents of grading shall be determined by the qualified geotechnical consultant, based upon subsurface conditions encountered during grading. Over-excavation bottoms shall be observed and approved by the geotechnical consultant prior to fill placement. Over-excavation bottoms shall be scarified a minimum depth of 6 inches and have a minimum relative compaction of 90 percent prior to subsequent fill placement. The over-excavation bottom shall extend sufficiently beyond the area of proposed grading and improvements so that a 1:1 (horizontal to vertical) projection from the outer edge of the grading and/or improvements will intercept the over-excavation bottom. Due to the presence of the surrounding existing improvements, this requirement is not achievable in some localized areas of the site. In these areas, based on the conditions encountered during site grading and at the discretion of the qualified geotechnical consultant, a reduced lateral extent of removals may be considered where no structural improvements are proposed. In areas where structural improvements are proposed and the required 1:1 (horizontal to vertical) projection from the outer edge of the proposed improvements can not be achieved, a reduced foundation bearing pressure may be provided and/or recommendations for deepening the proposed footings at the discretion of the qualified geotechnical consultant.

GEO-3

All excavations for the proposed development shall be performed in accordance with current OSHA (Occupational Safety and Health Agency) regulations and those of other regulatory agencies, as appropriate. Temporary excavations may be cut vertically up to five feet. Excavations over five feet shall be slot-cut, shored, or cut to a 1H:1V (horizontal, H: vertical, V) slope gradient. Surface water shall be diverted away from the exposed cut and not allowed to pond on top of the excavations. Temporary cuts shall not be left open for an extended period of time.

GEO-4

Areas prepared to receive structural fill and/or other surface improvements shall be scarified to a minimum depth of 6 inches, brought to at least optimum-moisture content, and re-compacted to at least 90 percent relative compaction (based on ASTM Test Method D1557). The optimum lift thickness to produce a uniformly compacted fill will depend on the type and size of compaction equipment used. In general, fill shall be placed in uniform lifts generally not exceeding 8 inches in compacted thickness. Placement and compaction of fill shall be performed in accordance with local grading ordinances under the observation and testing of the geotechnical consultant (see GEO-2). In general, oversized material shall not be placed within 10 vertical feet of finish grade or within 2 feet of future utilities or underground construction. Oversize material used may be incorporated into design fills in accordance with standard grading details.

GEO-5

The on-site soils shall generally be suitable as trench backfill provided they are screened of rocks and other material over 6 inches in diameter and organic matter. Trench backfill shall be compacted in uniform lifts (generally not exceeding 8 inches in compacted thickness) by mechanical means to at least 90 percent relative compaction (per ASTM Test Method D1557). If trenches are shallow and the use of conventional equipment may result in damage to the utilities; clean sand, having sand equivalent (SE) of 30 or greater, shall be used to bed and shade the utilities. Sand backfill shall be densified. The densification may be accomplished by jetting or flooding and then tamping to ensure adequate compaction. The geotechnical consultant retained (see GEO-2) shall observe, probe, and test the backfill to verify compliance with the project specifications.

HAZ-1

Prior to start of construction, the construction contractor shall designate staging areas where fueling and oil-changing activities will take place. The staging area(s) shall be reviewed and approved by City's Planning Department and the Storm Water pollution Prevention Plan (SWPPP) Manager prior to the start of construction. No fueling and oil-changing activities shall be permitted outside the designated staging areas. The staging areas, as much as practicable, shall be located on level terrain and away from sensitive land uses such as residences, day care facilities, and schools. Staging areas shall not be located near any stream, channel, or wetlands. The proposed staging areas shall be identified in the SWPPP

HAZ-2

Activities relating to the demolition of structures that may contain asbestos containing materials (ACMs) and lead based paint (LBPs) shall comply with South Coast Air Quality Management District and Riverside County Department of Public Health procedures and regulations. Depending on the age of structures, sampling/removal/disposal of ACMs and LBPs shall be conducted prior to demolition. Site preparation shall include the stripping and removal of abandoned underground utilities, cesspools, wells, foundations, debris, and other deleterious materials from the areas to be graded on the proposed project site.

HYD-1

Prior to the approval of the grading permit of improvement plans, the applicant shall be required to prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall be submitted to the Santa Ana Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the applicant will be required to submit, and obtain City approval of, a Final Water Quality Management Plan in order to comply with the Area Wide Urban Runoff Management Program.

NOISE-1

Implementation of the following construction noise mitigation measures can reduce potential construction noise impacts to a less than significant level:

- All construction and general maintenance activities (except in an emergency) shall be limited to the hours of 6:00 a.m. to 6:00 p.m. (June through September) and 7:00 a.m. to 6:00 p.m. (October through May).
 - The Construction equipment staging and storage areas should be located as far from the residential land uses as possible.
 - All construction equipment shall be properly maintained with operating mufflers and air intake silencers as effective as those installed by the original manufacturer.
 - Residents living up to 1,000 feet from the property line shall be provided with a construction schedule. A timely notification shall accompany any major changes to this schedule.
7. The development of the premises shall conform to the project plan package stamped approved on May 4, 2011.
 8. The applicant shall provide opaque skirting on each of the 10 mobile units in compliance with Section 17.264.020.B. The skirting material shall not be "metal" and the final design shall be approved by the Planning Director prior to the issuance of building permits.
 9. In order to mitigate any potential impacts to unknown subsurface archaeological resources during grading operations, if an archeological resource is encountered during grading activities all grading shall be halted or diverted until a qualified archaeologist can assess the resources. Consequently, the following requirement shall be included in the Notes Section of any grading plan: "If at any time during

excavation/construction of the site, archaeological/cultural resources, or any artifacts or other objects which reasonably appears to be evidence of cultural or archaeological resource are discovered, the property owner shall immediately advise the City of such and the City shall cause all further excavation or other disturbance of the affected area to immediately cease. The Planning Director at his/her sole discretion may require the property owner to deposit a sum of money it deems reasonably necessary to allow the City to consult and/or authorize an independent, fully qualified specialist to inspect the site at no cost to the City, in order to assess the significance of the find. Upon determining that the discovery is not an archaeological/cultural resource, the Planning Director shall notify the property owner of such determination and shall authorize the resumption of work. Upon determining that the discovery is an archaeological/cultural resource, the Planning Director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other corrective measures have been approved by the Planning Director.”

10. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.
11. The landowner agrees to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project area, to the Pechanga Tribe for proper treatment and disposition.
12. If inadvertent discoveries of subsurface archaeological resources are discovered during grading, the Developer, the project archaeologist, and the appropriate Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe.
13. All outdoor lighting for project shall conform with the requirements of Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655).
14. The developer shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.

15. No grading shall be performed without the prior issuance of a grading permit by the City.
16. Written permission shall be obtained from the affected property owners allowing any proposed grading and/or facilities to be installed outside of the project boundaries.
17. Prior to the issuance of a grading permit the Applicant shall obtain a hauling route permit for the import/export of material to the satisfaction of the City Engineer.
18. All building construction and design components shall comply with the provisions of the most recent City-adopted edition of the California Building, Plumbing and Mechanical Codes, California Electrical Code, California Administrative Code, and all appropriate City of Wildomar Standards and Codes.
19. The Applicant shall design and construct American with Disabilities Act (ADA) access from the public right of way to the main building entrance and van accessible parking in accordance with all appropriate City of Wildomar Standards and Codes, and ADA requirements and to the satisfaction of the City Engineer and Building Official.
20. The Applicant shall dedicate, design and construct all improvement in accordance with City of Wildomar Improvement Plan Check Policies, as further conditioned herein, and Standards and to the satisfaction of The City Engineer.
21. The Applicant shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary.

Prior to Issuance of Grading Permits

22. The Applicant shall provide a Title Report, including all back up documents, dated within 60 days of the first submittal and a site plan with all easement shown and labeled. Any conflicts raised that cannot be resolved may require amended entitlement approvals as a result. For all parcels that have a metes and bounds description the Applicant shall provide a chain of title to verify that the parcel is a legal parcel.
23. Prior to the issuance of a grading permit, it shall be the sole responsibility of the Applicant to obtain any and all easements and/or permissions necessary to perform the grading required for the project. A notarized letter of permission from all affected property owners or easement holders, or encroachment permit, is required for all off-site grading.
24. Prior to issuance of grading permits the Applicant shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge Elimination System (NPDES) and obtain a construction permit from the State Water Resource Control Board (SWRCB).

25. Submit, and the City approve the Final Water Quality Management Plan which ensures that post-construction flows do not exceed pre-construction levels and that tthat all storm water is treated on-site. Site design and BMPs shall be performed in accordance with the Riverside County Flood Control District's Best Management Practices design Handbook and to the satisfaction of the City Engineer.
26. Prepare and submit a comprehensive drainage study and plan that includes, but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; the proposed method of flow conveyance to mitigate the potential project impacts with adequate supporting calculations; any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff; including quality, quantity, volume, and duration in accordance with City of Wildomar's Hydrology Manual, Improvement Standards, and to the satisfaction of the City Engineer. Drainage from offsite properties currently crossing the project site shall be detailed in the study and shall be conveyed to an approved outlet or by other methods accepted by the City Engineer.
27. The WQMP and Hydrology and Hydraulic reports shall demonstrate that the runoff flow rate, volume, velocity and duration for the post-development conditions do not exceed the pre-development conditions for the 2-year 24 hour and 10-year 24 hour rainfall events. The reports shall provide a text description of the inputs, assumption, a table of the results, and conclusion. The reports shall justify the percentage of impervious area for onsite post-project with an exhibit. Site design and storm drainage design shall preserve the existing sheet flow condition of storm water discharge from the site. Storm water shall not be released at a concentrated point.
28. Drainage improvements shall be designed and improved, such that the 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right of way. When either of these criteria is exceeded, additional drainage facilities shall be installed.
29. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City Engineer for review.
30. Grading in excess of 199 cubic yards may require performance security to be posted with the City of Wildomar.
31. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing these measures shall be submitted to the City Engineer for review and acceptance.

Prior to the Issuance of Building Permits:

32. Landscaping installed for the project shall be continuously maintained to the satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
33. All proposed retaining walls or perimeter walls shall require a separate building permit prior to construction of said permits. All perimeter walls shown on the approved site plan shall be either tan Slump-stone or tan Split-face block.
34. Prior to the issuance of a building permit, the applicant shall comply with Building Department requirements in obtaining all necessary permits to construct said structures.
35. Prior to the issuance of building permits, the applicant shall pay all necessary impact and mitigation fees required by the City of Wildomar. These fees include, but are not limited to, fees associated with the Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
36. Improvement plans shall be approved by the City Engineer prior to issuance of the 1st building permit.
37. Prior to the issuance of the first building permit, the Applicant shall dedicate the southerly half - section of Waite Street, measured 30' from the approved centerline. Improvements will be based on the City of Wildomar Improvement Standard No. 105, Section "C" and to the satisfaction of the City Engineer. All property conveyed to the City of Wildomar in fee title shall be free and clear of any encumbrances, except as expressly permitted by the City. The Applicant shall provide title insurance in conjunction with all fee title dedications to the City of Wildomar.
38. Prior to the issuance of a building permit, the Applicant shall design and improve the southerly half - section of Waite Street, measured 30' from the approved centerline. Improvements will be based on the City of Wildomar Improvement Standard No. 105, Section "C", Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer. Improvement plans shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City Engineer. The posting of acceptable securities (bonds) and entering into an improvement agreement shall meet the improvement requirement of this condition.
39. Prior to the issuance of the first building permit, the Applicant shall execute a maintenance agreement for stormwater treatment device(s) to the satisfaction of the City Engineer.
40. Prior to the issuance of a building permit, the Applicant shall demonstrate compliance with the California Title 24.

41. The Applicant shall submit landscaping and irrigation plans within the public right of way to the Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.
42. The Applicant shall identify on the grading and improvement plans restricted use areas for all driveways per the City of Wildomar Improvement Standards and to the satisfaction of The City Engineer.
43. Prior to the issuance of a building permit, the developer shall annex into all applicable County Service Areas and Landscaping Maintenance District for landscaping, lighting, drainage and maintenance to the satisfaction of the City Engineer or otherwise form a District where one is not currently in place.
44. Prior to the issuance of building permit, the Applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with Zone A of the Southwest Road and Bridge Benefit District, Riverside County Flood Control and Water Conservation District, Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
45. A signing and striping plan is required for this project. The project proponent shall be responsible for any additional paving and/or striping removal caused by the striping plan. In lieu of the a separate signing and striping plan, this information may be put on the improvement plan sheet.
46. Prior to the issuance of building permits, the applicant shall comply with all applicable requirements of the Riverside County Department of Environmental Health, and submit proof that the project complies with these requirements.
47. Prior to the issuance of building permits, the applicant shall comply with the recommendations set forth in the Elsinore Valley Municipal Water District, and submit proof that the project complies with these requirements.

Prior to Release of Power, Building Occupancy, or Any Use Allowed by This Permit

48. Prior to final inspection, all required landscape planting and irrigation shall have been installed consistent with the approved construction plans and shall be in a condition acceptable to the Planning Director. The plants shall be healthy and free of weeds, disease, or pests. The irrigation system shall be properly constructed and in good working order. The applicant shall contact the Planning Department to schedule the final inspection(s).
49. Prior to final inspection, performance securities, in amounts to be determined by the Planning Director, to guarantee the maintenance of the plantings in accordance with the approved construction landscape and irrigation plan shall be filed with the Planning Department for a period of one year from final Certificate of Occupancy. After that year, if the landscaping and irrigation system have been maintained in a condition satisfactory to the Planning Director, the bond may be released upon request by the applicant.
50. Prior to the final inspection, all outdoor lighting shall be inspected by the Building and Safety Department to insure compliance with the approved lighting plan and the provisions of Chapter 8.08 of the Wildomar Municipal Code.
51. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed by telephoning (951) 245-3300"

In addition to the above requirements, the surface of each parking place shall have a surface identification sign duplicating the Symbol of Accessibility in blue paint of at least three square feet in size.

Riverside County Fire Department Conditions:

GENERAL CONDITIONS

52. FIRE.999PC - #01 – West Fire Protection Planning Office Responsibility. It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (**as it is noted above**) is required on all correspondence. Additional information is available at our website: www.rvcfire.org

go to the link marked "Ordinance 787". Questions should be directed to the Riverside County Fire Department, Fire Protection Planning Division at 2300 Market St. Suite 150, Riverside, CA 92501. Phone: (951) 955-4777, Fax: (951) 955-4886.

53. FIRE.999 USE-#90 CITY CASE STATEMENT. With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards.
54. FIRE.999 USE-#76-STANDARD FH 330/165. Approved standard fire hydrants (6" x 4' x 2 1/2") shall be located at alternate street intersections and spaced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from the fire hydrant. The water main(s) shall be a minimum 6" diameter. Fire flow shall be 1000 GPM for 2 hours duration at 20 PSI residual operating pressure.
55. FIRE.999 USE #23 MINIMUM REQUIRED FIRE FLOW. Minimum required fire flow shall be 1000 GPM for 2 hours duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type VB construction per the 2007 CBC

PRIOR TO BUILDING PERMIT ISSUANCE

56. FIRE.999 USE-#4 – WATER PLANS. The applicant or developer shall separately submit two copies of the water system plan to the Fire Department (prior to building permit issuance) for review and approval. Calculated velocities shall not exceed 10 feet per second. Plans shall conform to the fire hydrant types, location and spacing. The system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: ***"I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."***

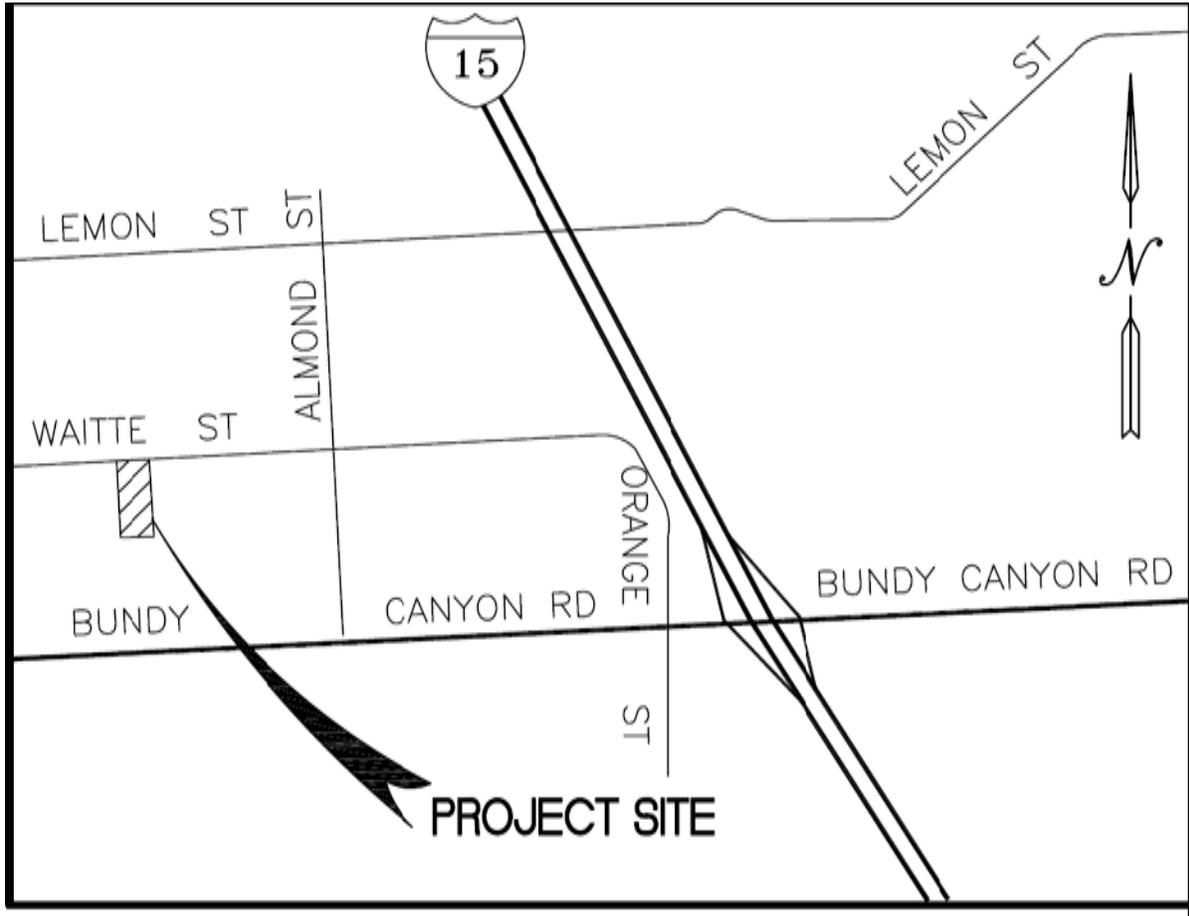
PRIOR TO BUILDING FINAL INSPECTION

57. FIRE.999 USE-#50 – BLUE DOT REFLECTORS. Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department.
58. FIRE.999 USE-#45 – FIRE LANES. The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.
59. FIRE.999 USE-#66- DISPLAY BOARDS. Display Boards will be as follows: Each complex shall have an illuminated diagrammatic representation of the actual layout which shows name of complex, all streets, building designators, unit members, and fire hydrant locations within dimension and located next to roadway access.

60. FIRE.999 USE-#25- GATE ENTRANCES. Gate entrances shall be at least two feet wider than the width of the traffic lane (s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop with out obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.
61. FIRE.999 USE-#88A-AUTO/MAN GATES. Gate (s) shall be automatic, minimum 20 feet width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Current plan check deposit base fee is \$126.00.
62. FIRE.999 USE-#32- TITLE 19. Comply with Title 19 of the California Administrative Code.

ATTACHMENT C

VICINITY/LOCATION MAP



ATTACHMENT D

Full Size Development Plans – Under Separate Cover

ATTACHMENT E

**Mitigated Negative Deceleration
Under Separate Cover**

ATTACHMENT 2

(Planning Commission Meeting Minutes - May 4, 2011)

DRAFT

CITY OF WILDOMAR PLANNING COMMISSION REGULAR MEETING MINUTES May 4, 2011

CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Dykstra at 7:00 P.M. at Wildomar City Hall, Council Chambers.

ROLL CALL

Present: Harv Dykstra, Chairman
Stand Smith, Vice-Chairman
Michael Kazmier, Commissioner
Robert Devine, Commissioner
Veronica Langworthy, Commissioner

Absent:

Staff Present: Mathew Bassi, Planning Director
Erica Vega, Assistant City Attorney
Alfredo Garcia, Assistant Planner

FLAG SALUTE

Commissioner Devine led the flag salute.

PUBLIC COMMENTS

None.

APPROVAL OF THE AGENDA AS SUBMITTED

Vice Chairman Smith motioned to approve the agenda as submitted. Motioned seconded by Commissioner Devine. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

1.0 CONSENT ITEMS

1.1 Approval of April 6, 2011 Planning Commission Minutes

Vice Chairman Smith motioned to approve Planning Commission minutes for April 6, 2011. Motioned seconded by Commissioner Langworthy. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith

NOES:

ABSENT:

ABSTAIN:

2.0 PUBLIC HEARINGS

2.1 **Conditional Use Permit No. 09-0301**

A request by MDMG, Inc on behalf of John Reidy, to establish a 10-unit mobile home park, including adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program, on a 1.9 acre site in the R-R (Rural Residential) zone located at 21517 & 21521 Waite Street in the City of Wildomar (APN: 366-182-001, 002, & 057).

RECOMMENDATION:

Staff recommends the Planning Commission:

1. Adopt a PC Resolution 2011-02 (Attachment A) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT NO. 09-0301 (A 10-UNIT MOBILE HOME PARK) LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

2. Adopt a PC Resolution 2011-03 (Attachment B) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 09-0301 WITH CONDITIONS TO ESTABLISH A 10-UNIT MOBILE HOME PARK LOCATED AT LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

Planning Director Bassi made the staff presentation.

Vice Chairman Smith asked the Director if the block wall proposed for the project would be located on the outside the project area.

Planning Director Bassi responded that the block wall will be located in the perimeter of the area.

Vice Chairman Smith commented that the report noted different acreages between the resolution and CEQA documents and would like clarification before any vote is made. This was clarified.

Vice Chairman Smith mentioned that he had not seen an address or other form of identification for each mobile unit. He said it is important the address is near for the fire department.

Planning Director Bassi responded that the applicant will be required to post identifying addressees for each unit.

Chairman Dykstra asked staff if the main driveway will be posted for "No Parking".

Director Bassi responded in the affirmative.

Commissioner Devine asked Director Bassi for clarification on required parking requirements for mobile home parks.

Director Bassi provided clarification.

Commissioner Langworthy asked Director Bassi regarding lighting on site.

Director Bassi responded that a lighting plan was not submitted but the project will be subject to the lighting ordinance when it is received in plan check.

Vice Chairman Smith asked Director Bassi what a visibility easement is.

City Engineer Steve Palmer responded that it is a restricted use area to provide visibility from entering and exiting the project site.

Commissioner Devine asked if there will be parcel merger.

Director Bassi responded in the affirmative.

Chairman Dykstra asked if there will be a driveway approach and sidewalk improvements on Waite Street.

City Engineer Palmer responded in the affirmative.

Vice Chairman Smith commented that he has visited the site.

Chairman Dykstra opened the public hearing.

Applicant representative Larry Markham made a presentation.

Commissioner Devine asked the applicant who will be maintaining the detention basin.

Applicant representative Larry Markham responded that the mobile home park will be maintaining the basin.

Vice Chairman Smith commented that the detention basin is part of the landscape plan.

Applicant representative Larry Markham responded in the affirmative.

Director Bassi commented to the Planning Commission that staff received two correspondences regarding the project, one opposing and the other in favor.

Ray Bush commented he is displeased with the history of the property while it was in the County and hopes that the conditions placed on the project by staff will be followed by the applicant.

Director Bassi commented that with a Conditional Use Permit there are conditions placed on the project that the application is required to comply with. If conditions are not complied with, the City can pursue code enforcement action.

Applicant representative Markham responded to Mr. Bush's concerns and ensured him that they will be bringing the project to full compliance and have all the necessary paper work to submit for plan check.

Vice Chairman Smith commented on one of the conditions regarding block walls. He would prefer to see the block walls replaced by a wood fence that will blend with the surrounding neighborhood.

Vice Chairman Smith further commented that in regards to skirting of the mobile homes, he would prefer that the conditions be revised to not allow for metal skirting because it will dent and fall apart easily and not be aesthetically pleasing.

Applicant representative Markham responded that they are open to any suggestions from staff.

Director Bassi responded to Vice-Chairman's Smiths comment that according to the zoning ordinance, a block wall surrounding the perimeter is required as one of the development standards for a mobile home park.

Chairman Dykstra closed the public hearing.

Chairman Dykstra asked Director Bassi that he has concerns with the block wall because it will invite people to graffiti on them and commented he liked the idea of steel fencing on the property with vines surrounding the fence.

Director Bassi responded that the applicant can place an anti graffiti coating on the wall as well as landscaping.

Vice Chairman Smith asked Director Bassi if the perimeter block wall is mandatory.

Director Bassi responded that is part of the minimum standards for approval of a mobile home park.

Assistant City Attorney Erica Vega commented that the Commission can request changes to the standards for future projects, but for this project they must use the standards as they are established presently.

Commissioner Devine asked staff if the proposed sewer would be available for other surrounding residences to connect to.

Applicant Markham responded that connections can be achieved from the east, west and south portions of the property.

Chairman Dykstra asked the applicant if the sewer line has a diameter of eight inches.

Applicant Markham responded in the affirmative.

Vice Chairman Smith motioned to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for Conditional Use Permit 09-0301. Seconded by Commissioner Devine. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

Vice Chairman Smith motioned to approve Conditional Use Permit 09-0301 with conditions, as amended by staff to establish a 10-Unit mobile home park located at 21517 and 21521 Waite Street including the comments regarding skirting. Seconded by Commissioner Devine. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

2.2 Zoning Ordinance Amendment No. 11-01

A City-Initiated Zoning Ordinance Amendment to revise the rear yard setback requirement from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural Residential) zone district.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 11-04 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 11-01 AMENDING SECTION 17.16.020.D.3 OF THE WILDOMAR ZONING ORDINANCE TO REVISE THE REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE R-R (RURAL RESIDENTIAL) ZONE

Planning Director Bassi made the staff presentation.

Commissioner Devine asked Director Bassi for clarification on setbacks regarding those established by the County.

Director Bassi provided clarification.

Chairman Dykstra opened the public hearing.

No comments from the public during the public hearing.

Chairman Dykstra closed the public hearing.

Commissioner Devine motioned to recommend City Council adoption of a Categorical Exemption and approval of Zoning Ordinance Amendment No. 11-01 to revise the rear yard setback for accessory structures in the R-R (Rural Residential) zone from 20 feet to 10 feet. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:
ABSENT:
ABSTAIN:

3.0 GENERAL BUSINESS ITEMS

None.

PLANNING DIRECTOR'S REPORT

Director Bassi informed the Commission that staff is continuing to contact project applicant's to encourage them to move their projects along.

Director Bassi also informed the Commission that the applicant for the Hoover Ranch Tract Map and Change of Zone is moving forward with the preparation of an Environmental Impact Report.

PLANNING COMMISSION COMMENTS

Chairman Dykstra commented that he has been following news on the City of Temecula's and WRCOG's intention of reviving the Western by Pass. He also mentioned the City of Wildomar will also continue to work on this to make it a reality.

ADJOURNMENT.

Chairman Dykstra adjourned the meeting at 8:05 to the next regularly scheduled Planning Commission meeting set for May 18, 2011.

Respectfully submitted:

Matthew Bassi

Commission Secretary

ATTACHMENT 3

(Full Size Development Plans – Under Separate Cover)

CITY OF WILDOMAR – COUNCIL
Agenda Item #1.7
CONSENT CALENDAR
Meeting Date: May 25, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Reject Claims for Damages against the City of Wildomar

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council reject the following claims:

- 1). Claim against the City of Wildomar received 1/17/2011 - Donald Gilbertson
- 2). Claim against the City of Wildomar received 3/11/2011 - Jose Anibal Castillo Ayala
- 3). Claim against the City of Wildomar received 8/16/2010 - Laura Hamilton

DISCUSSION:

These claims were received by the City of Wildomar and reviewed by the City's Claims Administrator and City Attorneys. The claim documents are attached.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

Attachments:

- A Gilbertson Claim
- B Ayala Claim
- C Hamilton Claim

Attachment A

Gilbertson Claim

\$5000 to KIP ✓ JLB ✓ J

File with:
City Clerk's Office
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

**CLAIM FOR MONEY OR
DAMAGES AGAINST THE
CITY OF WILDOMAR**

Claim No. _____
RECEIVED
JAN 05 2011
WILDOMAR CITY CLERKS OFFICE

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the claimant:

Name of claimant: DONALD G. LBERSON
Post Office Address: [REDACTED]

2. Post Office address to which the person presenting the claim desires

Name of addresses: _____ Telephone: [REDACTED]
Post Office Address: _____

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of occurrence: 12-26-10 Time of occurrence: 8:30 pm

Location: Bundy canyon Rd curve

Circumstances giving rise to this claim: TRAVELING 45 mph struck one major pothole then right after a few seconds another great big pothole

4. General description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.

See attached estimate repair of den

5. The name of names of the public employee or employees causing the injury, damage, or loss, if known.

6. **If amount claimed totals less than \$10,000:** The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

estimate

\$ 36,391.16 Repair Company

If amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86.)

Limited Civil Case

Unlimited Civil Case

You are required to provide the information requested above in order to comply with Government Code §910. Additionally, in order to conduct a timely investigation and possible resolution of your claim, the [CITY/AGENCY] requests that you answer the following questions.

7. Claimant(s) Social Security Number(s):

[REDACTED]

8. Claimant(s) Date(s) of Birth:

[REDACTED]

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

[REDACTED]

10. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

11. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.:

Telephone:

Address:

Insurance Policy No.:

Insurance Broker/Agent:

Telephone:

Address:

Claimant's Veh. Lic. No.:

Vehicle Make/Year:

Claimant's Drivers Lic. No.:

Expiration:

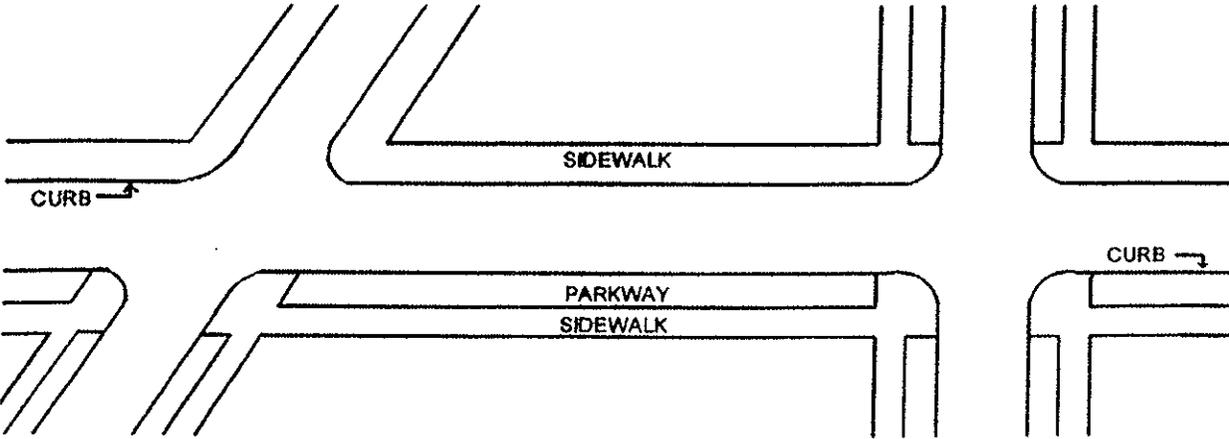
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Warning: Presentation of a false claim is a felony (Penal Code §72). Pursuant to CCP §1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: _____

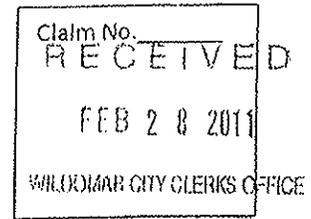
Date: 11/11

Attachment B

Ayala Claim

File with:
City Clerk's Office
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

CLAIM FOR MONEY OR
DAMAGES AGAINST THE
CITY OF WILDOMAR



A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the claimant:

Name of claimant: Jose Anibal Castillo Ayala

Post Office Address: _____

2. Post Office address to which the person presenting the claim desires

Name of addresses: _____

Telephone: _____

Post Office Address: _____

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of occurrence: 08/24/10 Time of occurrence: Approx 7:00pm

Location: Corydon and Union

Circumstances giving rise to this claim: Lake Elsinore/Wildomar Police Dept. Sheriff's
wrongfully arrested and used excessive force against claimant in violation
of California Civil Code §§ 51 et seq, 52, 52.1 et seq., 42 USC 1983
and 4th and 14th amendments, and race and national origin discrimination

4. General description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.

Wrongful arrest and excessive force by Lake Elsinore/Wildomar

violation of Civil Rights

Police Dept. Sheriff's

False Imprisonment

under color of law

Battery, Assault etc

5. The name of names of the public employee or employees causing the injury, damage, or loss, if known.

Stanley Smith, Dave Fontneau, and other officers to be
identified, and other employees to be identified.

6. If amount claimed totals less than \$10,000: The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

If amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86.)

Limited Civil Case

Unlimited Civil Case

You are required to provide the information requested above in order to comply with Government Code §910. Additionally, in order to conduct a timely investigation and possible resolution of your claim, the [CITY/AGENCY] requests that you answer the following questions.

7. Claimant(s) Social Security Number(s):

8. Claimant(s) Date(s) of Birth:

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

10. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

Unknown

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

11. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.: N/A Telephone:

Address: Insurance Policy No.:

Insurance Broker/Agent: Telephone:

Address:

Claimant's Veh. Lic. No.: Vehicle Make/Year:

Claimant's Drivers Lic. No.: Expiration:

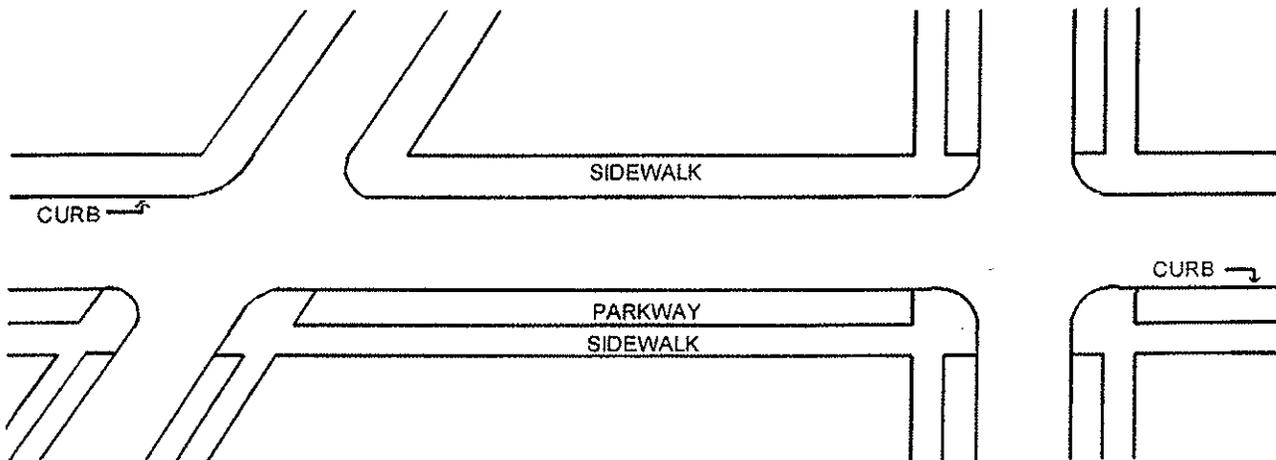
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Warning: Presentation of a false claim is a felony (Penal Code §72). Pursuant to CCP §1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature:

Date:

2/23/11

Marc A. Yerkey, Esq., Claimant's Attorney

Attachment C

Hamilton Claim

File with:
City Clerk's Office
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

**CLAIM FOR MONEY OR
DAMAGES AGAINST THE
CITY OF WILDOMAR**

Claim No. 03-2010
RECEIVED
AUG 16 2010

CITY OF WILDOMAR

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the claimant:
Name of claimant: Laura Hamilton
Post Office Address: [REDACTED]

2. Post Office address to which the person presenting the claim desires:
Name of addresses: [REDACTED] Telephone: [REDACTED]
Post Office Address: [REDACTED]

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
Date of occurrence: 8/16/10 Time of occurrence: 7:30 am
Location: ~~off~~ Bundy Canyon Rd. by Farm 4B by Farm
Circumstances giving rise to this claim: got flat tire driving hit pot hole tire blew out and bent rim.

4. General description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.
Blew out tire and bent rim when driving on Bundy Canyon Rd.

5. The name of names of the public employee or employees causing the injury, damage, or loss, if known.
none

6. If amount claimed totals less than \$10,000: The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation: \$ 6000 .00

If amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86.)

Limited Civil Case Unlimited Civil Case

You are required to provide the information requested above in order to comply with Government Code §910. Additionally, in order to conduct a timely investigation and possible resolution of your claim, the [CITY/AGENCY] requests that you answer the following questions.

7. Claimant(s) Social Security Number(s):
[REDACTED]

8. Claimant(s) Date(s) of Birth:
[REDACTED]

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:
[REDACTED]

10. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:
none

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

11. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.: _____ Telephone: _____
Address: _____

Insurance Policy No.: _____

Insurance Broker/Agent: _____ Telephone: _____
Address: _____

Claimant's Veh. Lic. No.: _____ Vehicle Make/Year: _____

Claimant's Drivers Lic. No.: _____ Expiration: _____

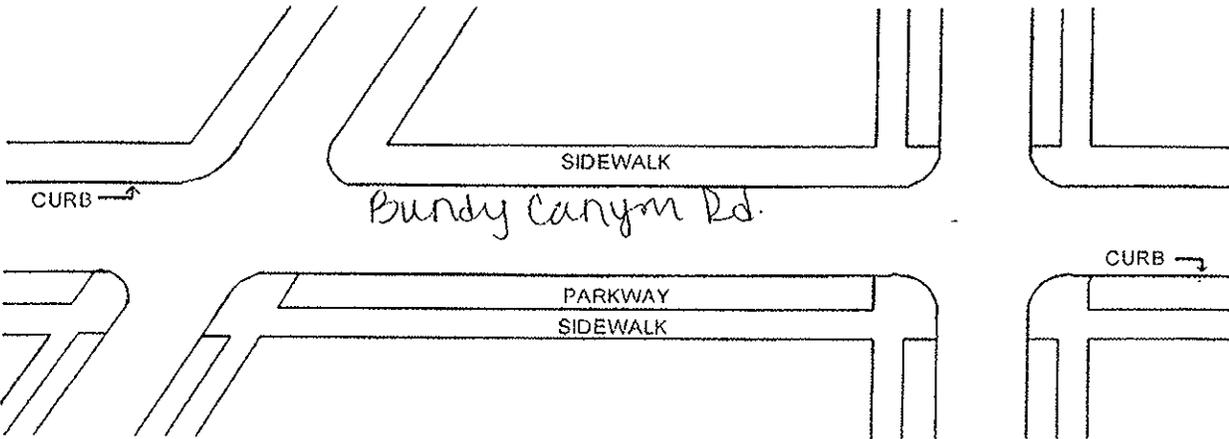
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Warning: Presentation of a false claim is a felony (Penal Code §72). Pursuant to CCP §1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: _____

Date: _____

[Handwritten Signature] 8/16/10

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: May 25, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Fiscal Year 2011-12 Proposed Budget

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council continue the Public Hearing to the regular City Council meeting of June 8, 2011.

BACKGROUND/DISCUSSION:

The Administration Department coordinates the preparation of the proposed budget for the City Council review. In the course of preparing the report for this May 25, 2011 Public Hearing, several of the ongoing discussions with other organizations were not concluded and the data was not available in time to meet this agenda deadline. Therefore, a continuance to the regularly scheduled June 8, 2011 meeting is recommended as the reports will then include all pertinent data.

This continuance will not have a negative effect on the forthcoming budget reports and recommendations.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: May 25 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Park Closure Options

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council discuss the park closure options and provide direction to Staff.

DISCUSSION:

On September 20, 2010 the State's Supreme Court denied hearing an appeal, ruling to remove the assessment funding for the City's park operations. The court case had been ongoing between the County of Riverside and the plaintiff prior to the City's incorporation date of July 1, 2008. Responsibility and ownership of the 3 parks, totaling just over 15 acres and with a 2007 construction value exceeding \$6.6 million were transferred to the City on June 30, 2009.

The funding for maintenance of the parks was from a property assessment of \$28.00 per parcel in the assessment district. The annual total revenue generated from the 6,858 parcels of the 12,502 total city parcels was \$192,024.00.

Following the Courts decision, the City Council immediately took actions at the October 13, 2010 City Council meeting to develop a new funding strategy for the maintenance of the parks. Through many meetings and discussions with community, the City Council voted on March 7, 2011 in favor of providing the community the opportunity to vote on establishing a new funding mechanism for Park Maintenance and Services. That vote will take place, within the City, on June 7, 2011.

Should voting residents decide not to approve the proposed assessment for funding park maintenance and services, a strategy needs to be in place to deal with those impacts. This report provides the basis for discussion and setting such a plan to provide for the impact of not having a recurring funding source for park maintenance and service costs

Options:

1. Sell Park Lands, (County, School Districts, Non-profit Organizations)
2. Lease Property to Agency's providing services
3. Close Parks, Demo Facilities
 - a. Set Park Closure Dates, Notify Contracted Services
 - b. Fence off entry to Marna Obrien and Windsong (\$1,600 annual cost)
 - c. Demo and dispose of existing playground equipment, leaving the posts and footing to be taken out by the City (\$15,400) or
 - d. Demo equipment and save all parts to be reinstalled at a later date. City to store equipment. Posts & footings to be taken out by the City (\$33,500).
 - e. Remove tables, benches, bleachers, basketball backboards, and dog park equipment. Bleachers to be moved to Cemetery baseball fields for storage (\$2,400)
 - f. Annual Costs for:
 - i. Security...\$1,200
 - ii. Utilities.....\$1,200
 - iii. Vandalism/Graffiti...\$6,000
4. Other Ideas...

FISCAL IMPACT:

This will negatively impact the General Fund Budget as there is no identified funding source for these costs.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: May 25, 2011

TO: Mayor and City Council Members

FROM: Julie Hayward Biggs, City Attorney

SUBJECT: Joint Representation Agreement Regarding the City of Wildomar and the Wildomar Cemetery District

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the Joint Representation Agreement for the City of Wildomar and Wildomar Cemetery District relating to proceedings before the Riverside County Local Agency Formation Commission.

BACKGROUND:

As you are aware, the City of Wildomar (“City”) and the Wildomar Cemetery District (“District”) are in the process of processing a joint application before the Riverside County Local Agency Formation Commission (“LAFCO”) to make the District a subsidiary district of the City. If approved, the City will take over administration and operation of the District.

The goal of making the District a subsidiary district of the City is shared mutually by the District and the City, and no material disputes or disagreements exist between the City and the District with regard to the Application. The District has voted to retain Burke, Williams & Sorensen, LLP, and Wildomar’s City Attorney, Julie Biggs who is a partner in that firm, as legal counsel to assist in this process.

In order for this arrangement to occur, it is required that the City approve joint legal representation in order to assure that no conflicts of interest exist in the delivery of legal services in accord with the provisions of the California Rules of Professional Conduct which regulate the conduct of members of the State Bar. Rule 3-310 provides, in pertinent part:

- (C) A member [of the State Bar] shall not, *without the informed written consent of each client*.
 - (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
 - (2) Accept or continue representation of more than one client in a matter in which

the interests of the clients actually conflict; or

- (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

(Emphasis added.)

In circumstances such as this, where the parties have a mutual goal and interest in proceeding to achieve that goal, joint representation is permitted so long as each party is informed of the potential conflict of interest and consents to the joint representation. Therefore, the City must acknowledge and agree to joint representation in order for Burke, Williams & Sorensen, LLP and Julie Hayward Biggs to move forward with representation of the District and the City before LAFCO.

ANALYSIS

The proposed Joint Representation Agreement are appropriate for the Council to consider and approve if it is willing to permit the proposed joint legal representation of the City and the District.

FISCAL IMPACTS:

If approved, the Joint Representation Agreement provides that the City and the District will share the cost of legal representation equally. As the City will incur costs for legal services in connection with the processing of the LAFCO application, entering into the Joint Representation Agreement may reduce the fees incurred.

Submitted by:

Approved by:

Julie Hayward Biggs
City Attorney

Frank Oviedo
City Manager

ATTACHMENTS:

Joint Representation Agreement Regarding City of Wildomar and Wildomar Cemetery District

June 8, 2011

VIA FIRST CLASS MAIL AND REGULAR

Frank Oviedo, City Manager
City of Wildomar
23873 Clinton Keith Rd., Suite 201
Wildomar, CA 92595

Gary Nordquist, General Manager
Wildomar Cemetery District
21400 Palomar Street
Wildomar, CA 92595

**Re: Joint Representation Agreement Regarding City of Wildomar and
the Wildomar Cemetery District**

Gentlemen:

This letter will confirm that the City of Wildomar ("City"), which is a client of Burke Williams & Sorensen, LLP (the "Firm") has asked the Firm to represent the City and the Wildomar Cemetery District ("District") in proceedings before the Riverside County Local Agency Commission ("LAFCO") intended to make the District a subsidiary district of the City. The goal of making the District a subsidiary district of the City is shared mutually by the District and the City, and we have been informed that no material disputes or disagreements exist with regard to the Application. Therefore, the Firm's joint representation of the City and the District arises out of the common interest of the City and the District.

The Firm's representation of the District is subject to the District's acceptance of the terms of our retainer letter, sent to the District today under separate cover, and to the acceptance by the City and the District of the terms and conditions set forth in this letter agreement.

The scope of the Firm's representation shall be limited to proceedings before LAFCO related to the application filed by the District and the City to make the District a subsidiary district of the City (collectively, the "Application").

Conflict of Interest Issues

The Application concerns the processing of a mutually agreed upon application to make the District a subsidiary district of the City before LAFCO. Based upon the facts provided to us by the City, our present understanding is that the City and the District have related, non-conflicting common interests in the Application.

The California Rules of Professional Conduct, which regulate the conduct of members of the State Bar, provide specific guidance as to actual and potential conflicts of interest. Rule 3-310 provides, in pertinent part:

- (C) A member [of the State Bar] shall not, *without the informed written consent of each client*.
 - (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
 - (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
 - (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

(Emphasis added.)

Additionally, the comments following Rule 3-310 provide that if a potential conflict should become actual, the member must obtain further informed written consent for continued representation of the clients. Rule 3-310 defines "informed written consent" as "the client's or former client's written agreement to the representation following written disclosure." You should be aware, however, that in some cases, an actual conflict may not be waived, and the Firm might be required to withdraw from representing either party in matters related to the Application or to continued general representation of the subsidiary district once it is formed. In such event, such

Frank Oviedo, City Manager
Gary Nordquist, General Manager
June 8, 2011
Page 3

withdrawal shall not affect the Firm's ability to represent the City in matters unrelated to the Application.

Potential Conflicts of Interest That May Arise From Joint Representation

In most joint representation situations, the potential for a future conflict exists. For example, joint representation may result in potential conflicts of interest regarding negotiation strategies or boundary disputes, the manner in which tax revenues are allocated, or the way the law and facts are argued and presented to LAFCO. In each of these instances, it is possible that the City and the District might give us conflicting instructions.

Based upon what we have been told and to the best of our knowledge, there does not exist at this time any actual conflict of interest. In the event an actual conflict of interest does arise, we will promptly bring it to the attention of the City and the District. To the extent permitted under the California Rules of Professional Conduct, we will seek each of your consent to continue the ongoing representation at that time. Each of you agree that the Firm will have ultimate authority to determine if there is a conflict that will require written consent or that will not permit our continued representation of either party. The Firm could not advise either party regarding potential claims against the other party to this joint representation.

In matters pertaining solely to the Application, we shall take direction consensually from the City and the District. In order to obtain such direction, the Firm will need to consult, from time to time, with the City or the District, or their agents, regarding the Application. Moreover, the City and the District shall each be responsible for payment of one-half of the Firm's fees and advancement of costs associated with the Firm's representation of the City and the District before LAFCO.

In addition, the California Evidence Code provides that where two or more clients have retained or consulted an attorney upon a matter of common interest, the clients may not, *in a later proceeding between the clients*, claim the attorney-client privilege for communications with the attorney as against each other. Evid. Code § 962. Thus, communications that we have with the District may not be subject to the attorney – client privilege as against the City, and communications between the Firm and the City may not be subject to the attorney – client privilege as against the District.

Rule 3-310 also provides that a member shall not accept compensation for representing a client from anyone other than the client unless (1) there is no

Frank Oviedo, City Manager
Gary Nordquist, General Manager
June 8, 2011
Page 4

interference with the member's independence of judgment or with the attorney-client relationship; (2) information relating to representation of the client is protected as required by Business and Professions Code section 6068, subdivision (e) (attorney-client confidentiality); and (3) the member obtains the client's informed written consent.

We do not believe that accepting payment from the City or the District for the cost of our representation of the City and the District will interfere with the Firm's independence of professional judgment or with our attorney-client relationship with the City or the District.

Consent to Proposed Joint Representation

Based upon our review of the information provided to us thus far, we believe this letter discloses all facts and information necessary for the City and the District to provide an informed written consent to the proposed joint representation. By executing this letter, The City and the District consent to the Firm's joint representation of the City and the District and waiver of any potential conflict resulting therefrom, based upon the circumstances and understanding set forth above.

Further, in the event an actual conflict arises between the City and the District, and subject to the Firm's obligations under the California Rules of Professional Conduct or other applicable law or regulation, the Firm reserves the right to withdraw from representing the District in the Application and to continue to represent the City both in proceedings relating to the Application and to matters unrelated to the Application.

This letter also confirms (1) the City and the District's agreement to share the obligation for payment of all legal fees and related costs incurred by the City and the District equally in this matter; (2) The City and the District's agreement to promptly pay the legal fees and costs incurred in connection with the Application; and (3) the waiver of any potential conflict resulting therefrom, based upon the circumstances and understanding set forth above.

Frank Oviedo, City Manager
Gary Nordquist, General Manager
June 8, 2011
Page 5

If you have any questions about this letter or any aspect of the potential conflicts, please feel free to call me. You may wish to consult independent legal counsel of your own choice about this agreement before signing it. If this waiver and consent is agreeable to you, please sign, date, and return a copy of this letter agreement to me as soon as possible.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP

JULIE HAYWARD BIGGS
of BURKE, WILLIAMS & SORENSEN, LLP

READ, UNDERSTOOD, AND AGREED

CITY OF WILDOMAR

By: Frank Oviedo
Its: City Manager

Date: _____

WILDOMAR CEMETERY DISTRICT

By: Gary Nordquist
Its: General Manager

Date: _____

cc: John J. Welsh, Esq.