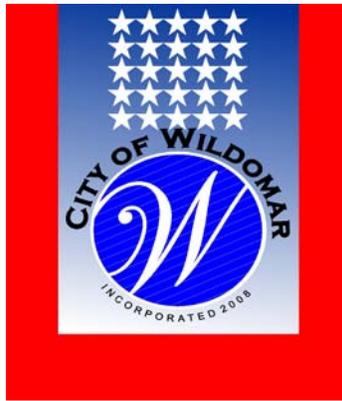


CITY OF WILDOMAR
CITY COUNCIL

AGENDA

7:00 P.M.

JULY 8, 2009
Council Chambers
23873 Clinton Keith Road



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

City Manager
John Danielson

City Attorney
Julie Hayward Biggs

**WILDOMAR CITY COUNCIL
REGULAR MEETING AGENDA
JULY 8, 2009**

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 7:00 P.M. Closed Sessions begin at 6:00 P.M. or such other time as noted.

REPORTS: All agenda items and reports are available for review at: Wildomar City Hall, 23873 Clinton Keith Road; 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. If you wish to be added to the regular mail list to receive a copy of the agenda, a request must be made through the City Clerk's office in writing or by e-mail.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

ADDITIONS/DELETIONS: Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council.

CONSENT CALENDAR: Consent Calendar items will be acted on by one roll call vote unless Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

7:00 P.M.

Convene the regular meeting of July 8, 2009.

Roll Call

Flag Salute

Presentations

Wildomar Little League Girls All-Stars

Presentation by Mayor Edwards, City of Temecula

Fire Department Update

Southern California Edison – Viet Tran

PUBLIC COMMENTS

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

1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Council, the public or staff request specific items be removed from the Consent Calendar for discussion and/or separate action.

- 1 A. Approve the reading by title only of all ordinances
- 1 B. Approve the regular meeting minutes dated June 24, 2009
- 1 C. Approve Warrant Register dated June 26, 2009 in the amount of \$30,338.74;
Approve Warrant Register dated July 8, 2009 in the amount of \$15,734.75;
Approve Payroll Warrant Register dated June 26, 2009 in the amount of \$1,894.17.

- 1 D. Landscaping & Lighting Maintenance District No. 89-1-Consolidated, Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73

RESOLUTION NO. 09 - 42

A RESOLUTION OF THE CITY OF WILDOMAR ORDERING PREPARATION OF THE ENGINEER'S REPORT REGARDING THE PROPOSED ASSESSMENTS TO BE LEVIED AND COLLECTED FOR FISCAL YEAR 2009-10 WITHIN ZONES 3 (LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49 AND 53), 29 (LOCATION 2), 30 (LOCATIONS 1 AND 2), 42, 51, 52, 59, 62, 67, 71, AND 90, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71 AND 73 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

RESOLUTION NO. 09 - 43

A RESOLUTION OF THE CITY OF WILDOMAR DECLARING ITS INTENTIO TO LVEY AND COLLECT ASSESSMENTS WITHIN ZONES 3 (LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49 AND 53), 29 (LOCATION 2), 30 (LOCATIONS 1 AND 2), 42, 51, 52, 59, 62, 67, 71, AND 90, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71 AND 73 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED FOR FISCAL YEAR 2009-10, SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL ASSESSMENT AND ORDERING NOTICE OF THE PUBLIC HEARING TO BE GIVEN CONSISTENT WITH THE LANDSCAPING AND LIGHTING ACT OF 1972

- 1 E. Authorize the City Manager to enter into 90 day interim contracts with Diamond W Events for Special Events, Park and Emergency Services and CTAI Pacific Greenscape Landscape Services. Each interim contract is not to exceed \$50,000 during this period.
- 1 F. Authorize Participate in the Riverside County Mortgage Credit Certificate (MCC) Program:

RESOLUTION NO. 09-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR AUTHORIZING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM

- 1 G. Direct staff to hire for the position of Assistant City Manager of Finance and Administration and adopt the proposed salary range.

2. PUBLIC HEARINGS

- 2 A. Adopt Ordinance No. 32 granting a franchise to Southern California Gas Company

ORDINANCE NO. 32

AN ORDINANCE GRANTING TO SOUTHERN CALIFORNIA GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO CONSTRUCT, MAINTAIN AND USE PIPES AND APPURTENANCES FOR TRANSMITTING AND DISTRIBUTING GAS FOR ANY AND ALL PURPOSES IN, ALONG, ACROSS, UPON, AND UNDER THE PUBLIC STREETS AND PLACES WITHIN THE CITY OF WILDOMAR

3. GENERAL BUSINESS ITEMS

- 3 A. Districting Options; NDC Report on Public Input for the City of Wildomar; and Introduction and first reading of Ordinance No. 31.

ORDINANCE NO. 31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ESTABLISHING ELECTORAL DISTRICTS TO IMPLEMENT A SYSTEM OF ELECTION BY DISTRICTS FOR MEMBERS OF THE LEGISLATIVE BODY AS MANDATED BY A VOTE OF THE PEOPLE

- 3 B. Development Impact Fee (DIF) Adjustments Discussion and Direction
- 3 C. Delegation of Authority to Determine the Finding of Public Convenience and Necessity

RESOLUTION NO. 09 – 45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DELEGATING THE AUTHORITY TO MAKE FINDING OF PUBLIC CONVENIENCE OR NECESSITY PURSUANT TO SECTION 23958.4 OF THE BUSINESS AND PROFESSIONS CODE TO THE [PLANNING COMMISSION/PLANNING DIRECTOR]

- 3 D. Evaluation of the General Plan
- 3 E. Discussion and Direction Regarding the City Logo

CITY MANAGER REPORT, John Danielson

CITY ATTORNEY REPORT, Julie Hayward Biggs

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

CLOSED SESSION

The Council will meet in closed session with regard to one personnel matter pursuant to the provisions of Government Code Section 54957 as follows:

Public Employment: Interview of candidates for the position of City Manager.

ADJOURNMENT

The next regular meeting is scheduled for July 22, 2009.

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by telephone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the schedule meeting.

POSTING STATEMENT: On July 2, 2009, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U.S. Post Office, 21392 Palomar Street; and Mission Trail Library, 34303 Mission Trail Blvd.

**CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
JUNE 24, 2009**

The regular meeting of June 24, 2009, of the Wildomar City Council was called to order by Mayor Farnam at 7:02 p.m.

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

Flag Salute Council Member Ade led the Flag salute.

Presentations

Certificates of Achievement were given to the Wildomar Little League All-Stars.

Code Enforcement update was not given as they were not in attendance.

Mark Norton, Authority Administrator of the Lake Elsinore & San Jacinto Watersheds Authority gave a presentation regarding the efforts to date of the Authority to improve the water quality of Lake Elsinore and the watershed.

PUBLIC COMMENTS

Mayor Farnam advised if any one is present regarding Animal Friends of the Valley, the Council will not be hearing that item at this time, but it would be heard at a future meeting.

Gary Andre, resident, spoke regarding development in the City. He stated the zoning needs to be protected in the City as well as following the General Plan as closely as possible. However there are some changes that should be made, such as the property that is located at the southwest corner of Palomar Road and Clinton Keith Road. He feels it should be rezoned back to a Commercial/Retail designation. He stated the Planning Commission is ready to look at issues to help the processes along. He outlined what he feels should be started.

Vicki Long, Elsinore Murrieta Anza Resource Conservation District, stated they will hold an Open House on July 16, from 2:00 - 6:00 p.m., at their new office in Wildomar. They just signed an MOU with the City of Murrieta to work on weed abatement issues and they are looking forward to working with other cities as well.

1. CONSENT CALENDAR

Dixie Schleiger, resident, speaking on Item 1 O, stated there are people complaining that they would like the animal control contract to be with the County instead of

Animal Friends of the Valley. The complaints are really from issues when the animal control has been under the County and not Animal Friends of the Valley. She would like to make that known.

Council Member Cashman stated he would like to pull items 1 I and 1 K.

A Motion was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to approve the Consent Calendar with the exception of items 1 I and 1 K.

Roll Call vote: Ayes – 5; Nays – 0. Motion carried.

- 1 A. Approved the reading by title only of all ordinances
- 1 B. Approved the regular meeting minutes dated June 10, 2009
- 1 C. Approved Warrant Register dated June 10, 2009, in the amount of \$6,910.99; Approved Warrant Register dated June 24, 2009, in the amount of \$266,235.67; Approved Payroll Warrant Register dated June 8, 2009, in the amount of \$1,280.28; and Approved Payroll Warrant Register dated Jun 12, 2009, in the amount of \$1,894.17
- 1 D. Received and filed the Treasurer's Report for May 2009
- 1 E. Approved FY2008/09 Third Quarter Budget Changes
- 1 F. Adopted Resolution No. 09-35 Authorizing the City Manager to Execute a Consultant Service Agreement with Psomas for Assessment Engineering Services

RESOLUTION NO. 09 - 35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
AUTHORIZING THE CITY MANAGER TO EXECUTE A SOLE SOURCE
CONTRACT FOR ASSESSMENT ENGINEERING SERVICES FOR COMMUNITY
SERVICE AREAS 22, 142 AND 103 AND LANDSCAPE MAINTENANCE
DISTRICT 2006-1 FOR A NOT TO EXCEED AMOUNT OF \$33,054

- 1 G. Awarded the Traffic Signal Maintenance Services Contract
- 1 H. Adopted Resolution No. 09-36 Authorizing the City Manager to Execute a Cooperative Agreement Between the City of Wildomar and Riverside County for Slurry and Cape Seal Improvements

RESOLUTION NO. 09 - 36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FINAL
COOPERATIVE AGREEMENT BETWEEN THE CITY OF WILDOMAR AND
RIVERSIDE COUNTY FOR SLURRY AND CAPE SEAL IMPROVEMENTS IN
VARIOUS LOCATIONS IN WILDOMAR AS DETERMINED BY THE CITY
ATTORNEY

- 1 J. Energy Efficiency and Conservation Block Grant Program information
- 1 L. Adopted Resolution No. 09-38 Establishing the Transient Occupancy Tax (TOT) Encouragement Program

RESOLUTION NO. 09 - 38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ESTABLISHING THE TRANSIENT OCCUPANCY TAX
ENCOURAGEMENT PROGRAM

- 1 M. Adopted Resolution No. 09-39 Authorizing the City Manager to Execute an Agreement for Services between the County of Riverside, Department of Environmental Health and the City of Wildomar

RESOLUTION NO. 09 - 39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AGREEMENT BETWEEN THE CITY OF WILDOMAR AND THE COUNTY OF
RIVERSIDE FOR VECTOR CONTROL SERVICES, TECHNICAL ASSISTANCE
PLAN REVIEW, INSPECTION AND OTHER SERVICES PROVIDED THROUGH
THE COMMUNITY HEALTH AGENCY, DEPARTMENT OF ENVIRONMENTAL
HEALTH

- 1 N. Adopted Resolution No. 09-40 Authorizing the City Manager to Execute an Agreement Between the County of Riverside, Transportation and Land Management Agency and the City of Wildomar

RESOLUTION NO. 09-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGE TO EXECUTE A FINAL
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF
RIVERSIDE, TRANSPORTAION AND LAND MANAGEMENT AGENCY AND THE
CITY OF WILDOMAR AS DETERMIND BY THE CITY ATTORNEY

- 1 O. Approved of an MOU with Riverside County Relating to Continuation of Governmental Services

ITEMS REMOVED FROM THE CONSENT CALENDAR

1 I. Award of Public Works Maintenance and Maintenance management Services Contract

Council Member Cashman stated he would like more explanation as to why the one company was picked over the other one.

Public Works Director Kashiwagi explained this went through a process based on qualifications rather than the low bid. Staff reviewed the proposals and interviewed all three firms and then Staff narrowed it down to two firms. After further background checks and discussion, Staff chose PV Maintenance because they currently perform services for four other cities in Southern California and would therefore have more staff to service the City of Wildomar. They would in fact, have two employees who are solely assigned to Wildomar. In addition, they provided a good understanding of what the City is looking for. In terms of cost, there is a savings in what we will be getting from this company.

A Motion was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to award the Public Works Maintenance and Maintenance Management Services Contract to PV Maintenance, Inc. and authorize the City Manager to execute the contract.

Roll Call vote: Ayes – 5; Nays – 0. Motion carried.

1 K. Adopt Resolution No. 09-37 Intention to Grant Electricity Franchise

Council Member Cashman stated he wants to be clear that this is not the contract itself, it is just a posting of notice and at a later date the Council will then decide as to whether to approve the contract or not.

City Attorney Biggs answered that is correct. This is just a notice that there is a public hearing scheduled for the Council's deliberation.

Council Member Cashman asked if the fees still pass to the City regardless of whether the City has a contract or not.

City Attorney Biggs answered the franchise fees will still pass through to the City. Currently the City is entitled to those fees after incorporating and assuming the contract. However, it goes through Riverside County and there is an administrative cost for that activity. What a separate agreement would

do is establish a direct relationship with the utility. This is one of many franchises that will be coming forward in the future.

Council Member Cashman stated he is looking ahead and this would grant Edison an exclusive until 2039. What if in the near future a developer comes in with solar power or something else, would this constrain us from that.

Viet Tran, Region Manager of Edison, explained this would not constrain the City. This franchise is merely a license to allow Edison to operate their facilities and infrastructures within the City limits.

City Attorney Biggs stated a franchise is the use of the streets only.

Council Member Cashman stated would there be a problem putting into the contract that the City has other options in the future.

Mr. Tran answered this contract is only to allow us to operate in the City and is not limiting. It does not grant Edison an exclusive right in the City, so the City's ability to explore other options is there.

City Attorney Biggs stated it is only exclusive as to the property they are using, but is not exclusive in any other way.

Mr. Tran stated it does not mean Edison is the sole provider in the City, it grants us the ability to maintain and service our lines, poles, and infrastructure within the City limits.

A Motion was made by Mayor Pro Tem Moore, seconded by Council Member Ade, to Adopt Resolution No. 09-37 Intention to Grant Electricity Franchise.

RESOLUTION NO. 09 – 37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DECLARING ITS INTENTION TO GRANT AN ELECTRICITY
FRANCHISE TO THE SOUTHERN CALIFORNIA EDISON COMPANY

Roll Call vote: Ayes – 5; Nays – 0. Motion carried.

2. PUBLIC HEARINGS

- 2 A. Adopt Resolution No. 09-41 approving the FY2009/2010 Operating and Capital Budgets

Mayor Farnam opened the Public Hearing.

Finance Director Nordquist gave a presentation on the proposed budget. He gave an overview of the process and then reviewed each Department's proposed budget. He also explained Staff is still negotiating contracts with animal services so those have not been finalized as of yet. This is why Staff is asking for 30 and 60 day extensions while Staff works with these agencies.

There being no speakers, Mayor Farnam closed the public hearing.

A Motion was made by Council Member Swanson, seconded by Mayor Pro Tem Moore, to adopt Resolution No. 09-41 adopting the proposed City of Wildomar FY 2009/10 Operating and Capital budgets as specified in the budget documents.

RESOLUTION NO. 09 - 41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING THE PROPOSED CITY OF WILDOMAR FISCAL
2009/10 OPERATING AND CAPITAL BUDGETS AS SPECIFIED IN THE
BUDGET DOCUMENTS

Council Member Cashman stated there is an item he was hoping would be in the budget, and one item that is in the budget that would not be needed. He would like to propose using the money for the item that is not needed to fund the one that is not in the budget. He would like to add an item to the City Council budget called "Community Support Activities". He is proposing that each Council Member have the discretion to use these funds for various community organizations. He would like to propose each Council Member have \$10,000 to use for these activities, to be dispersed as they see the need.

Council Member Swanson inquired where the \$50,000 would come from.

Council Member Cashman answered from the City Manager's budget, specifically "Transition Services".

Discussion ensued regarding the transition to a full-time, permanent City Manager; and what the proposed item would be used for.

The Motion was amended to add a \$0 place holder for the City Council's discretion for community support activities, to be reviewed at the quarterly reviews.

Roll Call vote: Ayes - 5; Nays - 0. Motion carried.

3. GENERAL BUSINESS ITEMS

3 A. Transitioning Parks to the City of Wildomar

City Manager Danielson gave the staff report stating the Parks and Recreation Committee is giving a recommendation to the Council to transition all remaining and future funds and parks to the City.

Finance Director Nordquist stated from a fiscal standpoint, this transition would be favorable to the City. There is a recurring revenue stream which would support the maintenance and programs at the parks.

Mayor Pro Tem Moore stated she and Council Member Swanson did look at this and it was difficult to establish monies as there was no documentation to work from in terms of the utilities. They felt the City could provide programs at a greater savings.

Council Member Ade thanked Mayor Pro Tem Moore and Council Member Swanson for their work on this issue.

A Motion was made by Mayor Pro Tem Moore, seconded by Council Member Swanson, to have all funding designated to the City and have all recreation programs run through the City.

Roll Call vote: Ayes – 5; Nays – 0. Motion carried.

At 9:05 p.m. the City Council took a recess.

At 9:16 p.m. the City Council reconvened into open session, with all Council Members present.

3 B. Districting Options and NDC Report on Public Input for the City of Wildomar

Doug Johnson, President of the National Demographics Corporation, gave a report on the public process regarding districting maps and the questions and concerns which were brought up during the public meetings. He then

reviewed the five maps that were submitted and the three maps NDC drew for consideration.

City Attorney Biggs then gave a presentation regarding a review of how this question came to be and what the choices are the City Council has regarding this issue.

Council Member Swanson inquired when this would need to be on the ballot.

City Attorney Biggs answered the sooner the City can do it, the better, so Staff is looking to get this on the November 2009 ballot.

Council Member Ade stated the upside and downside of this issue needs to be looked at. The upside is we would have time to challenge, but the downside is when the census count comes out we may have to change the maps since this is based on the 2000 census.

City Attorney Biggs answered that is correct.

Discussion ensued regarding the ability of the City Council to redraw maps, based solely on numbers, without going to the electorate; the ability to draw the district maps initially without going to the electorate; the option of asking the electorate if they would like to go back to an "at-large" system; what is a "community of interest".

Council Member Ade stated if we have Districts, we still have one budget and a decision in one District affects the whole City. When the City was incorporated it was based on cohesiveness and one community. She feels this goes in the other direction.

Mr. Johnson stated there are two more forums with the public regarding the election systems. It will have a great deal of information for the public. He explained that 92% of the cities in California are at-large and when you look at cities with less than 70,000, the percentage goes up higher.

Discussion ensued regarding districts with a balanced population, but the registered voters were much smaller; and the feedback they are getting from the public to not have districts.

Mr. Johnson stated they are looking for the City Council to adopt a map at this meeting so that they have something to show the people at the forums and to the newspapers.

Mayor Farnam proposed "Farnam 2", "NDC B" or "NDC C" as the District map.

Discussion ensued regarding all the proposed maps; and having to go through a new norming process again due to priorities changing.

Wes Lobo, resident, stated drawing lines based on who lives in what District, is very short-sighted. Also, it was stated that the continuity on the Council would be disrupted. That could be for about four to six years, but not beyond that and Wildomar will be a City for longer than that. He asked that the lines not be drawn by where the Council lives.

A Motion was made by Council Member Swanson, seconded by Council Member Cashman, to designate NDC "C" as the map to be attached to the Ordinance that will be brought back to establish the system of election by district; And that the district numbers to be districts 2 and 4 to match the election in 2010, and districts 1, 3, and 5 to match the election in 2012.

City Attorney Biggs advised that once this goes to the public, and they choose that as the map, those will be the Districts. There is time to change your minds or wait until the next meeting. You have not chosen a map officially until the Council adopts an Ordinance. The Districts will need to be numbered as well.

Roll Call vote: Ayes – 5; Nays – 0. Motion carried.

CITY MANAGER REPORT, John Danielson

No report was given.

CITY ATTORNEY REPORT, Julie Hayward Biggs

No report was given.

COUNCIL COMMUNICATIONS

Council Member Ade commended Mayor Farnam and Mayor Pro Tem Moore for the time and effort they put in dealing with the City.

Council Member Swanson stated she attended the Edison presentation on solar energy. They are giving money for those who want to have solar power. She would like this looked at for the parks.

Mayor Pro Tem Moore stated the third emergency summit was held last week at City Hall. Another Church came on board and another Church stated they have gone back to their congregation and discussed emergency preparedness and it is starting to get more attention. She also advised of the City's First Birthday celebration on July 1, 2009 at Elsinore High School.

Mayor Farnam stated he was appointed to the Inter-regional Policy Committee. They will look at various issues affecting the regions. He also advised that the State may take a percentage of our property taxes. He encourages everyone to send a letter to the Legislators telling them to keep their hands off of our funds.

FUTURE AGENDA ITEMS

No items were given.

ADJOURNMENT

There being no further business, Mayor Farnam declared the meeting adjourned at 10:42 p.m.

Respectfully Submitted:

Debbie A. Lee, CMC
City Clerk

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

TO: Mayor and Members of the City Council

FROM: Gary Nordquist, Director of Finance

SUBJECT: Warrant Registers dated June 26 and July 8, 2009 and Payroll Registers dated June 26, 2009.

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated June 26, 2009 in the amount of \$30,338.74.
2. Approve Warrant Register dated July 8, 2009 in the amount of \$15,734.75.
3. Approve Payroll Warrant Register dated June 26, 2009 in the amount of \$1,894.17.

BACKGROUND:

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.

DISCUSSION:

None.

FISCAL IMPACTS:

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 FY08-09 Budget and FY09-10 Budget.

ALTERNATIVES:

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

Submitted by:

Gary Nordquist
Director of Finance

Approved by:

John Danielson
City Manager

Reviewed by:

Julie Hayward Biggs
City Attorney

10 1000 1 Cash - Wells Fargo

City of Wildomar

Warrant Register

June 26, 2009

6/26/2009	Bill Payment (Check)	1762	Debra Kurita	Interview Travel Reimbursement	\$ 240.18
6/26/2009	Bill Payment (Check)	1763	Aetna	City Council and City Clerk Benefits	\$ 4,465.00
6/26/2009	Bill Payment (Check)	1764	Naples Plaza Ltd. - Oak Creek II	Rent - 7/1/09-7/31/2009	\$ 10,114.56
6/26/2009	Bill Payment (Check)	1765	Crystal Clean Maintenance	Janitorial Services - June 2009	\$ 489.00
6/26/2009	Bill Payment (Check)	1766	Pyro Spectacular	Fireworks - Birthday Celebration - July 1, 2009	\$ 15,000.00
6/26/2009	Bill Payment (Check)	1767	Wildomar Chamber of Commerce	Business Networking Breakfast	\$ 30.00
Total					\$ 30,338.74

Warrant Register

July 8, 2009

7/8/2009	Bill Payment (Check)	1768	Terry Fitzwater	Consulting Services for June - 2009	\$ 10,687.56
7/8/2009	Bill Payment (Check)	1769	Lab Safety Supply	Smartool w/Soft Case	\$ 182.29
7/8/2009	Bill Payment (Check)	1770	AFLAC	City Council Benefits for June 2009	\$ 441.41
7/8/2009	Bill Payment (Check)	1771	DirecTV	Monthly Television Service - 6/12/09-7/11/09	\$ 63.00
7/8/2009	Bill Payment (Check)	1772	Exec-U-Care	Lincoln National Life Insurance Co. @ 62.50/person	\$ 312.50
7/8/2009	Bill Payment (Check)	1773	Guardian	July 2009 Insurance Premium	\$ 135.74
7/8/2009	Bill Payment (Check)	1774	International Council of Shopping Centers	Dues through 8/13/2010 for City Council, City Mgr.	\$ 350.00
7/8/2009	Bill Payment (Check)	1775	Innovative Document Solutions	Staples H-1, G-1	\$ 263.06
7/8/2009	Bill Payment (Check)	1776	North County Times	Notice of Public Hearing - 6/24/09	\$ 58.40
7/8/2009	Bill Payment (Check)	1777	PARSAC	Annual Workers' Comp Premium for 2009-2010	\$ 1,665.00
7/8/2009	Bill Payment (Check)	1778	Scott Farnam	Expense Report - June 2009	\$ 183.70
7/8/2009	Bill Payment (Check)	1779	Sheryl Ade	Reimbursement - Cell Phone May/June	\$ 292.93
7/8/2009	Bill Payment (Check)	1780	Edison	Electrical Services 5/15/09-6/12/09	\$ 1,074.16
7/8/2009	Bill Payment (Check)	1781	US HealthWorks	Instant UDS 5 Panel	\$ 25.00
Total					\$ 15,734.75

Payroll Register

June 26, 2009

6/26/2009	Bill Payment (Check)	5053	City Bi-weekly Payroll Period 12	City Bi-weekly Payroll Period 12	\$ 1,894.17
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CITY OF WILDOMAR – COUNCIL
Agenda Item _____
DISCUSSION/ACTION ITEM
Meeting Date: July 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council

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

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zones 3 (Locations 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49, and 53), 29 (Location 2), 30 (Locations 1 and 2), 42, 51, 52, 59, 62, 67, 71, and 90, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73

STAFF REPORT

RECOMMENDATION:

That the City Council adopt the following Resolutions:

RESOLUTION NO. 09-42, A RESOLUTION OF THE CITY OF WILDOMAR ORDERING PREPARATION OF THE ENGINEER'S REPORT REGARDING THE PROPOSED ASSESSMENTS TO BE LEVIED AND COLLECTED FOR FISCAL YEAR 2009-10 WITHIN ZONES 3 (LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49, AND 53), 29 (LOCATION 2), 30 (LOCATIONS 1 AND 2), 42, 51, 52, 59, 62, 67, 71, AND 90, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED.

RESOLUTION NO. 09-43, A RESOLUTION OF THE CITY OF WILDOMAR DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN ZONES 3 (LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49, AND 53), 29 (LOCATION 2), 30 (LOCATIONS 1 AND 2), 42, 51, 52, 59, 62, 67, 71, AND 90, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED FOR FISCAL YEAR 2009-10, SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL ASSESSMENT AND ORDERING NOTICE OF THE PUBLIC HEARING TO BE GIVEN CONSISTENT WITH THE LANDSCAPING AND LIGHTING ACT OF 1972.

BACKGROUND:

Landscaping and Lighting Maintenance District No. 89-1-Consolidated (District) maintains and services 31 locations throughout Riverside County. The District contains 11 separate zones of benefits and 8 street lighting zones of benefits as described in Attachment A. The annual budget for fiscal year 2009-10 totals \$288,792.00

FISCAL IMPACTS:

As a matter of urgency this item must appear on the July 8, 2009 City Council agenda in order to set the July 22, 2009 public hearing; failure to do so will result in loss of District revenue for FY 2009-10 for the maintenance of landscaping, trails, fencing, fossil filters and streetlights within certain areas of the City of Wildomar.

Adoption of these resolutions will allow the City of Wildomar to collect sufficient funds to meet its maintenance obligation for this Landscape and Lighting Maintenance District.

ALTERNATIVES:

1. Take no action. This would mean that the County of Riverside could not continue collecting assessments to pay for maintenance of improvements in these specific right-of-ways and would need to discontinue (a) the maintenance of landscaping, trails, fencing, and irrigation services to these areas, in certain zones, (b) maintaining the fossil filters in certain zones as required by the Santa Margarita Regional Water Quality Control Board re compliance with the National Pollutant Discharge Elimination System (NPDES) permit, and (c) paying Edison for streetlight energy costs in certain zones.
2. Provide staff with further direction.

Attachments:

Exhibit A
Resolution No. 09-42
Resolution No. 09-43

Submitted by:

Approved by:

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

John Danielson
Interim City Manager

Approved as to form:

Julie Hayward Biggs
City Attorney

RESOLUTION NO. 09-42

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING
PROPOSED ASSESSMENTS TO BE LEVIED AND COLLECTED FOR FISCAL
YEAR 2009-10 WITHIN ZONES 3, 29, 30, 42, 51, 52, 59, 62, 67, 71 AND 90;
AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73 OF
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-
CONSOLIDATED OF THE CITY OF WILDOMAR PURSUANT TO THE
LANDSCAPING AND LIGHTING ACT OF 1972**

WHEREAS, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City") has conducted proceedings for and has established Landscaping and Lighting Maintenance District No. 89 1 Consolidated of the City of Wildomar, County of Riverside, State of California (hereinafter "L&LMD No. 89 1 C") pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"); for the installation and planting of landscaping; the installation of multi-purpose trails; the installation of fencing; the installation of fossil filters; the installation of irrigation or electrical facilities; and the maintenance and servicing of such landscaping, multi-purpose trails, fencing, and fossil filter improvements; and the provision of electricity for streetlights within the public rights-of-way; and

WHEREAS, L&LMD No. 89 1 C presently consists of 11 Landscaping Zones (hereinafter "Zone 3", "Zone 29", "Zone 30", "Zone 42", "Zone 51", "Zone 52", "Zone 59", "Zone 62", "Zone 67", "Zone 71", and "Zone 90"and, collectively "Zones"); and 8 Street Lighting Zones (hereinafter "Street Lighting Zone 18", "Street Lighting Zone 26", "Street Lighting Zone 27", "Street Lighting Zone 35", "Street Lighting Zone 50", "Street Lighting Zone 70", "Street Lighting Zone 71", and "Street Lighting Zone 73"and, collectively "Street Lighting Zones"); and

WHEREAS, it is necessary that the City Council adopt a resolution pursuant to Section 22622 of the Streets and Highways Code, ordering the preparation and filing of an Engineer's Report (hereinafter the "Report") in accordance with Article 4 (commencing with Section 22565) of the Streets and Highways Code with regard to the assessments which are proposed to be levied on assessable lots and parcels of land within Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71 and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89 1 C for the 2009-10 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the City Council of the City of Wildomar assembled in regular session on July 8, 2009 as follows:

SECTION 1. Improvements. The improvements authorized for Zones 3, 29, 30, 42, 51, 52, 67, 71 and 90 of L&LMD No. 89 1 C are:

- (a) The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation; and,
- (b) The installation of irrigation and electrical facilities; and
- (c) The maintenance or servicing of any of the foregoing.

In addition, Zones 29, 30, 51, 52, and 90 are authorized to provide the following:

- (a) Weed abatement and debris clean-up of multi-purpose trails;
- (b) Maintenance, repair and/or replacement of fencing.

In addition, Zones 52, 67, and 90 are authorized to provide the following:

- (a) Maintenance, repair and/or replacement of fossil filters within catch basins within the public right-of-way including incidental costs and expenses.

SECTION 2. Improvements. The improvements authorized for Zones 59 and 62 are:

- (a) Maintenance, repair and/or replacement of fossil filters within catch basins within the public right-of-way including incidental costs and expenses.

In addition, Zone 59 is authorized to provide the following:

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

In addition, Zone 62 is authorized to provide the following:

- (a) Weed abatement and debris clean-up of multi-purpose trails.

SECTION 3. Improvements. The improvements authorized for Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89-1-C are:

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

SECTION 4. Report. The Director of the Riverside County Transportation Department acting on behalf of the City, or his designee, is hereby designated Engineer (hereinafter the "Engineer") and is ordered to prepare and file with the City Clerk the Report with regard to the assessments proposed to be levied on assessable lots and parcels and within Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71 and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89-1-C to pay the costs of the maintenance and servicing of landscaping improvements, multi-purpose trails, fencing, fossil filters, and provision of electricity for street lights for the 2009-10 fiscal year, pursuant to Sections 22565 through 22574 of the Streets and Highways Code.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Farnam, Mayor

ATTEST:

Debbie A. Lee, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, Interim City Attorney

RESOLUTION NO. 09-43

RESOLUTION OF THE CITY COUNCIL OF WILDOMAR DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN ZONES 3, 29, 30, 42, 51, 52, 59, 62, 67, 71 AND 90; AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, AND 73 OF THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LANDSCAPING, MULTI-PURPOSE TRAILS, FENCING, FOSSIL FILTERS AND STREETLIGHTS FOR FISCAL YEAR 2009-10; AND GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL ASSESSMENT AND ORDERING NOTICE OF THE PUBLIC HEARING TO BE PUBLISHED; AND AUTHORIZE THE COUNTY OF RIVERSIDE TO ADMINISTER THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED BUDGET FOR FISCAL YEAR 2009-10

WHEREAS, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City") has conducted proceedings for and has established Landscaping and Lighting Maintenance District No. 89 1 Consolidated of the City of Wildomar, County of Riverside, State of California (hereinafter "L&LMD No. 89 1 C") pursuant to the Landscaping and Lighting Act of 1972, which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"), for the installation and planting of landscaping; the installation of multi-purpose trails; the installation of fencing; the installation of fossil filters; the installation of irrigation or electrical facilities; the maintenance and servicing of such landscaping, multi-purpose trails, fencing, fossil filters and irrigation or electrical improvements; and the provision of electricity to streetlights within the public rights-of-way; and

WHEREAS, as ordered by the City Council, its Designee has filed with the City Clerk an Engineer's Report (hereinafter the "Report") regarding the assessments to be levied and collected within 11 Landscaping Zones (hereinafter "Zone 3", "Zone 29", "Zone 30", "Zone 42", "Zone 51", "Zone 52", "Zone 59", "Zone 62", "Zone 67", "Zone 71", "Zone 90" and, collectively "Zones"); and 8 Street Lighting Zones (hereinafter "Street Lighting Zone 18", "Street Lighting Zone 26", "Street Lighting Zone 27", "Street Lighting Zone 35", "Street Lighting Zone 50", "Street Lighting Zone 70", "Street Lighting Zone 71", "Street Lighting Zone 73" and, collectively "Street Lighting Zones") of L&LMD No. 89 1 C for fiscal year 2009-10 to pay the costs of maintenance services and improvements as identified in the preceding recital, and the Report has been presented to and considered by the City Council; and

WHEREAS, the Report filed with the City Clerk states that the assessments to be levied in the respective Zones and Street Lighting Zones for fiscal year 2009-10 are in an amount that is the same as levied in fiscal year 2008-09, increased by two percent (2%) more than the assessments levied for fiscal year 2008-09 and are consistent with the terms of the ballot proposition approving the annexation of each zone; and

WHEREAS, it is necessary that the City Council adopt a resolution of intention pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22626(a) of the Streets and Highways Code, of the time and place of a public hearing on said Report and the annual assessments for fiscal year 2009-10;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the City Council of the City of Wildomar in regular session assembled on July 8th, 2009 as follows:

SECTION 1 Findings: The City Council, after reviewing the Report, finds that:

- (a) The foregoing recitals are true and correct: The Report for Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73 of L&LMD No. 89 1 C contains all matters required by Section 22565 through 22574 of the Streets and Highways Code and may, therefore, be approved by the City Council; and
- (b) The 2009-10 fiscal year assessment within Zone 3 of L&LMD No. 89 1 C is \$77.68 per parcel; and within Zone 29 of L&LMD No. 89 1 C is \$78.06 per parcel; and within Zone 30 of L&LMD No. 89 1 C is \$156.08 per parcel; and within Zone 42 of L&LMD No. 89 1 C is \$145.42 per parcel; and within Zone 51 of L&LMD No. 89 1 C is \$105.36 per parcel; and within Zone 52 of L&LMD No. 89 1 C is \$570.56 per parcel; and within Zone 59 of L&LMD No. 89 1 C is \$315.76 per acre; and within Zone 62 of L&LMD No. 89 1 C is \$125.20 per parcel; and within Zone 67 of L&LMD No. 89 1 C is \$138.64 per parcel; and within Zone 71 of L&LMD No. 89 1 C is \$60.10 per parcel; and within Zone 90 of L&LMD No. 89 1 C is \$297.94 per parcel; and within Street Lighting Zone 18 of L&LMD No. 89 1 C is \$604.38 per parcel; and within Street Lighting Zone 26 of L&LMD No. 89 1 C is \$86.18 per acre; and within Street Lighting Zone 27 of L&LMD No. 89 1 C is \$109.60 per acre; and within Street Lighting Zone 35 of L&LMD No. 89 1 C is \$38.46 per acre; and within Street Lighting Zone 50 of L&LMD No. 89 1 C is \$32.96 per acre; and within Street Lighting Zone 70 of L&LMD No. 89 1 C is \$231.46 per acre; and within Street Lighting Zone 71 of L&LMD No. 89 1 C is \$25.64 per acre; and within Street Lighting Zone 73 of L&LMD No. 89 1 C is \$210.62 per acre. The Report proposes no increase in the

assessment per parcel in Zones 3, 62, 67, and 90 over the assessment levied for fiscal year 2008-09. The Report proposes a two percent (2%) inflationary increase, in the assessment per acre, per unit, or per parcel as applicable in Zones 29, 30, 42, 51, 52, 59, and 71 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73, over the assessment levied for fiscal year 2008-09 and is consistent with ballot proposition approved by the qualified electors when establishing said zones.

SECTION 2 Intent: The City Council declares that it intends to levy assessments on all lots and parcels of assessable land within Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89 1 C. There are no parcels or lots within said zones that are owned by a federal or state governmental agency or another local agency. The assessments will be collected at the same time and in the same manner as property taxes are collected, and all laws providing for the collection and enforcement of property taxes shall apply to the collection and enforcement of the assessments.

SECTION 3 Description of Services and Improvements to be Provided. The maintenance service and improvements authorized within Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, and 73 of L&LMD No. 89-1-C are:

- (a) The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation;
- (b) The installation of multi-purpose trails;
- (c) The installation of fencing;
- (d) The installation of fossil filters;
- (e) The installation of irrigation or electrical facilities;
- (f) The maintenance or servicing of any of the foregoing; and
- (g) The provision of electricity to streetlights within the public rights-of-way.

SECTION 4 Improvements. The improvements authorized for Zones 3, 29, 30, 42, 51, 52, 67, 71, and 90 of L&LMD No. 89-1-C are:

- (a) The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation; and,
- (b) The installation of irrigation and electrical facilities; and,
- (c) The maintenance or servicing of any of the foregoing.

In addition, Zones 29, 30, 51, 52, and 90 are authorized to provide the following:

- (a) Weed abatement and debris clean-up of multi-purpose trails;
- (b) Maintenance, repair and/or replacement of fencing.

In addition, Zones 52, 67 and 90 are authorized to provide the following:

- (a) Maintenance, repair and/or replacement of fossil filters within catch basins within the public right-of-way including incidental costs and expenses.

SECTION 5 Improvements. The improvements authorized for Zones 59 and 62 are:

- (a) Maintenance, repair and/or replacement of fossil filters within catch basins within the public right-of-way including incidental costs and expenses.

In addition, Zone 59 is authorized to provide the following:

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

In addition, Zone 62 is authorized to provide the following:

- (a) Weed abatement and debris clean-up of multi-purpose trails.

SECTION 6 Improvements. The improvements authorized for Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89-1-C are:

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

SECTION 7 The District. The district is identified as “Landscaping and Lighting Maintenance District No. 89 1 Consolidated of the City of Wildomar, County of Riverside, State of California”. The boundaries of Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89 1 C are located within the City of Wildomar and are described and shown in the Report.

SECTION 8 Report. The Report, which is on file with the City Clerk and which has been presented to the City Council, is hereby approved. Reference is made to the Report for a full and detailed description of the improvements, the boundaries of the District, and any zones therein, and the annual assessments to be levied upon assessable lots and parcels within Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71 and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89-1-C.

SECTION 9. Public Hearing. A Public Hearing will be held on July 22, 2009, at 7:00 p.m. at the meeting room of the City Council of the City of Wildomar at Wildomar City Hall, 23873 Clinton Keith Rd Suite 201, Wildomar, CA 92595 regarding the Report and the proposed assessments to be levied for fiscal year 2009-10 within Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89-1-C.

SECTION 10 Information: Any property owner desiring additional information regarding Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90; and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71 and 73 of L&LMD No. 89-1-C, the Report, or the proposed assessments shall contact Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor Riverside County Transportation Department, at 4080 Lemon Street, 8th Floor, Riverside, California, or by telephone at 951-955-6829.

SECTION 11 Notice of the Public Hearing: Notices of the public hearing shall be given consistent with Section 22626(a) of the Streets and Highways Code. The notice of the public hearing shall be given by publication in The Press Enterprise of a certified copy of this Resolution once at least ten (10) days prior to July 22, 2009. Said publication of this Resolution is to be effected by the City Clerk of the City of Wildomar.

SECTION 12 Authorization: The City Council authorizes the County to act as the City's agent to administer the revenue/expenditures and budget for L&LMD No. 89-1-C for fiscal year 2009-10.

SECTION 13 Effective Date: This Resolution shall take effect from and after its date of adoption.

PASSED, APPROVED, AND ADOPTED this 8th day of July, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Farnam, Mayor

ATTEST:

Debbie A. Lee, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, Interim City Attorney

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1 E.
CONSENT CALENDAR ITEM
Meeting Date: July 08, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Approval of Interim Agreements for Community Services

STAFF REPORT

RECOMMENDATION:

Authorize the City Manager to enter into 90 day interim contracts with Diamond W Events for Special Events, Park and Emergency Services and CTAI Pacific Greenscape Landscape Services. Each interim contract is not to exceed \$50,000 during this period.

BACKGROUND/DISCUSSION: Interim service agreements with Diamond W Events and CTAI Pacific Greenscape Landscape Services are needed in response to the recent transition of responsibilities for parks services from Riverside County. This transition became effective July 1, 2009.

The Diamond W business has successfully provided efficient and effective services to the City of Wildomar during the past year and this interim agreement will allow city services to continue, un-interrupted as the city proceeds with discussions of longer term agreements.

Similarly, CTAI Pacific Greenscape Landscape Service was the lowest responsible vendor for temporary landscape services at the parks and will provide these services while the City proceeds with the traditional vendor selection process.

These temporary agreements will provide for services at Marna O'Brien, Regency Heritage and Windsong Parks.

FISCAL IMPACTS:

Funds were initially budgeted in the FY 2009/10 Community Services Budget (10-470-23 and 10-470-25).

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Finance Director

John Danielson
City Manager

Reviewed by:

Julie Hayward Biggs
City Attorney

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

TO: Honorable Mayor Farnam, Members of the City Council

FROM: David Hogan, Assistant Planning Director

SUBJECT: Authorization to Participate in the County Mortgage Credit Certificate Program

RECOMMENDATION:

The Planning Department recommends that the City Council

1. Adopt Resolution No. 09-44 entitled:

RESOLUTION NO. 09-44
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
AUTHORIZING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE
CREDIT CERTIFICATE (MCC) PROGRAM

BACKGROUND:

The Riverside County Board of Supervisors has authorized the County of Riverside Economic Development Agency (EDA) to apply for an allocation of \$12 million dollars in Mortgage Credit Certificates (MCC) from the California Debt Limit Committee to assist first time homebuyers throughout the county. The County hopes to have \$3.4 million in mortgage certificates available during the next year.

The MCC Program provides a 15 percent tax credit that can be applied against the interest paid on a mortgage loan during any given year. For example, if a prospective first time homebuyer seeks to purchase a home with a resulting \$300,000 initial interest-only mortgage and a simple interest rate of 7 percent, the amount of interest that will be paid during the first year of the loan is \$21,000 ($\$300,000 \times 0.07$). With an MCC, the borrower can then claim 15 percent of the interest they have paid, or \$3,150 ($21,000 \times 0.15$), as a tax credit. This tax credit would have the effect of increasing the borrower's available net income by \$262.50 ($\$3,150 \div 12$) per month. When underwriting the loan, the lender will take into consideration this additional net income, thereby helping to ensure that the potential homebuyer will more easily qualify for a loan.

The County's MCC Program provides a tremendous benefit to first-time buyers by effectively increasing their "home buying power." Furthermore, the additional income will

help ensure that the household's monthly housing expense remains affordable and does not exceed 30 percent of their monthly income.

Adoption of the attached Resolution is necessary for the City to participate in the Riverside County MCC Program to facilitate the acquisition of new and existing single-family housing for first time home buyers. As part of its participation, the City also agrees to assist the County of Riverside to market the Riverside County MCC Program within the City's jurisdictional boundary by publishing a general notice in the local newspaper at least twice a year.

FISCAL IMPACT

There are no significant costs for the City to participate in this program. The current cost for publishing the general notices in the local newspaper should be less than \$500 per year.

ALTERNATIVES:

1. Decline to participate in the program.
2. Provide direction to staff.

ATTACHMENTS:

1. Resolution Authorizing Participation

Submitted by:

David Hogan
Assistant Planning Director

RESOLUTION 09 - 44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR AUTHORIZING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM

WHEREAS, the Tax Reform Act of 1986 established the Mortgage Credit Certificate Program (MCC Program") as means of assisting qualified individuals with the acquisition of new and existing single-family housing;

WHEREAS, pursuant to Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., local issuers are authorized to issue Mortgage Credit Certificates ("Certificates") and administer an MCC Program;

WHEREAS, the Board of Supervisors of the County of Riverside adopted Resolution No. 87-564 on December 22, 1987, establishing a Mortgage Credit Certificate Program;

WHEREAS, the Board of Supervisors of the County of Riverside has authorized the Riverside County Economic Development Agency to administer the MCC Program pursuant to the applicable federal, state, and local policies and procedures, and to enter into those agreements necessary for the efficient administration of the MCC Program;

WHEREAS, the County of Riverside will be applying to the California Debt Limit Allocation Committee for a mortgage credit certificate;

WHEREAS, the City of Wildomar wishes to participate in the MCC Program administered by the FDA in connecting with mortgage loans it will make available for the acquisition of new and existing single-family housing in the City of Wildomar;

WHEREAS, the adoption of this resolution is necessary to include the City of Wildomar as a participating unit of general government under the Riverside County MCC Program;

WHEREAS, the City of Wildomar agrees to cooperate with the County of Riverside to undertake the Riverside County MCC program within City jurisdiction to assist persons or households of limited income to purchase new and existing single-family residences located in the City; and,

WHEREAS, the City of Wildomar by adopting this Resolution hereby gives notice of its election to participate in the Riverside County MCC program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wildomar as follows:

Section 1. The City of Wildomar agrees to participate in the Riverside County MCC Program administered by the Economic Development Agency in connection with

mortgage loans it will make available for the acquisition of new and existing single-family housing in Riverside County.

Section 2. The City of Wildomar agrees to assist the County of Riverside to market the Riverside County MCC Program within the City's jurisdictional boundary by publishing a general notice in the local newspaper at least twice a year.

PASSED APPROVED AND ADOPTED this 8th day of July, 2009.

Scott Farnam
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR-CITY COUNCIL
Agenda Item #1 G.
CONSENT CALENDAR ITEM
Meeting Date: July, 8 2009

TO: Mayor and City Council

FROM: Terry L. Fitzwater, Assistant City Manager

SUBJECT: Hiring of Assistant City Manager of Finance and Administration

STAFF REPORT

RECOMMENDATION:

Staff recommends the City Council of the City of Wildomar direct staff to hire for the position of Assistant City Manager of Finance and Administration and adopt the proposed salary range.

BACKGROUND INFORMATION:

The City of Wildomar, with its July 1, 2008 incorporation will require a limited number of full-time staff as it continues its evolution and growth. Of paramount importance is the selection of an Assistant City Manager of Finance and Administration who will work with and support the City Council and the City Manager in achievement of the city's goals and objectives.

DISCUSSION:

The positions of Assistant City Manager of Finance and Administration along with the City Manager and City Clerk form a critical nucleus from which the city can continue its drive toward becoming a stand-alone city. The position will be a combination of several positions and will have specific duties to execute.

Assistant City Manager of Finance and Administration:

The ACM-FA is charged with the responsibility of oversight of city-wide policy development, program planning and implementation of related policies and procedures for the departments of accounting and finance, human resources, information technology and risk management. Ensures that the objectives set forth by the City Council and City Manager is carried out. Additionally, ensures that city policies are followed, contracts are updated and enforced, fiscally sound programs are in place to protect the city's assets and that all city departments have adequate resources to maintain high levels of customer service. The position will provide support and will work closely with and report to the City Manager.

Salary Range:

Many factors contribute to a salary range including (1) What the city can afford to pay (2) What other cities are paying in the region and the state and the (3) size and complexity of the city. Based upon these factors and the information presented in attachment three (3) staff recommends the following ranges:

Assistant City Manager of Finance and Administration:

\$142,592-\$171,110

FISCAL IMPACT:

A July hiring date would impact the 09-10 budget by \$195,750 which includes both salary and benefits. This amount was included in the 09/10 budget.

ATTACHMENTS:

1. Salary and Compensation Study
2. Job Description-Assistant City Manager of Finance and Administration

Attachment 1

**Salary and Compensation Study
Assistant City Manager/Finance Director**

	Hemet Pop 74,361	Lake Elsinore Pop. 50,267	Murrieta Pop. 100,714	San Jacinto Pop. 36,477	Temecula Pop. 102,604
Assistant City Manager	141,016	Contract	200,979	139,596	171,220
Finance Director	131,256	134,566	176,592	117,826	152,734

Average Salary:

Assistant City Manager 163,202
Finance Director 142,594

Recommended Salary Range:

142,594-171,592

The City of Wildomar
CLASSIFICATION DESCRIPTION

Class Title: Assistant City Manager of Finance and Administration	Department: City Manager
Effective: July 8, 2009	Date: July 8, 2009

GENERAL PURPOSE

The Assistant City Manager of Finance and Administration, ACM-FA, provides leadership and direction to several major functional areas/departments of the City to include, Human Resources, Risk Management, Contract Compliance, Financial Management and Information Technology. The position provides highly responsible and complex support to the City Manager, City Council and is a key member of the City Manager's Executive team.

ESSENTIAL DUTIES AND RESPONSIBILITIES

(The following is used as a partial description and is not restrictive to duties required.)

The ACM-FA is charged with the responsibility for oversight of city-wide policy development, program planning and implementation of related policies and procedures. Ensures that the objectives set forth by the City Council and City Manager are carried out. Makes oral and written presentations to the City Council on all related matters. Ensures that City policies are followed, contracts are updated and enforced, fiscally sound programs are in place and that all departments within the City have adequate resources to maintain levels of service. The incumbent is responsible for accomplishing and/or furthering city administrative goals and objectives.

The ACM-FA prepares and recommends long-range plans for City services and programs; develops specific proposals for action on current City needs. The ACM-FA ensures the implementation of all activities throughout the City related to the broad functions of human resources, information technology and accounting and finance and provides expert professional assistance to City management staff and City Council in human resources and financial related matters.

The ACM-FA is responsible for the overall direction and implementation of the Risk Management program for the City's liability, general insurance, and casualty and property program; analyzes, develops and recommends new and improved procedures and programs. Ensures that all insurance requirements protect the fiscal stability of the City.

Performs other duties as assigned by the City Manager.

EMPLOYMENT STANDARDS

Knowledge of:

Principles and practices of public financial management, human resource management, information technology, risk management, contract management and exceptionally strong leadership abilities. Administrative principles and methods, including developing and implementing goals, objectives, policies, procedures, work standards, and internal controls. Effective resolution techniques for complex technical and personnel issues, evaluating alternative solutions and adopting effective courses of action. strong understanding of accounting technical disciplines, procedures and applicable City, State and Federal laws affecting the administration of the above specialized areas.

Ability to:

Work collaboratively across all City departments and disciplines. Must have superior team and consensus building skills as well as communication skills.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience

Graduation from an accredited four-year college or university with a (4)-year degree in public administration, accounting and/or finance, organizational development, business administration or related field. Master's Degree is preferred and ten (10) years of demonstrated leadership experience in a highly visible management or leadership position; or any equivalent combination of education and experience that would likely provide the required knowledge and abilities.

Special Requirements

Must possess and maintain a valid California driver's license and acceptable driving record.

TOOLS AND EQUIPMENT USED

Personal computer including word processing and Excel spreadsheet software; 10-key calculator; telephone; email; copy machine; fax machine and other office devices that the City may provide or acquire in the future.

PHYSICAL DEMANDS

Level A 1: Basically, an indoor desk job. The job may require traveling by car. Physical demands include occasional lifting up to 25 pounds, walking, some

bending, stooping and squatting. Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or noise

Approval: _____
Human Resources Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2 A.
PUBLIC HEARING ITEM
Meeting Date: July 8, 2009

TO: Honorable Mayor and City Council Members
FROM: Mike Kashiwagi, City Engineer
SUBJECT: Southern California Gas Company franchise

STAFF REPORT

RECOMMENDATION:

That the City Council introduce Ordinance No. 32, granting a franchise to construct, maintain and use pipes and appurtenances for transmitting and distributing gas to Southern California Gas Company.

ORDINANCE NO. 32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, GRANTING TO SOUTHERN CALIFORNIA GAS COMPANY, ITS
SUCCESSORS AND ASSIGNS, THE FRANCHISE TO CONSTRUCT, MAINTAIN AND
USE PIPES AND APPURTENANCES FOR TRANSMITTING AND DISTRIBUTING
GAS FOR ANY AND ALL PURPOSES IN, ALONG, ACROSS, UPON, AND UNDER
THE PUBLIC STREETS AND PLACES WITHIN THE CITY OF WILDOMAR

BACKGROUND:

Southern California Gas Company currently holds a gas franchise within the City of Wildomar, which was granted by the County prior to the incorporation of the City. Upon the incorporation of the City, the County's interest in that franchise transferred to the City pursuant to the conditions of approval of incorporation. However, the County has continued to administer the franchise and collect the franchise fees from Southern California Gas Company, and then transferring the franchise fees to the City. It is the City's desire to establish a direct franchisor-franchisee relationship between the City and Southern California Gas Company.

This franchise is governed by The Franchise Act of 1937, which requires the City Council to adopt a resolution declaring its intention to grant the franchise prior to the actual adoption of the franchise ordinance, and setting the public hearing for the ordinance granting the franchise. The resolution of intention for this franchise was adopted by the Council at its June 10, 2009 meeting. The Resolution of Intention set the public hearing for this ordinance for July 8, 2009.

By adopting this Ordinance, this City will be establishing a direct franchisor-franchisee relationship with the Southern California Gas Company. The terms of the franchise ordinance are largely set by the Franchise Act of 1937, however, there was some negotiation between City staff and Southern California Gas Company. The franchise ordinance grants Southern California Gas Company the right to construct, maintain and use pipes and appurtenances for transmitting and distributing gas for any and all purposes, under, along, across or upon the streets of the City. In exchange, Southern California Gas Company will pay the City two percent of its gross annual receipts arising from the use, operation or possession of the franchise. Southern California Gas Company must construct, install and maintain its facilities in accordance with City regulations, and is responsible for repairing any damage arising from the operation or existence of any pipes and appurtenances constructed or maintained under the franchise.

FISCAL IMPACTS:

The adoption of this ordinance will have a positive fiscal impact on the City because Southern California Gas Company will commence paying its franchise fees directly to the City.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction and take action at a subsequent Council meeting.

Submitted by:

Approved by:

Michael Kashiwagi
City Engineer

John Danielson
City Manager

ORDINANCE NO. 32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, GRANTING TO SOUTHERN CALIFORNIA GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO CONSTRUCT, MAINTAIN AND USE PIPES AND APPURTENANCES FOR TRANSMITTING AND DISTRIBUTING GAS FOR ANY AND ALL PURPOSES IN, ALONG, ACROSS, UPON, AND UNDER THE PUBLIC STREETS AND PLACES WITHIN THE CITY OF WILDOMAR

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

SECTION 1 DEFINITIONS.

Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meaning assigned to them in the following definitions (unless, in the given instance, the context wherein they are used shall clearly import a different meaning).

(a) The word "grantee" shall mean Southern California Gas Company, and its lawful successors or assigns;

(b) The word "city" shall mean the City of Wildomar, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form;

(c) The word "streets" shall mean the public streets, ways, alleys and places as the same now or may hereafter exist within said city, including state highways, now or hereafter established within said city, and freeways hereafter established within said city;

(d) The word "franchise" shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, maintain and use pipes and appurtenances for the business of transmitting and distributing gas for all purposes under, along, across or upon the public streets, ways, alleys and places in the City, and shall include and be in lieu of any existing or future City requirement to obtain a license or permit for the privilege of transacting and carrying on a business within the City;

(e) The phrase "pipes and appurtenances" shall mean pipes, pipelines, mains, services, traps, vents, cables, conduits, vaults, manholes, meters, appliances, associated communications infrastructure, attachments, appurtenances, and any other property located or to be located in, upon, along, across, or under the streets of the city,

and used or useful in the transmitting and/or distributing of gas;

(f) The word "gas" shall mean natural or manufactured gas, or a mixture of natural and manufactured gas;

(g) The phrase "construct, maintain, and use" shall mean to construct, erect, install, lay, operate, maintain, use, repair, or replace; and

(h) The phrase "gross annual receipts" shall mean gross operating receipts received by Grantee from the sale of gas to Grantee's customers less uncollectible amounts and less any refunds or rebates made by Grantee to such customers pursuant to California Public Utilities Commission orders or decisions.

SECTION 2 PURPOSE.

That the right, privilege and franchise, subject to each and all of the terms and conditions contained in this ordinance, and pursuant to the provisions of Division 3, Chapter 2 of the Public Utilities Code of the State of California, known as the Franchise Act of 1937, be and the same is hereby granted to Grantee to construct, maintain and use pipes and appurtenances for transmitting and distributing gas for any and all purposes, under, along, across or upon the streets of the City.

SECTION 3 TERM.

Said franchise shall be indeterminate from and after the effective date hereof; that is to say, said franchise shall endure in full force and effect until the same shall, with the consent of the Public Utilities Commission of the State of California, be voluntarily surrendered or abandoned by the Grantee, or until the state or some municipal or public corporation thereunto duly authorized by law shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of said franchise and situated in the territorial limits of the state, municipal, or public corporation purchasing or condemning such property, or until said franchise shall be forfeited for non-compliance with its terms by the Grantee pursuant to Section 9 of this Ordinance.

SECTION 4 CONSIDERATION.

(a) The Grantee of said franchise shall, during the term thereof, pay to the City at the times hereinafter specified, in lawful money of the United States, 1) a sum annually which shall be equivalent to two percent (2%) of the gross annual receipts of said Grantee arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of Grantee derived from the sale of gas within the limits of said City under this franchise and 2) all applicable surcharge payments due pursuant to the Municipal Public Lands Use Surcharge at California Public Utilities Code Section 6350 et seq.

(b) The Grantee shall file with the Clerk of said city, within three (3)

months after the expiration of the calendar year, or fractional calendar year, following the date of the granting hereof, and within three (3) months after the expiration of each and every calendar year thereafter, a duly verified statement showing in detail the total gross annual receipts of such Grantee during the preceding calendar year, or such fractional calendar year, from the sale of gas within said City. Such Grantee shall pay to said city within fifteen (15) days after the time for filing such statement, in lawful money of the United States, the aforesaid percentage of its gross annual receipts for such calendar year, or such fractional calendar year, covered by such statement.

SECTION 5 OTHER FRANCHISES.

This grant is made in lieu of all other gas utility franchises owned by the Grantee, or by any successor of the Grantee to any rights under this franchise, for transmitting and distributing gas within the limits of the City, as said limits now or may hereafter exist, and the acceptance of the franchise hereby granted shall operate as an abandonment of all such gas utility franchises within the limits of this City, as such limits now or may hereafter exist, in lieu of which this franchise is granted.

SECTION 6 OBLIGATIONS OF GRANTEE.

(a) All facilities or equipment of Grantee shall be constructed, installed and maintained in accordance with and in conformity with all of the ordinances, rules and regulations heretofore, or hereafter adopted by the legislative body of this City in the exercise of its police powers and not in conflict with the paramount authority of the State of California, and, as to state highways, subject to the provisions of the general laws relating to the location and maintenance of such facilities.

(b) If any portion of any street shall be damaged by reason of defects in any of the pipes and appurtenances maintained or constructed under this grant, or by reason of any other cause arising from the operation or existence of any pipes and appurtenances constructed or maintained under this grant, Grantee shall, at its own cost and expense, immediately repair any such damage and restore such portion of such damaged street to as good condition as existed before such defect or other cause of damage occurred.

(c) The Grantee shall pay to the City, on demand, the cost of all repairs to public property made necessary by any operations of the Grantee under this franchise.

(d) Notwithstanding any other provision of this ordinance, Grantee hereby expressly agrees to be subject to any ordinance, rule or regulation adopted heretofore or hereafter by the City in the exercise of its police powers and not in conflict with the paramount authority of the State of California requiring Grantee to obtain a permit from the City prior to excavating any paved street within the City, or to pay a fee to the City in association with such permit or approval consistent with California Government Code Section 66014 et seq.

(e) Except for such losses or damages caused by the negligence or

willful misconduct of City and any officers and employees, Grantee shall indemnify, save, and hold harmless, City and any officers and employees thereof against and from all damages, judgments, decrees, costs and expenditures which city, or such officer or employee, may suffer, or which may be recovered from, or obtainable against City, or such officer or employee, for, or by reason of, or growing out of or resulting from the exercising by Grantee of any or all of the rights or privileges granted hereby, or by reason of any act or acts of Grantee or its servants or agents in exercising the franchise granted hereby, and Grantee shall defend any suit that may be instituted against City, or any officer or employee thereof, by reason of or growing out of or resulting from the exercise by Grantee of any or all of the rights or privileges granted hereby, or by reason of any act or acts of Grantee, or its servants or agents, in exercising the franchise granted hereby.

SECTION 7 REMOVE OR RELOCATE FACILITIES.

(a) City reserves the right for itself to lay, construct, erect, install, use, operate, repair, replace, remove, relocate or maintain below surface or above surface improvements of any type or description in, upon, along, across, under or over the streets of the City. City further reserves the right to lawfully change the grade, alignment or width of any street. If the necessary exercise of the aforementioned reserved rights conflicts with any pipes and appurtenances of Grantee constructed, maintained, and used pursuant to the provisions of the franchise granted hereby, Grantee shall, without cost or expense to City within ninety (90) days after written notice from the City Manager, or his designated representative, and request so to do, begin the physical design and field construction of changing the location of all facilities or equipment so conflicting. Grantee shall proceed promptly to complete such required work.

(b) Irrespective of any other provision of this ordinance, Grantee's right to construct, maintain, and use, or remove pipes and appurtenances thereto shall be subject at all times to the right of the City, in the exercise of its police power, to require the removal or relocation of said pipes and appurtenances thereto at the sole cost and expense of Grantee and such work shall be done to the reasonable satisfaction of the City, except (1) as the law may otherwise provide. or, (2) except where Grantee's right to possession is pursuant to instruments evidencing right-of-way, easements or other interest in real property, or (3) except where the removal or relocation is made at the request of the City on behalf of or for the benefit of any private developer, CalTrans, or other third party.

(c) In the event that the City is made aware of a project developed by a governmental agency, water company, private party or the City that would be located within five hundred feet of a regulator station or other major gas facilities, City shall notify Grantee and initiate discussions among the implicated parties in order to assess potential economic and community impacts and facilitate coordinated and economically reasonable outcomes.

SECTION 8 TRANSFER OR SALE OF FRANCHISE.

Grantee of the franchise granted hereby shall file with the legislative body of the City within thirty (30) days after any sale, transfer, assignment or lease of this franchise, or any part thereof, or of any of the rights or privileges granted thereby, written evidence of the same, certified thereto by the Grantee or its duly authorized officers.

SECTION 9 FORFEITURE.

This franchise is granted upon each and every condition herein contained. Nothing shall pass by the franchise granted hereby to Grantee unless it be granted in plain and unambiguous terms. Each of said conditions is a material and essential condition to the granting of the franchise. If Grantee shall fail, neglect or refuse to comply with any of the conditions of the franchise granted hereby, and if such failure, neglect or refusal shall continue for more than thirty (30) days after written demand by the City Manager for compliance therewith, then City, by the City Council, in addition to all rights and remedies allowed by law, thereupon may terminate the rights, privilege, and franchise granted in and by this ordinance, and all the rights, privileges and the franchise of Grantee granted hereby shall thereupon be at an end. Thereupon and immediately, Grantee shall surrender all rights and privileges in and to the franchise granted hereby. No provision herein made for the purpose of securing the enforcement of the terms and conditions of the franchise granted hereby shall be deemed an exclusive remedy or to afford the exclusive procedure for the enforcement of said terms and conditions, but the remedies and procedure outlined herein or provided, including forfeiture, shall be deemed to be cumulative.

SECTION 10 ACQUISITION AND VALUATION.

The franchise granted hereunder shall not in any way or to any extent impair or affect the right of the City to acquire the property of the Grantee hereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain in respect to the Grantee; nor shall this franchise ever be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the Grantee of the necessary publication and any other sum paid by it to the City therefor at the time of the acquisition thereof.

SECTION 11 PUBLICATION COSTS.

The Grantee of said franchise shall pay to the City a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting thereof, such payment to be made within thirty (30) days after the City shall have furnished such Grantee with a written statement of such expenses.

SECTION 12 EFFECTIVE DATE.

The franchise granted hereby shall not become effective until written acceptance thereof shall have been filed by the Grantee with the City Clerk. When so

filed, such acceptance shall constitute a continuing agreement of the Grantee that if and when the City shall thereafter annex or consolidate with additional territory, any and all franchise rights and privileges owned by the Grantee therein shall likewise be deemed to be abandoned within the limits of the additional territory.

SECTION 13 WRITTEN ACCEPTANCE.

After the publication of this ordinance, the Grantee shall file with the City Clerk a written acceptance of the franchise hereby granted, and an agreement to comply with the terms and conditions hereof.

SECTION 14 PUBLICATION.

The City Clerk shall certify to the adoption of this ordinance, and within fifteen (15) days after its adoption, shall cause the same (with a list of the Council Members voting for and against) to be published in a newspaper of general circulation published and circulated in said City.

PASSED APPROVED AND ADOPTED this _____ day of _____, 2009.

Scott Farnam
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item #3 A.
DISCUSSION/ACTION ITEM
Meeting Date: July 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Julie Hayward Biggs, City Attorney

SUBJECT: Adoption of Ordinance Establishing Electoral Districts to Implement Election By-District System

STAFF REPORT

RECOMMENDATION:

The City Council may wish to adopt Ordinance No. 31, implementing the by-district election system for election of members of the City Council commencing with the 2010 election cycle in accord with the terms of Measure D and Government Code sections 34871-34884.

BACKGROUND:

At the time that the citizens voted to incorporate the City of Wildomar, they were also presented with Measure D which posed the question of whether they wished to have members of the City Council elected at-large or by-districts. The voters selected the by-district election system for the City.

To implement that system the City Council has retained the services of National Demographics Corporation, Inc. ("NDC"). NDC has conducted outreach to the community which resulted in the submission of five maps from citizens of the community for electoral districts. In addition, NDC itself prepared three maps for consideration by the City Council. All maps were developed taking into account geography, topography, demographic information, communities of interest, contiguity and continuity of political leadership and compactness.

On June 24, 2009, NDC presented its compilations and analysis to the City Council and the Council reviewed the various maps presented. After deliberate consideration, the Council chose one of the maps prepared by NDC for inclusion in the implementing ordinance for by-district elections in the City. The implementing ordinance has now been prepared together with the legal descriptions of each district and the map for consideration by the City Council.

Once the ordinance is enacted by the City Council, the districts will be established as set forth in Ordinance No. 31 and may only be changed by the Council to account for population shifts as identified in future census reports on a decennial basis. The voters may, however, amend or repeal the implementing ordinance as they choose within the substantive limitations of the Government Code and the California constitution and in accord with the procedural standards for initiative and referendum measures set forth in Section 9200 et seq. of the California Elections Code, or as may be otherwise prescribed by law.

ATTACHMENTS:

Ordinance No. 31, including Exhibit A.

Submitted by:

Approved by:

Debbie Lee
City Clerk

John Danielson
City Manager

Approved as to form:

Julie Hayward Biggs
City Attorney

ORDINANCE NO. 31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ESTABLISHING ELECTORAL DISTRICTS TO IMPLEMENT A SYSTEM OF ELECTION BY DISTRICTS FOR MEMBERS OF THE LEGISLATIVE BODY AS MANDATED BY A VOTE OF THE PEOPLE

THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:

SECTION 1. Establishment of Electoral Districts

(a) This ordinance establishes five electoral districts for the election of members of the City Council by-district in accord with the provisions Measure D, which was approved by the voters on February 5, 2008 and with the implementing provisions of Government Code Section 34872.

(b) The boundaries and number of each of the five electoral districts established by this ordinance are set forth in Exhibit A including a map of the districts, which is incorporated herein by reference.

SECTION 2. Election of Members to the City Council by Electoral Districts

(a) One member of the City Council shall reside in each of the electoral districts established by this ordinance and shall be elected by a vote of the voters of that District only.

(b) The first election of by-district representative members of the City Council for the City of Wildomar pursuant to this ordinance shall be for the two seats located in the even-numbered districts as depicted in Exhibit A in 2010. The second election shall be for the three seats located in the odd-numbered districts as depicted in Exhibit A in 2012.

(c) Each member of the City Council elected pursuant to this ordinance shall hold office for a four year term commencing in the year in which he or she is elected by-district.

SECTION 3. Amendment of District Boundaries

To the extent that district boundaries must be adjusted on a decennial basis as required by the provisions of California Elections Code §21601 *et seq.*, such amendment shall be processed and approved by the City Council and need not be submitted to the voters for approval. Any other amendment of the district boundaries established by this ordinance, however, shall be submitted to the voters for approval in accord with the provisions of California Government Code §§ 34874-77.

SECTION 4. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 6. Publication.

The City Clerk shall cause this ordinance to be published or posted in accordance with California law.

PASSED, APPROVED, AND ENACTED this ____ day of _____, 2009.

Scott Farnam, Mayor

APPROVED AS TO FORM:

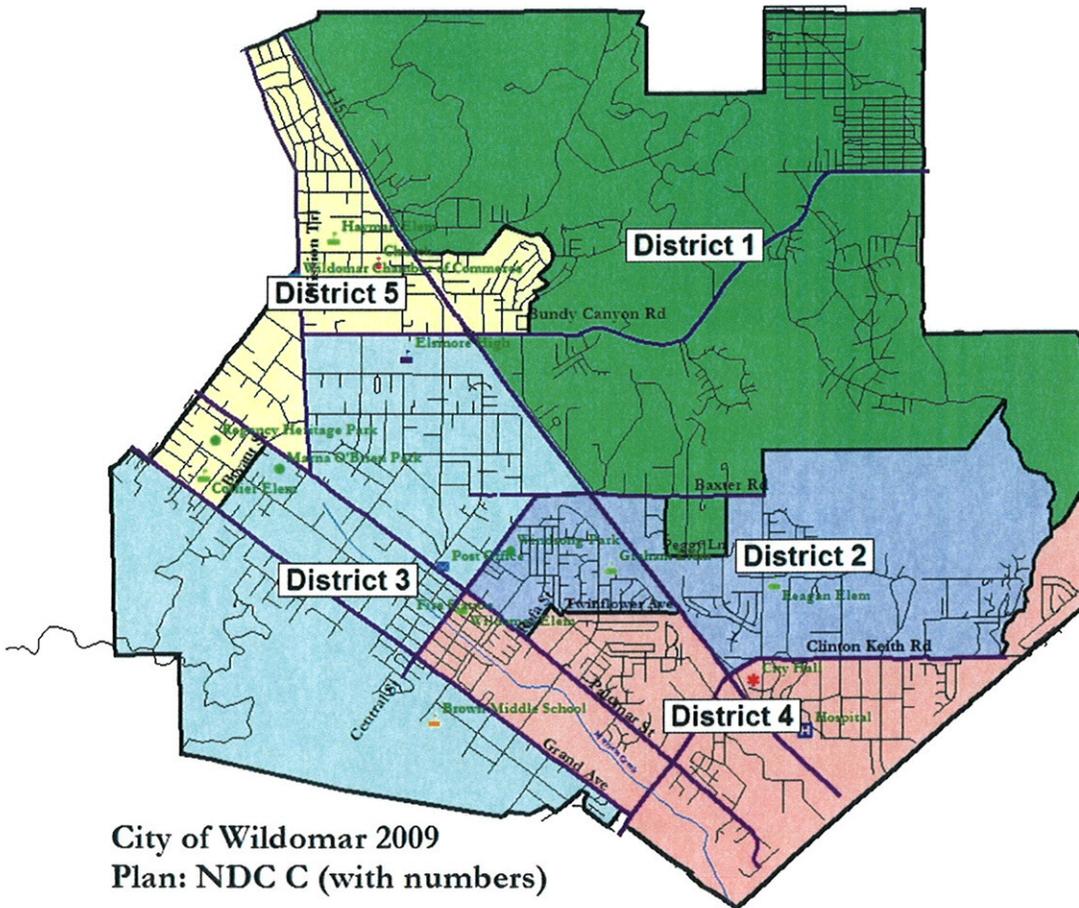
ATTEST:

Julie Hayward Biggs, City Attorney

Debbie A. Lee, CMC, City Clerk

EXHIBIT A

WILDOMAR ELECTORAL DISTRICT MAP AND LEGAL DESCRIPTIONS



First District - The region bounded and described as follows:

Beginning at the point of intersection of the centerline of Interstate 15 and Bundy Canyon Road, and proceeding easterly along Bundy Canyon Rd to Canyon Ranch Rd, and proceeding northerly along Canyon Ranch Rd to Leaf Stock Trail, and proceeding northerly along Leaf Stock Trail to Breckenridge Trail, and proceeding northerly along Breckenridge Trail to Seed Leaf Trail, and proceeding northerly along Seed Leaf Trail to Great Falls Rd, and proceeding northerly along Great Falls Rd to Gafford Rd, and proceeding westerly along Gafford Rd to Lemon St, and proceeding southerly along Lemon St to the centerline of Interstate 15, and proceeding northerly along the centerline of Interstate 15 to the City Border, and proceeding easterly and southerly along the City Border to the ditch comprising the border between Census Block 060650432081014 on the west and Census Block 060650432081041 on the east, and proceeding

southwesterly along that Census Block boundary to the dirt road between Census Block 060650432081027 on the west and Census Block 060650432081014 on the east, and proceeding along the dirt road to the wash between Census Block 060650432081027 on the west and Census Block 060650432081026 on the east, and proceeding along the wash to Farm Road, and proceeding southwesterly and westerly and southerly along the border between Census Block 060650432083009 on the west and Census Block 060650432081027 on the east to Baxter Rd, and proceeding west along Baxter Rd to Susan Dr, and proceeding southerly along Susan Dr to Peggy Ln, and proceeding westerly along Peggy Ln to Bayless Rd, and proceeding northerly along Bayless Rd to Baxter Rd, and proceeding westerly along Baxter Rd to the centerline of Interstate 15, and proceeding northerly along the centerline of Interstate 15 to the point of beginning.

Second District - The region bounded and described as follows:

Beginning at the point of intersection of Central Street and Palomar Street, and proceeding easterly along Palomar St to Refa St, and proceeding northerly along Refa St to Charles St, and proceeding easterly along Charles St to Woshka Ln, and proceeding northerly along Woshka Ln to Showut Ave, and proceeding easterly along Showut Ave to Twinflower Ave, and proceeding easterly along Twinflower Ave to the centerline of Interstate 15, and proceeding southerly along the centerline of Interstate 15 to Clinton Keith Road, and proceeding easterly along Clinton Keith Road to the ditch comprising the Census Block boundary running between Census Block 060650432081027 on the west and 060650432081041 on its east, in the hills between Loring Road to the west and Via Sarah to the east, and proceeding northeast along the hills, ditch and Census Block boundary to the dirt road between Census Block 060650432081027 on the west and Census Block 060650432081014 on the east, and proceeding along the dirt road to the wash between Census Block 060650432081027 on the west and Census Block 060650432081026 on the east, and proceeding along the wash to Farm Road, and proceeding southwesterly and westerly and southerly along the border between Census Block 060650432083009 on the west and Census Block 060650432081027 on the east to Baxter Rd, and proceeding west along Baxter Rd to Susan Dr, and proceeding southerly along Susan Dr to Peggy Ln, and proceeding westerly along Peggy Ln to Bayless Rd, and proceeding northerly along Bayless Rd to Baxter Rd, and proceeding westerly along Baxter Rd to Central St, and proceeding southerly along Central St to the point of beginning.

Third District - The region bounded and described as follows:

Beginning at the point of intersection of Grand Ave and Corydon Rd, and proceeding southerly along Grand Ave to Bryant St, and proceeding northerly along Bryant St to Palomar St, and proceeding southerly along Palomar St to

Mission Trail, and proceeding northerly along Mission Trail to Bundy Canyon Rd, and proceeding easterly along Bundy Canyon Rd to the centerline of Interstate 15, and proceeding southerly along the centerline of Interstate 15 to Baxter Rd, and proceeding westerly along Baxter Rd to Central St, and proceeding southerly along Central St to Grand Ave, and proceeding southerly along Grand Ave to the northeast corner of parcel 380150027, and proceeding southwest, westerly, and northerly along the City Border to the point of beginning.

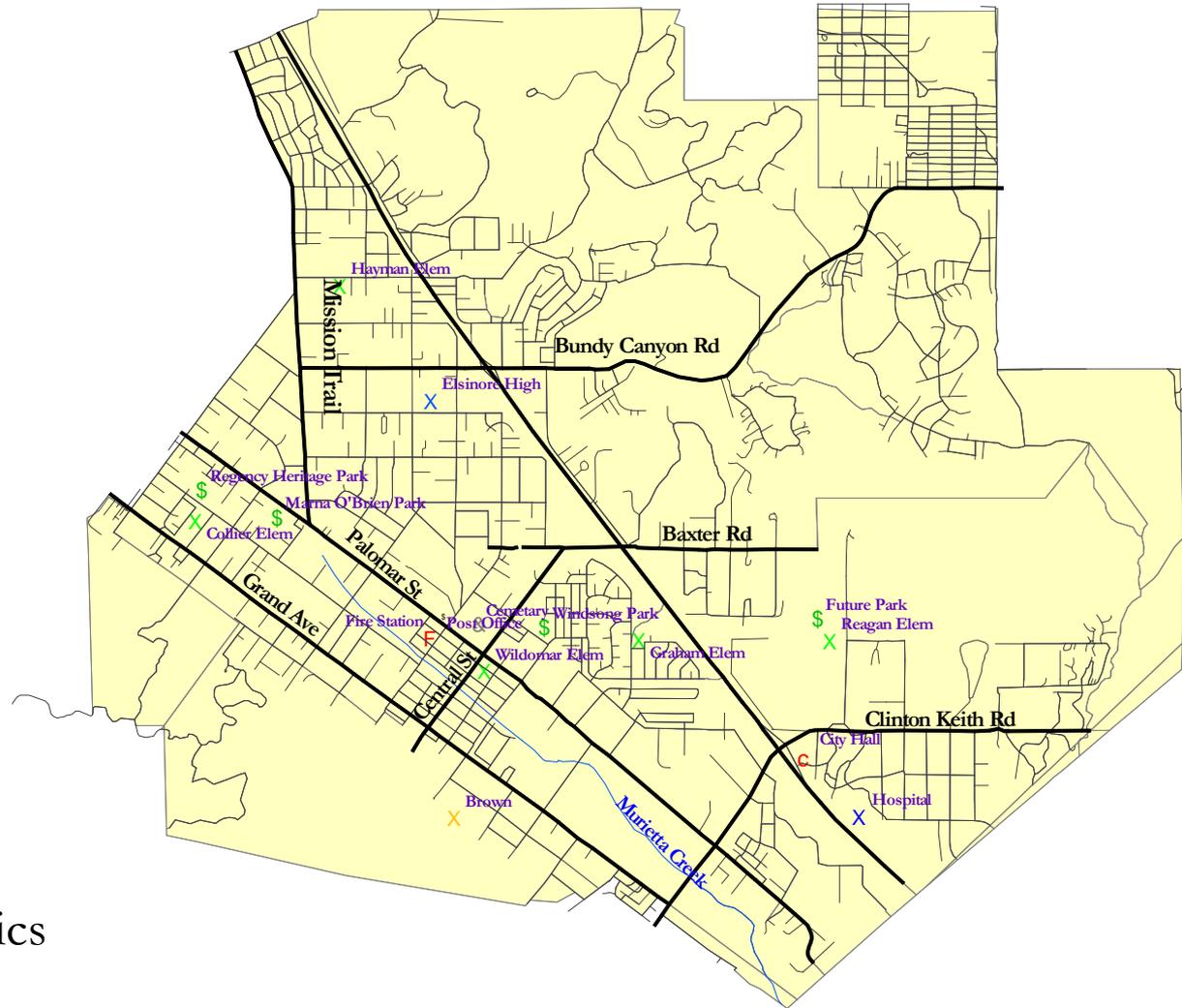
Fourth District - The region bounded and described as follows:

Beginning at the point of intersection of Central St and Grand Ave, and proceeding northerly along Central St to Palomar St, and proceeding easterly along Palomar St to Refa St, and proceeding northerly along Refa St to Charles St, and proceeding easterly along Charles St to Woshka Ln, and proceeding northerly along Woshka Ln to Showut Ave, and proceeding easterly along Showut Ave to Twinflower Ave, and proceeding easterly along Twinflower Ave to the centerline of Interstate 15, and proceeding southerly along the centerline of Interstate 15 to Clinton Keith Road, and proceeding easterly along Clinton Keith Road to the ditch comprising the Census Block boundary running between Census Block 060650432081027 on the west and 060650432081041 on its east, in the hills between Loring Road to the west and Via Sarah to the east, and proceeding northeast along the hills, ditch and Census Block boundary to the City Border, and proceeding southerly and northerly along the City Border to Clinton Keith Road, and proceeding northerly along Clinton Keith Road to Grand Avenue, and proceeding northerly along Grand Avenue to the point of beginning.

Fifth District - The region bounded and described as follows:

Beginning at the point of intersection of Grand Ave and Corydon Rd, and proceeding southerly along Grand Ave to Bryant St, and proceeding northerly along Bryant St to Palomar St, and proceeding southerly along Palomar St to Mission Trail, and proceeding northerly along Mission Trail to Bundy Canyon Rd, and proceeding easterly along Bundy Canyon Rd to Canyon Ranch Rd, and proceeding northerly along Canyon Ranch Rd to Leaf Stock Trail, and proceeding northerly along Leaf Stock Trail to Breckenridge Trail, and proceeding northerly along Breckenridge Trail to Seed Leaf Trail, and proceeding northerly along Seed Leaf Trail to Great Falls Rd, and proceeding northerly along Great Falls Rd to Gafford Rd, and proceeding westerly along Gafford Rd to Lemon St, and proceeding southerly along Lemon St to the centerline of Interstate 15, and proceeding northerly along the centerline of Interstate 15 to the City Border, and proceeding westerly and southerly along the City Border to the point of beginning.

Wildomar Election Systems Forums



Douglas Johnson
President

National Demographics
Corporation

Where we are now

- The current City Council was elected at-large
- The voters approved changing to a by-district election system but no by-district ordinance or boundaries were submitted to or approved by the voters
- The task of establishing an appropriate ordinance and drawing districts lines now falls to the City Council



Involving the public in the decision

- Decisions on the electoral structure of a newly incorporated City are important and should involve substantial public input
- While the Council is moving forward to establish districts as required by law, it has also retained a consultant to engage in out-reach to the community on this issue



NDC Background & Scope of Work

Impartial experts in:

- ❑ Demographics
- ❑ State and federal voting rights laws
- ❑ Local government elections
- ❑ Districting and redistricting

NDC:

- 30 years of experience districting and redistricting state and local jurisdictions
- Widely published, frequently quoted, and sought after for conference panels

Scope of Work:

- ✓ 1. Assist the development of election districts
2. Answer questions on districts and other election system options

Election Systems Information

This is an informational meeting.

While the public may express support or opposition, NDC is here to provide information, not positions for or against any of the options.

New Options

- Before implementing by-district elections, it may be appropriate for the voters to understand and approve the actual district boundaries and terms of office that will apply
- Alternatives to a by-district system may also be considered in this process
- Election by or from-districts as well as the at-large system may be considered



Election Systems

- California Election Code offers choices for general law cities:

1. At Large

- 406 out of 443 cities surveyed by NDC (92%)

2. By District

- 26 of 443 (6%)

3. From District

- 8 of 443 (2%)

Option under any system:
•At Large vs. Rotating Mayor

Note:

State law did not allow LAFCO to offer a “From District” option, but AB 1582 is an effort to change that for future incorporations.

- A new catalyst for districts: the California Voting Rights Act

At Large System

- System Mechanics

- No districts used
- Any candidate can live anywhere
- Each voter cast votes for all open Council seats

- Common Impacts

- Citywide focus in campaigns
- One or more neighborhoods may be overrepresented on the Council
- Campaigns are more expensive than By District elections
- Council focus tends to be on citywide issues

All “Common Impacts” in this presentation are drawn from experience and research. They are provided to establish a common reference for discussion. Menifee may, or may not, experience the same “Common Impacts.”

By District System

■ System Mechanics

- Districts drawn
- Separate election in each district
- Candidates must live in the district they wish to represent
- Only the voters who live in a given district vote on representative

■ Common Impacts

- Neighborhoods have more of a voice on the Council
- Lower campaign costs
- Citywide planning and concerns sometimes supplanted in favor of neighborhood issues
- Focus on district service sometimes lead to additional City staff to provide support for City Councilmembers

From District System

- System Mechanics

- Districts drawn
- Separate election to represent each district
- Candidates must live in the district they wish to represent
- All voters vote on who will represent each district

- Common Impacts

- Citywide focus in campaigns
- Campaigns are more expensive than By District elections
- A Council Member's focus could be citywide, district focused, or a mix

Typical “transition” population range

City	2000 Population	System
Los Angeles	3,694,820	By D
San Diego	1,223,400	By D
San Jose	894,943	By D
San Francisco	776,733	By D
Long Beach	461,522	By D
Fresno	427,652	By D
Sacramento	407,018	By D
Oakland	399,484	Mixed
Santa Ana	337,977	From D
Anaheim	328,014	At L
Riverside	255,166	By D
Bakersfield	247,057	By D
Stockton	243,771	From D
Fremont	203,413	At L
Glendale	194,973	At L
Huntington Beach	189,594	At L
Modesto	188,856	By D
San Bernardino	185,401	By D
Chula Vista	173,556	At L
Oxnard	170,358	At L
Garden Grove	165,196	At L
Oceanside	161,029	At L
Ontario	158,007	At L
Santa Clarita	151,088	At L
Salinas	151,060	By D

Cities in 25,000 to 35,000 range

City	Pop	System	City	Pop	System
Cudahy	25,004	At L	Foster City	28,756	At L
Eureka	25,579	From D	Monterey	29,217	At L
Ridgecrest	25,974	At L	Banning	29,308	At L
Imperial Beach	26,374	At L	Goleta	29,367	At L
Coronado	26,424	At L	Menlo Park	29,661	At L
Benicia	26,489	At L	Saratoga	29,663	At L
Paradise	26,517	At L	San Jacinto	30,253	At L
Suisun City	26,762	At L	San Pablo	31,004	At L
San Carlos	26,821	At L	Walnut	31,424	At L
Norco	26,960	At L	Lawndale	32,193	At L
Los Altos	27,096	At L	Laguna Hills	32,198	At L
Atwater	27,107	At L	East Palo Alto	32,242	At L
Atascadero	27,130	At L	Coachella	32,432	At L
Oakley	27,177	At L	Lincoln	32,804	At L
Soledad	27,210	At L	Pleasant Hill	33,153	At L
Burlingame	27,380	At L	La Verne	33,185	At L
Paso Robles	27,477	At L	Los Banos	33,506	At L
Los Gatos	28,029	At L	Seaside	34,214	At L
Twentynine Palms	28,409	At L	San Juan Capistrano	34,673	At L
Santa Paula	28,478	At L	Morgan Hill	34,852	At L
Maywood	28,600	At L			

Wildomar:

30,972

Examples

At Large

- Glendale
 - 194,630 people
 - 5 Councilmembers
- Coronado
 - 26,424 people
 - 5 Councilmembers

By District

- Pasadena
 - 134,000 people
 - 7 Councilmembers
- Hanford
 - 41,700 people
 - 5 Councilmembers

From District

- Alhambra
 - 76,309 people
 - 5 Councilmembers elected From District
 - 3 Latinos
- Reedley
 - 22,368 people
 - 5 Councilmembers elected From District
 - 2 Latinos

- Nine of the 13 largest cities in California use “By District,” two use “From District,” and one is “At Large.” Oakland elects 7 by district, 1 at large, and an at large Mayor.
- Among the 248 cities surveyed with 40,000 residents or less, only 4 (2.7%) are known to use By District elections; 3 are From District; 1 is Mixed:
 - By District: *Bradbury*, Hollister, Parlier, Sanger
 - From District: *Rancho Mirage*, Reedley, *Eureka*
 - Mixed: Dinuba

Terms of Office – Election At-Large



**2010
Incumbent
Ade**



**2010
Incumbent
Farnam**



**2010
Incumbent
Swanson**

**2012
Incumbent
Cashman**

**2012
Incumbent
Moore**

Term Assignments – Election by or from Districts



**2010
Incumbent
Ade**



**2010
Incumbent
Farnam**

**2012
Incumbent
Cashman**

**2012
Incumbent
Moore**

**2012
Incumbent
Swanson**

4. Questions and Answers

Q. Will the cost of the City government be higher with one system than another?

- A. The cost of running campaigns is typically greater in at-large systems, but the day-to-day cost of City Council and staff operations may be higher in by-district systems.

Q. How many Council Members do I get to vote for?

A. The answer varies depending on the system:

By District: One. Each voter only casts a ballot for the Council seat representing the voter's home district.

From District: Five. All residents vote on all Council seats, with the top vote-getter from each district taking office.

At Large: Five. All residents vote for all Council seats, and the top vote-getters take office.

Options Review

- The Council may place an ordinance establishing electoral districts for a by-district system or an ordinance that repeals the by-district system and establishes either a from-district or at-large election systems at any regular or special election prior to the 2010 election
- Under the by-district election system approved by the voters or a from-district system, two council seats will be up for election in 2010
- If the voters reject election by or from-districts in favor of at-large elections, three council seats will be up for election in 2010



Discussion / Questions

- Questions?
- Share your thoughts

CITY OF WILDOMAR – COUNCIL
Agenda Item #3 B.
GENERAL BUSINESS ITEM
Meeting Date: JULY 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: David Hogan, Assistant Planning Director
SUBJECT: Development Impact Fee (DIF) Adjustments

STAFF REPORT

RECOMMENDATION:

The Mayor requests that the City Council discuss the proposal and provide direction to staff on modifications to the City's current Development Impact Fee to encourage new development within the City.

BACKGROUND:

The Mayor requests that the City Council discuss the concept of modifying the current local development impact fees to encourage new construction within the community. The current Development Impact Fee (DIF) collects funding from new development to provide for the following improvements:

- Public Facilities;
- Fire Facilities;
- Transportation (roads and bridges);
- Traffic Signals;
- Regional Parks;
- Community Centers/Parks;
- Regional Multi-Purpose Trails; and,
- Library Books.

The transportation component is in addition to the regional road network funded through the Transportation Uniform Mitigation Fee (TUMF) Program or the Southwest Road and Bridge Benefit District. The various DIF categories and amounts established by the County are included in Attachment A. The amounts in Attachment A do not include impact fees collected by other agencies (e.g. the Elsinore Unified School District), regional impact fees established by the Riverside County Habitat Conservation Agency (for the Stephens Kangaroo Rat Habitat Conservation Plan) or the Riverside Conservation Authority (for the MSHCP), or the Transportation Uniform Mitigation Fee.

The primary rationale supporting this kind of program is to try to encourage new construction to occur within the City; recognizing the development impact fees are a cost of doing business within the City. In the process of preparing this agenda report, staff has evaluated what other jurisdictions in our area have done to address the concern that the cost of development impact fees is adversely affecting new construction. To date, only the Cities of Corona and Menifee have reduced their local Development Impact Fee payment amounts, though the City of Perris is considering the action after this staff report was completed.

Jurisdiction	Changes to Development Impact Fees	Action Date
Riverside County	No reductions have been made to the DIF amounts. However, County staff believes that there are ongoing discussions between the County's Chief Executive Officer and the Board of Supervisors.	---
City of Corona	Reduced all DIF amounts by 40% for the next two years, and deferred DIF payments to the time of occupancy/final inspection (as opposed to at the time of building permit issuance).	5/13/2009
City of Lake Elsinore	No reductions have been made to the DIF amounts. According to the Community Development Director, there are no plans for the City Council to consider reducing the existing DIF amounts.	---
City of Menifee	The DIF amount for single family residences was reduced by 65%. The City also deferred DIF payments to when the units is sold (as opposed to time of building permit issuance).	5/20/2009
City of Murrieta	No reductions have been made to the DIF amounts. According to the Economic Development Director, there are no plans for the City Council to consider reducing the existing DIF amounts.	---
City of Perris	A proposal to reduce DIF amounts by 50% is scheduled for the City Council on June 30, 2009.	tbd
City of Temecula	The current DIF amounts have not been changed. However, the automatic annual increase scheduled for 2009 was suspended for one year.	6/23/2009

Because all of these actions are fairly recent, there is no information as to the effect any DIF reduction has had on new construction. The results of this survey are provided

below. Specific information on the Development Impact Fees for each evaluated City are contained in Attachment B. Much of the variation between the jurisdictions is created by the different local requirements. For example, the City of Corona collects funding for drainage facilities and citywide swimming pools. Many of the cities collect funding for local park and recreation amenities (not included in the City’s DIF amount.

To convert the County’s per acre DIF into the per square foot DIF calculations used by the areas cities, staff has used typical floor area ratios (FAR) for both commercial and industrial projects. In suburban settings, most commercial centers have FARs of approximately 0.25. Industrial projects generally have FARs of approximately 0.35. The floor area ratio is the area of all of the floors of a building divided by the area of the lot.

The current DIF amounts for the City of Wildomar, as well as potential reduction amounts, are identified below.

DIF Category	Current Fee	Revised Fees with Reductions			
		-10%	-15%	-25%	-50%
Single Family Residential	\$4,221/unit	\$3,799	\$3,588	\$3,166	\$2,111
Multi-Family Residential	\$3,536/unit	\$3,182	\$3,005	\$2,652	\$1,768
Commercial	\$22,810/acre	\$20,529	\$19,389	\$17,108	\$11,405
Industrial	\$11,661/acre	\$10,495	\$9,912	\$8,746	\$5,831

If the City Council chooses to make modifications to the existing Development Impact Fee program, staff requests that the Council provide the appropriate direction. Staff will then prepare an ordinance to modify the existing program and return the draft ordinance for the Council’s consideration at a future date.

FISCAL IMPACT:

Any reductions to the future development impact fees will have some degree of long term financial impact on the by reducing the expected impact fees the City will use to provide community infrastructure. However the amount of any reduction or the effects of any impact fee reductions on the future provision of public infrastructure can not be determined at this time.

ALTERNATIVES:

1. Provide direction to staff.

ATTACHMENTS:

- A. Current DIF Categories and Amounts
- B. Comparison of DIF Amounts by Jurisdiction

Submitted by:

David Hogan
Assistant Planning Director

ATTACHMENT A
CURRENT DEVELOPMENT IMPACT FEES

CURRENT DEVELOPMENT IMPACT FEES FOR THE CITY OF WILDOMAR*

15. Greater Elsinore Area		Single Family Residential	Multi-Family Residential	Commercial	Industrial	Surface Mining
		(amount per dwelling unit)		(amount per acre)		
a	Public Facilities	\$1,207	\$1,011	\$5,163	\$2,112	\$211
b	Fire Facilities	\$705	\$590	\$4,879	\$2,035	\$203
c	Transportation – Roads, Bridges, and Major Improvements	\$549	\$434	\$2,044	\$1,068	\$940
d	Transportation - Signals	\$420	\$378	\$6,971	\$4,878	\$4,293
e	Conservation and Land Bank	\$0	\$0	\$0	\$0	\$0
f	Regional Parks	\$563	\$472	\$2,259	\$942	\$94
g	Community Centers	\$65	\$55	\$0	\$0	\$0
h	Regional Multipurpose Trails	\$316	\$264	\$1,266	\$528	\$53
i	Flood Control	\$0	\$0	\$0	\$0	\$0
j	Library Books	\$341	\$286	\$0	\$0	\$0
k	Fee Program Administration	\$55	\$46	\$228	\$98	\$22
	Total	\$4,221	\$3,536	\$22,810	\$11,661	\$5,816

* County DIF components “e” and “i” are not collected within the City of Wildomar.

ATTACHMENT B
COMPARISON OF DEVELOPMENT IMPACT FEES BY JURISDICTION

COMPARISON OF DEVELOPMENT IMPACT FEES
(Excludes TUMF, MSHCP, SKR, and Quimby Act (Parkland) In-Lieu Fees)

Jurisdiction	Single Family (per unit)	Multi-Family (per unit)	Commercial (per square foot)	Industrial (per square foot)
City of Wildomar	\$4,221	\$3,536	\$22,810 (per acre)	\$10,495 (per acre)
			\$2.09 ^A	\$0.69 ^A
City of Corona ^B	\$7,011*	\$5,039*	\$1.03*	\$0.43*
City of Lake Elsinore ^C	\$6,331	\$4,360	\$5.79	\$1.29
City of Menifee	\$1,815*	\$4,293	\$26,645 (per acre)	\$13,664 (per acre)
			\$2.45 ^A	\$0.90 ^A
City of Murrieta ^D	\$10,297	\$6,527	\$11.09	\$1.93
City of Perris ^E	\$12,668	\$10,643	\$3.89	\$3.89
City of Temecula ^F	\$7,657	\$5,482	\$8.33	\$3.02
* Indicates that these development impact fees were recently reduced. The reduced DIF amounts are shown in this table.				

Notes:

- A. For the Cities of Menifee and Wildomar DIF is paid on a per acre basis. To calculate the Fee on a per square foot basis a number of assumptions were made based upon typical development scenarios. The conversion of per acre to per square foot is based upon typical floor area ratio as follows: for commercial, 0.25, and for industrial, 0.35.
- B. The City of Corona includes park and recreation facilities and has six additional DIF categories for Estate Residential, Single Family Attached, Mobile Home, Commercial Lodging, Office (Class A or B), and Office (Other).
- C. The City of Lake Elsinore includes park and recreation facilities and has five additional DIF categories for Duplexes, Triplexes, Fourplexes, and Office.
- D. The City of Murrieta includes park and recreation facilities and has two additional DIF Categories for Office and Rural Estate Residential.
- E. The City of Perris DIF includes park and recreation facilities.
- F. The City of Temecula DIF includes park and recreation facilities and two additional DIF Categories for Office and Service Commercial.

CITY OF WILDOMAR – COUNCIL
Agenda Item #3 C.
BUSINESS ITEM
Meeting Date: July 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: David Hogan, Assistant Planning Director
SUBJECT: Delegation of Authority to Determine the Finding of Public Convenience and Necessity

RECOMMENDATION:

The Planning Department recommends that the City Council adopt Resolution No. 09-45:

RESOLUTION NO. 09 - 45
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DELEGATING THE AUTHORITY TO MAKE FINDING OF PUBLIC
CONVENIENCE OR NECESSITY PURSUANT TO SECTION 23958.4 OF THE
BUSINESS AND PROFESSIONS CODE

BACKGROUND:

Since incorporation, there have not been any applications for businesses which would need a license for the off-site sale of alcoholic beverages. However, staff has recently become aware of a possible new business to the community that would include the off-site sale of alcoholic beverages which would require a special City action for the Department of Alcoholic Beverage Control (ABC) to approve an off-site sale liquor license. Off-site sale licenses are commonly issued for grocery stores, specialty markets, liquor stores, convenience markets, and automobile service stations.

Section 23598 of the Business and Professions Code provides that the Department of Alcoholic Beverage Control shall deny an application for a license for the off-site sale of alcoholic beverages if issuance of the license would result in an undue concentration of licenses within the census tract, unless approved by the local government with a Finding of Public Convenience or Necessity. These additional requirements by ABC do not alter or overrule the provisions and requirements of the Zoning Ordinance.

Section 23598.4 of the Business and Professions Code indicates that the determination of Public Convenience or Necessity shall be made by the local governing body (i.e. the City Council) or a designated subordinate officer or body (e.g. the Planning Commission or Planning Director). The purpose of this item is to request that the City Council make a determination as to who with the City of Wildomar will make this determination. If the

City Council decides to retain this authority for themselves, no specific action is required (since State Law has already determined that this authority belongs with the City Council unless delegated).

To assist the City Council in making this determination, staff has identified a number of factors that the Council may wish to consider. Some of these factors to consider are as follows:

- The significance of the issue (i.e. off-site sale of alcoholic beverages) to the community;
- The degree of control the City Council feels is appropriate over the approval of off-sale liquor licenses; and,
- The need for efficient application processing.

In the preparation of this report, staff identified three different options to provide the City Council with a starting point for their deliberations. Each of these options identifies a logical approach to deal with the requirement for a Finding of Public Convenience or Necessity. The three options are described below.

Potential Designee	Practical Factors
1. Retain authority at City Council	<p>All applications for off-site sale liquor licenses which require a Finding of Public Convenience or Necessity will be considered by the City Council (regardless of the approval authority designated in the zoning ordinance).</p> <p><i>No action is necessary if the Council wishes to retain this authority to themselves. All off-site sale liquor licenses would be forwarded to the City Council.</i></p>
2. Delegate to Planning Commission	<p>All applications for off-site sale liquor licenses which require a Finding of Public Convenience or Necessity will be considered by the Planning Commission (regardless of the approval authority designated in the zoning ordinance), unless the underlying project is appealed to the City Council.</p> <p><i>At this level, all finding would go to the Planning Commission even if the project would not normally be heard by the Commission.</i></p>

Potential Designee	Practical Factors
3. Delegate to Planning Director	<p>All applications for off-site sale liquor licenses which require a Finding of Public Convenience or Necessity will be considered by the Planning Director (regardless of the approval authority designated in the zoning ordinance), unless the underlying project is appealed.</p> <p><i>This option would allow the Planning Director to approve the Finding of Public Convenience or Necessity after the project application was approved by the City's designated approval authority pursuant to the requirements of the zoning ordinance.</i></p>

In an effort to assist the City Council in making a decision, Staff has surveyed several surrounding jurisdictions to determine how other jurisdictions implement the provisions of Section 23598.4 of the Business and Professions Code. As shown below, the Planning Commission has been most often delegated the responsibility of making this Finding.

Surrounding Jurisdictions	Approving Body
City of Murrieta	Planning Commission
Lake Elsinore	Planning Commission
City of Temecula	Planning Commission
City of Perris	Planning Commission
City of Corona	Planning Director

Staff recommends that the City Council evaluate the options, determine the most appropriate level within the City government to make the findings, and adopt a resolution delegating the authority to the selected decision-making body(s).

FISCAL IMPACT:

No fiscal impact is anticipated from the delegation of this authority.

ALTERNATIVES:

1. Deny the requested delegation.
2. Provide direction to staff.

ATTACHMENTS:

1. Resolution Delegating Authority
2. Applicable Sections of the Business and Professions Code

Submitted by:

David Hogan
Assistant Planning Director

ATTACHMENT NO. 1

**RESOLUTION DELEGATING AUTHORITY TO MAKE THE
FINDING OF PUBLIC CONVENIENCE OR NECESSITY**

RESOLUTION 09 - 45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DELEGATING THE AUTHORITY TO MAKE FINDING OF PUBLIC CONVENIENCE OR NECESSITY PURSUANT TO SECTION 23958.4 OF THE BUSINESS AND PROFESSIONS CODE TO THE [PLANNING COMMISSION/PLANNING DIRECTOR]

WHEREAS, in 1994, the State of California passed legislature that amended the Business and Professions Code relating to alcoholic beverage licensing which affect the local governing bodies of cities and counties;

WHEREAS, Section 23958.4 of the Business and Professions Code was added to define “undue concentration” of license and to establish the procedure for determining if public convenience and necessity will warrant the issuance of a license notwithstanding a determination that there is an undue concentration of licenses;

WHEREAS, Section 23958.4 authorizes the City Council to delegate the duties of determining whether public convenience and necessity; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wildomar as follows:

Section 1. The [Planning Commission/Planning Director] is hereby authorized to make the finding of public convenience and necessity as required for the issuance of an alcoholic license from the California State Department of Alcohol Beverage Control pursuant to the provisions of Section 23958.4 of the State Business and Professions Code.

Section 2. The City Clerk shall provide written notice to the Department of Alcohol Beverage Control of this delegation action.

Section 3. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED APPROVED AND ADOPTED this 8th day of July, 2009.

ATTEST:

Debbie Lee, CMC, City Clerk

Scott Farnam, Mayor

APPROVED AS TO FORM:

Julie Biggs, City Attorney

ATTACHMENT NO. 2

APPLICABLE SECTIONS OF THE BUSINESS AND PROFESSIONS CODE

Section 23958.4.

(a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer's license, or a winegrower's license, if the applicant shows that public convenience or necessity would be served by the issuance.

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or

its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) For purposes of this section, the following definitions shall apply:

(1) "Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the Population Research Unit of the Department of Finance.

(5) "Retail licenses" shall include the following:

(A) Off-sale retail licenses: Type 20 (off-sale beer and wine) and Type 21 (off-sale general).

(B) On-sale retail licenses: All retail on-sale licenses, except Type 43 (on-sale beer and wine for train), Type 44 (on-sale beer and wine for fishing party boat), Type 45 (on-sale beer and wine for boat), Type 46 (on-sale beer and wine for airplane), Type 53 (on-sale general for train and sleeping car), Type 54 (on-sale general for boat), Type 55 (on-sale general for airplane), Type 56 (on-sale general for vessels of more than 1,000 tons burden), and Type 62 (on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement).

(6) A "premises to premises transfer" refers to each license being separate and distinct, and transferable upon approval of the department.

(d) For purposes of this section, the number of retail licenses in the county shall be determined by the most recent yearly retail license count published by the department in its Procedure Manual.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued prior to April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

CITY OF WILDOMAR – COUNCIL
Agenda Item #3 D
BUSINESS ITEM
Meeting Date: July 8, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: David Hogan, Assistant Planning Director
SUBJECT: Evaluation of the General Plan

RECOMMENDATION:

The Planning Department recommends that the City Council consider the information contained in this Staff Report and provide direction to proceed with updating of the General Plan.

BACKGROUND:

Adoption of the Wildomar General Plan

When the City of Wildomar incorporated on July 1, 2008, the City Council adopted the County General Plan to provide long term policy guidance and direction as required by state law. With that action, the County General Plan became the City of Wildomar General Plan. However, because it has not yet been revised, the General Plan still includes policies and information covering the entire area of Riverside County; as noted below, the “tailoring” of the plan to focus on Wildomar is proposed to be completed by staff in the coming months.

The Wildomar General Plan contains two separate volumes:

- Volume 1 provides countywide discussion, policies and programs.¹
- Volume 2 provides information and policies on the Elsinore Plan Area, which includes Wildomar.

Updating the General Plan

In April, the City Council conducted a Norming Session to discuss the General Plan. At that meeting, the Council expressed a desire to retain the basic General Plan, but to

¹ As noted earlier, the Wildomar General Plan contains references to areas outside the city because it has not yet been revised to eliminate these discussions and focus on local issues.

tailor the document by making some changes in policy and focusing the document to better relate to Wildomar. In summary, Council's direction included the following:

- Revise the Circulation Element to look at the functionality of the road network (additional freeway crossings and new connections between the various arterial roadways).
- Update the Plan to address the latest state requirements for General Plans (which have changed since the document was last revised by the County).
- Include policies and programs related to climate change (also a topic which is subject to state requirements that have changed since the Plan was last revised).

Review of the Current General Plan

As directed by the City Council, Planning staff have reviewed the General Plan to evaluate the applicability and appropriateness of the information. An evaluation of each General Plan Element is provided below, along with recommendations for changes to each to reflect the Council's direction.

In prioritizing how the General Plan can be updated, staff has grouped the various elements into two activity phases based upon the fact that some of the Elements need updating much more than others (though eventually all of the elements should converted to City-specific documents).

In addition to the two phases, many of the Elements have optional work activities that could be undertaken instead of revising the entire Element. The options allow the City Council to take on high priority activities while minimizing overall costs. The projected costs provided at the end of the staff report are estimates provided for planning purposes only.

No work will be undertaken without a careful understanding of the costs and time frames associated with the specific elements to be updated as well as any necessary technical studies.

CHAPTER 1 - INTRODUCTION

The Foundation and Strategic Vision for the City is very similar to the County's. The vision is very generic: quality of life, community identity form, focus, choice, refining and redefining the development process, incentives, including stakeholders, collaboration etc. The discussion of the processes, technical studies, and plan development sections should be redone to fit Wildomar's processes. Much of the existing text in this section can be reused with few or minor changes.

Recommendation: Update the Introduction to the General Plan as part of Phase 1.

CHAPTER 2 - VISION STATEMENT

The current Vision statements provide an overall direction and an overview description of the long term goals for the County of Riverside. Updating the Vision Statement with the comprehensive update of other elements is strongly recommended to reflect the issues important to the City of Wildomar.

Recommendation: Update the General Plan Vision Statement as part of Phase 1.

CHAPTER 3 - LAND USE ELEMENT

While many of the policies contained in the General Plan will be included in the updated Land Use Element, many existing policies are not relevant to Wildomar. As a result, the Land Use Element will need to be reorganized to delete unneeded policies.

In addition, the Council may wish to consider the following land use issues:

- The identification of a future Town Center,
- Reviewing the amount of commercial development planned for Wildomar (the current map may include far more land than is needed for local needs)
- The boundaries the Suburban, Ranch, and Rural Development areas,
- The provisions and boundaries for a “Ranch Overlay” area,
- The provisions and boundaries for a “Historic Overlay” area (if appropriate).

The update of the Land Use Element commonly involves discussions with the City Council and the community, as well as property owner outreach. A careful review of the Land Use Map is also of importance for the updating of the Circulation Element, since the roadway system must be designed to support planned land uses. An incorrect Land Use Map could result in undersized (and congested) or oversized (and expensive) roadways.

Recommendations: Update the Land Use Element as part of Phase 1.

Options:

1. Review the Land Use Map’s designation for commercial land uses.
2. Review the areas designated for Suburban, Ranch, and Rural Development to ensure that this is consistent with the Council’s vision for the future of Wildomar.
3. Consider adopting the standards which would be included in a “Ranch Overlay,” and where they would be applied.
4. Consider adopting standards to implement a “Historic District Overlay” and determine where they would be applied.

CHAPTER 4 - CIRCULATION ELEMENT

While many of the policies contained in the Circulation Element should be retained, a number of existing policies do not relate to Wildomar and should be revised or deleted. If the Land Use Map is updated as noted above, an updated computerized traffic model will be needed to ensure compatibility between the planned land uses and the road network. The traffic model will also be needed for the environmental analysis of the updated General Plan.

Recommendation: Update the Circulation Element as part of Phase 1.

Option: If the Circulation Element is not revised while the updating of the Land Use Map, a reduced project option could include the preparation of a new traffic model and traffic analysis for the new Land Use Plan.

CHAPTER 5 – MULTI-PURPOSE OPEN SPACE ELEMENT

The Multi-Purpose Open Space Element addresses open space and conservation issues in and around the community. Most of the generic discussions and policies can be retained from this element. Policies relating to oil exploration and SMARA could be eliminated, as can a number of maps that show only areas outside the city. Updating the Element will allow the City to develop its own detailed city-wide open space plan with linkages and view analysis and protection.

Recommendation: Update the Multipurpose Open Space Element as part of Phase 2.

Option: Develop a city-wide open space plan and related policies while leaving the rest of the Element largely unchanged.

CHAPTER 6 - SAFETY ELEMENT

The Safety Element discusses environmental and other conditions that could adversely effect the public health and safety. Typical examples of the hazards discussed in the safety element include industrial accidents, wild fires, flooding, and seismic issues. While updating the Safety Element could be helpful, it is probably not vital at this time. To make the element locally appropriate, would involve complete changes to the many graphical exhibits commonly found in this element.

Recommendation: Update the Safety Element as part of Phase 2.

CHAPTER 7 - NOISE ELEMENT

The Noise Element discusses how noise will impact the community. Changes to the Noise Element would be relatively minor, although changes to the noise contour maps would require a special study to determine future road noise levels. The task should include an updated Noise Study (based on the new traffic model from the Circulation Element task) to identify future road noise levels.

Recommendation: Update the Safety Element as part of Phase 2.

CHAPTER 8 - HOUSING ELEMENT

Unlike the other elements of the general plan, the Housing Element is a medium-range housing policy plan intended to demonstrate how the City will work to implement regional housing unit targets. Housing elements are generally prepared on a region-by-region cycle. The regional cycle for the SCAG areas of southern California is from 2006 to 2014. The current Housing Element is a very large document containing 260 pages. Much of the information in the Element was gathered during the housing bubble of the early 2000's. This element would need to be updated to reflect current market conditions. A major part of the work effort would involve the gathering and updating of existing housing data. However, there is also a lot of good statistical and policy information in this section that forms a good foundation for a new Housing Element.

Doing a mid-cycle update of the housing element would involve negotiations with the County of Riverside to determine how much of their regional housing need targets (by income group) would be given to the City of Wildomar to provide the foundation for an updated housing element. If the City and County could not agree, the negotiations would expand to into the Southern California Association of Governments. Even if the Housing Element were updated, it would be completed about the time that the new regional housing unit need targets were be developed and the City would be to the Housing Element all over again.

Recommendation: Do not update the Housing Element at this time; wait until the regional housing needs/housing element cycle starts again in about 2012.

CHAPTER 9 AIR QUALITY ELEMENT

Much of the existing Air Quality Element accurately addresses air quality issues. However, new State requirements on addressing air quality have been enacted since the policies in the current Air Quality Element were written. These new requirements would require a revision to the current element as well as the preparation of a greenhouse gas inventory and climate action plan. This activity would include a greenhouse gas audit and Climate Action Plan as required by the State.

Recommendation: Update the Air Quality Element as part of Phase 1.

ENVIRONMENTAL IMPACT REPORT

The update of several elements of the General Plan will require the preparation of an environmental impact report. The total cost of the environmental analysis will depend on the number of elements being updated and how many special studies are required to prepare the EIR.

ESTIMATED COSTS

The estimated costs for the various plan updating activities are provided below.

General Plan Chapter	Phase 1	Phase 2	Optional Activities
Chapter 1 - Introduction	\$5,000	-	-
Chapter 2 - Vision Statement	\$5,000	-	-
Chapter 3 - Land Use Element	\$25,000	-	Review the Land Use Map's designation for commercial land uses. \$20,000
			Review the Land Use Map areas designated for Suburban, Ranch, and Rural Development to ensure that this is consistent with the Council's vision for the future of Wildomar. \$20,000
			Consider adopting the standards which would be included in a "Ranch Overlay," and where they would be applied. \$15,000
			Consider adopting standards to implement a "Historic District Overlay" and determine where they would be applied. \$15,000
Chapter 4 - Circulation Element	\$25,000	-	Updated traffic model only; no updates in Phase 1. (The Phase 1 costs would shift to Phase 2). \$75,000
Chapter 5 - Multi-Purpose Open Space Element	-	\$20,000	Develop a city-wide open space plan and related policies while leaving the rest of the Element largely unchanged. \$35,000
Chapter 6 - Safety Element	-	\$10,000	-
Chapter 7 - Noise Element (including a Noise Analysis)	-	\$15,000	-
Chapter 8 - Housing Element	<i>Not proposed at this time.</i>		
Chapter 9 - Air Quality Element	\$90,000 (includes greenhouse gas inventory and climate action plan)	-	-
Environmental Impact Analysis	\$100,000	\$75,000*	-
TOTALS:	\$250,000	\$120,000	\$180,000
* Assumes that the Phase 2 environmental review is based upon Phase 1 environmental review document.			

FISCAL IMPACT:

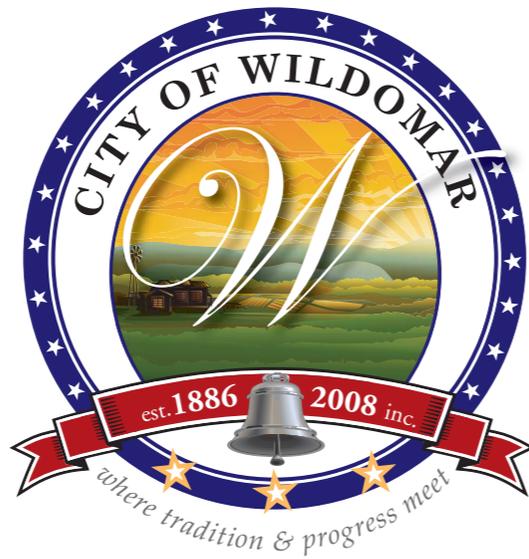
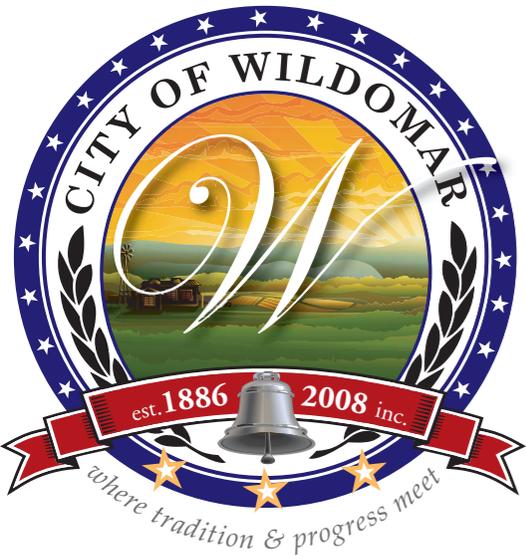
Updating the entire Wildomar General Plan could cost the City up to \$500,000 involved depending on how many elements are involved and which optional items are included. While General Plan updates are often funded through the general fund, there are other funding sources that should be investigated to identify additional funding sources that could help defray some of the expenses. Some of these other sources could include a variety of potential grants that would need to be further examined to determine whether or not the general plan update would qualify.

ALTERNATIVES:

1. Postpone updating the General Plan until the next Housing Element cycle. No costs at this time, but the General Plan would not be updated as desired by the Council.
2. Update only the Land Use and Circulation Elements at this time. (The estimated cost would be between \$125,000 to \$160,000, depending on which optional tasks are included.)
3. Provide other direction to staff.

Submitted by:

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CITY OF WILDOMAR 50 YEAR SEAL

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